

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 fourth day of January in the year of Our Lord two thousand and eleven.

Volume 138, No. 64

Friday, June 24, 2011

Sixty-fourth Day

The House of Representatives meets at the State House in Providence, Friday, June 24, 2011 and is called to order at 3:52 o'clock P.M., by the Honorable Gordon D. Fox, Speaker.

The roll is called and a quorum is declared present with 74 members present and 1 member absent as follows:

PRESENT - 74: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, DeSimone, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Palumbo, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

ABSENT - 1: Representative Malik.

INVOCATION

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

(For Invocation, see Appendix, this Journal.)

APPROVAL OF RECORD

By unanimous consent, the House Journal of Thursday, June 23, 2011 is approved as printed.

REPORTS OF COMMITTEES**TRANSFER OF BILL**

Representative Handy, for the Committee on Environment and Natural Resources, reports back the following measures, with recommendation of transfer to the Committee on Finance:

House Bill No. 6204

BY Ucci, Fellela, Petrarca, Carnevale

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- RHODE ISLAND RESOURCE RECOVERY CORPORATION (would authorize the central landfill to accept recyclable materials originating out-of-state for the purpose of further separation and/or sale) {LC2751/1}

06/25/2011 Committee transferred to House Finance

COMMITTEE ON FINANCE

Representative Melo, for the Committee on Finance, reports back the following measures, with recommendation of passage:

House Bill No. 5480 (Corrections)

BY Brien, Reilly, Gordon, Chippendale, Costa

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- CORRECTIONS DEPARTMENT (would reduce an inmate's minimum cost of incarceration reimbursement from 30% of gross salary to 30% of net salary.) {LC1266/1}

06/27/2011 Placed on House Calendar

House Bill No. 6232

BY Jackson, Martin, Reilly

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- INDUSTRIAL--RECREATIONAL BUILDING AUTHORITY {LC2806/1}

06/27/2011 Placed on House Calendar

House Resolution No. 6284

BY O'Neill JP

ENTITLED, JOINT RESOLUTION MAKING AN APPROPRIATION TO PAY CERTAIN CLAIMS {LC2917/1}

06/27/2011 Placed on House Calendar

House Resolution No. 6233 SUB A

BY Brien

ENTITLED, JOINT RESOLUTION PROVIDING GENERAL ASSEMBLY APPROVAL OF LEASE AGREEMENTS FOR LEASED OFFICE AND OPERATING SPACE {LC2791/2/A}

06/27/2011 Placed on House Calendar

Senate Bill No. 132**BY** Picard**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - GAMBLING AND LOTTERIES - BINGO {LC462/1}

06/27/2011 Placed on House Calendar

Senate Bill No. 745 (Corrections)**BY** Metts**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- CORRECTIONS DEPARTMENT (would reduce an inmate's minimum cost of incarceration reimbursement from thirty percent (30%) of gross salary to thirty percent (30%) of net salary) {LC1268/1}

06/27/2011 Placed on House Calendar

Senate Bill No. 858 as amended (General Treasurer)**BY** Felag**ENTITLED**, AN ACT RELATING TO PUBLIC FINANCE - ESTABLISHING LOCAL GOVERNMENT INVESTMENT POOLS (would create the Rhode Island local government investment pool which would allow eligible governmental agencies to participate with the state in providing maximum opportunities for the investment of public funds) {LC2007/1}

06/27/2011 Placed on House Calendar

Senate Bill No. 859**BY** DiPalma, Paiva Weed**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- INDUSTRIAL--RECREATIONAL BUILDING AUTHORITY {LC1993/1}

06/27/2011 Placed on House Calendar

Senate Bill No. 899 SUB A (Human Services)**BY** Perry, Miller, DeVall, Nesselbush, Metts**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES - PUBLIC ASSISTANCE ACT (would clarify that general public assistance (GPA) includes child care assistance under the Public Assistance Act of chapter 40-6) {LC1316/2/A}

06/27/2011 Placed on House Calendar

COMMITTEE ON HEALTH, EDUCATION AND WELFARE

Representative McNamara, for the Committee on Health, Education and Welfare, reports back the following measures, with recommendation of passage:

House Bill No. 5173 SUB A**BY** Naughton, Messier, Coderre E, Walsh, Cimini**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- WOMEN'S CARDIOVASCULAR SCREENING AND RISK REDUCTION PILOT PROGRAM (would establish a women's cardiovascular screening and risk reduction pilot program) {LC703/1/A}

06/27/2011 Placed on House Calendar

House Bill No. 5440 SUB A**BY** Gallison, McNamara, Serpa, Edwards, Morrison**ENTITLED**, AN ACT RELATING TO EDUCATION - SCHOOL AND YOUTH PROGRAMS CONCUSSION ACT (would establish further safeguards and procedures governing how to treat youth athletes who receive concussions) {LC1278/3/A}

06/27/2011 Placed on House Calendar

House Bill No. 5626 (Dept. of Corrections)**BY** Lally, Newberry, Reilly**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- CORRECTIONS DEPARTMENT (would require that an incoming prisoner receive a medical assessment and an assessment as to rehabilitative needs.) {LC1261/1}

06/27/2011 Placed on House Calendar

House Bill No. 5638 SUB A**BY** Marcello**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - DEPARTMENT OF HEALTH {LC1401/1/A}

06/27/2011 Placed on House Calendar

House Bill No. 5995 SUB A**BY** Ferri, Naughton, Messier, McNamara, Savage**ENTITLED**, AN ACT RELATING TO EDUCATION - FAMILY ENGAGEMENT ADVISORY COUNCIL (would amend Title 16 by adding a new chapter 93 to create the RI Family Engagement Advisory Council. The purpose of the council would be to promote family engagement with education practice in RI) {LC2277/1/A}

06/27/2011 Placed on House Calendar

House Bill No. 6108**BY** Walsh, Ajello**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- NEWBORN SCREENING PROGRAM (would require attending physicians of newborns to screen for all conditions for which there is a medical benefit to the early detection and treatment thereof and also to perform an assessment for developmental risk.) {LC2554/1}

06/27/2011 Placed on House Calendar

Senate Bill No. 203**BY** Perry, DeVall, Tassoni, Crowley, Nesselbush**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - DETERMINATION OF NEED FOR NEW HEALTH CARE EQUIPMENT AND NEW INSTITUTIONAL HEALTH SERVICES (would prohibit landlords of commercial property from limiting or restricting who may provide services to their tenants) {LC1023/1}

06/27/2011 Placed on House Calendar

House Bill No. 5632**BY** McNamara**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - DETERMINATION OF NEED FOR NEW HEALTH CARE EQUIPMENT AND NEW INSTITUTIONAL HEALTH SERVICES (would add home nursing care providers, home care providers and hospice provider to the definition of "health care facility" for the purpose of the Health Care Certificate of Need Act of Rhode Island.) {LC971/1}

06/27/2011 Placed on House Calendar

Senate Bill No. 60 SUB A**BY** Crowley, Sosnowski, DeVall, Perry, Miller**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- WOMEN'S CARDIOVASCULAR SCREENING AND RISK REDUCTION PILOT PROGRAM (would establish a women's cardiovascular screening and risk reduction pilot program) {LC292/1/A}

06/27/2011 Placed on House Calendar

Senate Bill No. 200**BY** Sosnowski, Perry, Miller**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- NEWBORN SCREENING PROGRAM {LC843/1}

06/27/2011 Placed on House Calendar

Senate Bill No. 291 SUB A**BY** Felag, McCaffrey, DeVall, Lanzi, Ottiano**ENTITLED**, AN ACT RELATING TO EDUCATION - SCHOOL AND YOUTH PROGRAMS CONCUSSION ACT (would establish further safeguards and procedures governing how to treat youth athletes who receive concussions) {LC1277/2/A}

06/27/2011 Placed on House Calendar

Senate Bill No. 299 SUB A**BY** Ottiano, Bates, Shibley, O'Neill E, Lynch**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF BUSINESS REGULATION {LC1175/1/A}

06/27/2011 Placed on House Calendar

Senate Bill No. 478 SUB A as amended**BY** Perry, Crowley, DeVall, Nesselbush, Miller**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- VITAL RECORDS (would define adoptees in the State of Rhode Island and would provide a procedure for the release to adoptees of their birth certificates in cases where a no release form has not been filed with the division of vital records) {LC1337/2/A}

06/27/2011 Placed on House Calendar

Senate Bill No. 677 (Dept. of Corrections)**BY** McCaffrey**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
CORRECTIONS DEPARTMENT (would require that an incoming prisoner receive a medical
assessment and an assessment as to rehabilitative needs) {LC1263/1}

06/27/2011 Placed on House Calendar

Senate Bill No. 720 SUB A**BY** DeVall, Tassoni, Gallo, Picard**ENTITLED**, AN ACT RELATING TO EDUCATION - FAMILY ENGAGEMENT
ADVISORY COUNCIL (would amend Title 16 by adding a new chapter 93 to create the Rhode
Island Family Engagement Advisory Council. The purpose of the council would be to promote
family engagement with education practice in Rhode Island) {LC2180/1/A}

06/27/2011 Placed on House Calendar

House Bill No. 6293**BY** Slater**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS --
TERMINATION OF SERVICE {LC2928/1}

06/24/2011 Introduced, referred to House Corporations

House Bill No. 6294**BY** Nunes, Tanzi, Walsh, Hearn, Ruggiero**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES {LC2905/1}

06/24/2011 Introduced, referred to House Environment and Natural Resources

House Bill No. 6295**BY** Williams, Bennett, Flaherty, Trillo, Guthrie**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS {LC2929/1}

06/24/2011 Introduced, referred to House Labor

House Resolution No. 6296**BY** Ruggiero, Tanzi, Ehrhardt, Medina, DaSilva**ENTITLED**, JOINT RESOLUTION EXTENDING THE REPORTING DATE OF THE
SPECIAL LEGISLATIVE COMMISSION TO STUDY POTENTIAL ECONOMIC
OPPORTUNITIES IN THE DEVELOPMENT OF PORT FACILITIES IN THE STATE OF
RHODE ISLAND {LC2801/1}

06/24/2011 Placed on House Calendar

House Bill No. 6297**BY** Kennedy, San Bento, Petrarca, Keable, Marcello**ENTITLED**, AN ACT RELATING TO INSURANCE -- MOTOR VEHICLE DAMAGE
APPRAISERS {LC2966/1}

06/24/2011 Introduced, referred to House Corporations

COMMUNICATION FROM THE SENATE

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

Senate Bill No. 346

BY Lombardo, Nesselbush, Lynch, Shibley, Crowley

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOBILE TELEPHONE USE (would make unlawful the use of a non-hands-free mobile telephone by any person under 21 while operating a motor vehicle on any highway, road or street within the state with the exception of public safety personnel) {LC1183/1}

06/24/2011 Referred to House Judiciary

Senate Bill No. 217 SUB A

BY DeVall, Crowley, Tassoni

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - ASSAULTS (would provide that choking or strangling another person would be a felony assault, whether or not the choking or strangling results in serious bodily injury) {LC941/1/A}

06/24/2011 Referred to House Judiciary

Senate Bill No. 27

BY Walaska, Lynch

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- ACCIDENTS AND ACCIDENT REPORTS (would provide for the mandatory minimum two year revocation of an operator's license when convicted of leaving the scene of an accident resulting in serious bodily injury) {LC83/1}

06/24/2011 Referred to House Judiciary

Senate Bill No. 22 SUB A

BY Tassoni, Bates, Lombardo, Doyle

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - SAFETY BELT USE (would make violations of the safety belt law a primary offense) {LC32/2/A}

06/24/2011 Referred to House Judiciary

Senate Bill No. 885 (Lieutenant Governor)

BY Pichardo, Tassoni

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE - EMERGENCY MANAGEMENT {LC2311/1}

06/24/2011 Referred to House Judiciary

Senate Bill No. 889

BY Ciccone, Lanzi, Ruggerio

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND JUSTICE COMMISSION (would remove legislators from the criminal justice policy board) {LC2473/1}

06/24/2011 Referred to House Judiciary

Senate Bill No. 686 (by request)

BY Goodwin

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - JUDICIAL SELECTION {LC2081/1}

06/24/2011 Referred to House Judiciary

Senate Bill No. 620 as amended

BY Walaska

ENTITLED, AN ACT RELATING TO TAXATION -- EXCISE ON MOTOR VEHICLES AND TRAILERS {LC2171/1}

06/24/2011 Referred to House Finance

Senate Bill No. 629 SUB A

BY Tassoni, DeVall, Fogarty P, Pichardo

ENTITLED, AN ACT RELATING TO TAXATION - ASSESSMENT {LC1800/1/A}

06/24/2011 Referred to House Finance

Senate Bill No. 603 SUB A

BY Doyle, Gallo

ENTITLED, AN ACT RELATING TO TAXATION -- CIGARETTE TAX {LC2002/1/A}

06/24/2011 Referred to House Finance

Senate Bill No. 509 (Business Regulation)

BY Bates, Miller

ENTITLED, AN ACT RELATING TO INSURANCE - VOLUNTARY RESTRUCTURING OF SOLVENT INSURERS {LC1237/1}

06/24/2011 Referred to House Corporations

Senate Bill No. 513 as amended (Business Regulation)

BY Jabour, Bates

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES {LC1224/1}

06/24/2011 Referred to House Corporations

Senate Bill No. 515 (Business Regulation)

BY Bates, Jabour

ENTITLED, AN ACT RELATING TO INSURANCE {LC1257/1}

06/24/2011 Referred to House Corporations

Senate Bill No. 623 (Business Regulation)

BY Picard, Miller

ENTITLED, AN ACT RELATING TO SPORTS, RACING AND ATHLETICS - BOARDS AND COMMISSIONS (would increase the weigh-in time for fighters from twenty-four (24) hours to thirty-six (36) hours and also impose an admission tax on ticket prices) {LC1314/1}

06/24/2011 Referred to House Corporations

Senate Resolution No. 1067**BY** Sosnowski**ENTITLED**, JOINT RESOLUTION RECOGNIZING BLOCK ISLAND'S MANISSEAN HISTORY ON JUNE 26, 2011 {LC2933/1}

06/25/2011 Placed on House Calendar

House Bill No. 5465 SUB B**BY** Kennedy, San Bento**ENTITLED**, AN ACT RELATING TO INSURANCE - UNFAIR COMPETITION AND PRACTICES (would change the notice requirements for reduction in coverage and premium increases for commercial property and casualty insurance policies. also provide an insured with a right to request loss information.) {LC1620/1/B}

06/24/2011 Placed on House Calendar

House Bill No. 5573 SUB B**BY** Kennedy, Corvese**ENTITLED**, AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE - SECURED TRANSACTIONS (would update Article 9 (Secured Transactions) of the RI Uniform Commercial Code in accordance with suggestions of the National Conference of Commissioners on Uniform State Laws.) {LC1576/1/B}

06/24/2011 Placed on House Calendar

Senate Bill No. 133**BY** O'Neill E, Moura, Gallo, DeVall, Pinga**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - VIDEO LOTTERY TERMINAL (would extend the sunset date provided for in chapter 218 of the public laws of 2009 which increased the allocation of net terminal income to the town of Lincoln and the city of Newport from June 30, 2010, to June 30, 2012) {LC424/1}

06/24/2011 Referred to House Finance

Senate Resolution No. 702**BY** Goodwin**ENTITLED**, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY THE LEGISLATIVE CLASSIFICATION PLAN IN THE STATE OF RHODE ISLAND {LC1762/1}

06/24/2011 Referred to House Finance

CALENDAR

From the Calendar are taken:

SPECIAL ORDER OF BUSINESS FOR FRIDAY, JUNE 24, 2011 AT 1:00 PM:**1. 2011-H 5894 SUB A****BY** Melo**ENTITLED**, AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF

THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012

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 2012**
- ARTICLE 2 RELATING TO MAKING SUPPLEMENTAL APPROPRIATIONS IN SUPPORT OF FY 2011**
- ARTICLE 3 RELATING TO HEALTH AND SAFETY – RHODE ISLAND RESOURCE RECOVERY CORPORATION**
- ARTICLE 4 RELATING TO SECURITY- UNEMPLOYMENT INSURANCE**
- ARTICLE 5 RELATING TO EDUCATION AID**
- ARTICLE 6 RELATING TO DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**
- ARTICLE 7 RELATING TO BORROWING IN ANTICIPATION OF RECEIPTS FROM TAXES**
- ARTICLE 8 RELATING TO LONGEVITY PAYMENTS**
- ARTICLE 9 RELATING TO GOVERNMENTAL ORGANIZATION**
- ARTICLE 10 RELATING TO THE DEPARTMENT OF EDUCATION**
- ARTICLE 11 RELATING TO THE CHILDREN’S HEALTH ACCOUNT**
- ARTICLE 12 RELATING TO MUNICIPAL ACCOUNTABILITY**
- ARTICLE 13 RELATING TO REGISTRATION OF MOTOR VEHICLES**
- ARTICLE 14 RELATING TO MEDICAL ASSISTANCE NURSING FACILITIES RATE REFORM**
- ARTICLE 15 RELATING TO HOSPITAL PAYMENT RATES**
- ARTICLE 16 RELATING TO THE MEDICAID REFORM ACT**
- ARTICLE 17 RELATING TO DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES**
- ARTICLE 18 RELATING TO HOSPITAL UNCOMPENSATED CARE**
- ARTICLE 19 RELATING TO TAXES AND REVENUES**
- ARTICLE 20 RELATING TO CORRECTIONS**
- ARTICLE 21 RELATING TO RETIREE HEALTH CARE TRUST FUND**
- ARTICLE 22 RELATING TO REGISTRATION FEES**
- ARTICLE 23 RELATING TO HUMAN SERVICES**
- ARTICLE 24 RELATING TO JOB TRAINING FUNDS**
- ARTICLE 25 RELATING TO EFFECTIVE DATE**

ARTICLE 1**RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY 2012**

Representative Melo moves passage of the article, seconded by Representatives Mattiello, Valencia, Coderre, Naughton, Hearn, Carnevale, Brien, San Bento, Ferri, McNamara, Slater, Gallison, Silva, Jackson, McLaughlin, Blazjewski, Diaz, Morrison, Walsh, and Savage. .

By unanimous consent, Representative Melo, seconded by Representatives Newberry, O’Neill, Coderre, Naughton, Jackson, Ferri, San Bento and Lally offers a written motion to amend.

F L O O R A M E N D M E N T
T O
2 0 1 1 -- H 5 8 9 4 S U B S T I T U T E A

AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE
STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUTE A, entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

1. In Article 1, page 1, by deleting all of the language contained in the article following the title on line 2 and by inserting in place thereof the following language:

“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, 2012. 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	1,326,065
Legal Services General Revenues	1,825,486
Accounts and Control General Revenues	3,751,998
Budgeting General Revenues	2,015,159
Purchasing	
General Revenues	2,445,901
Federal Funds	68,956
Other Funds	265,489
Total - Purchasing	2,780,346
Auditing General Revenues	1,376,922
Human Resources	
General Revenues	8,952,981
Federal Funds	770,374
Restricted Receipts	426,866
Other Funds	1,360,618
Total - Human Resources	11,510,839
Personnel Appeal Board General Revenues	73,560
Facilities Management	
General Revenues	31,519,155
Federal Funds	1,041,891
Restricted Receipts	594,907
Other Funds	3,301,000
Total – Facilities Management	36,456,953

Capital Projects and Property Management	
General Revenues	2,429,894
Federal Funds - Stimulus	58,363
Restricted Receipts	1,433,822
Total – Capital Projects and Property Management	3,922,079
Information Technology	
General Revenues	19,949,105
Federal Funds	6,775,106
Restricted Receipts	863,153
IT Revolving Fund	1,000,000
Other Funds	1,792,590
Total – Information Technology	30,379,954
Library and Information Services	
General Revenues	932,971
Federal Funds	1,288,445
Restricted Receipts	1,895
Total – Library and Information Services	2,223,311
Planning	
General Revenues	4,075,067
Federal Funds	11,414,909
Federal Funds – Stimulus	1,053,053
Federal Highway - PL Systems Planning	5,126,163
Air Quality Modeling	10,000
Total - Planning	21,679,192
General	
General Revenues	
Economic Development Corporation	4,811,811
EDC - Airport Impact Aid	1,025,000
<p>Sixty percent (60%) of the first \$1,000,000 appropriated for airport impact aid 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 based on the share of landings during the calendar year 2011 at North Central Airport, Newport-Middletown Airport, Block Island Airport, Quonset Airport, TF Green Airport, and Westerly Airport, respectively. The Economic Development Corporation shall make an impact payment to the towns or cities in which the airport is located based on this calculation.</p> <p>Each community upon which any parts of the above airports are located shall receive at least \$25,000.</p>	
EDC EPScore (Research Alliance)	1,500,000
Miscellaneous Grants	376,560
Slater Centers of Excellence	2,000,000
Torts – Court	400,000
State Employees/Teachers Retiree Health Subsidy	2,321,057
Resource Sharing and State Library Aid	8,773,398
Library Construction Aid	2,821,772
Restricted Receipts	421,500

Rhode Island Capital Plan Funds	
Statehouse Renovations	1,500,000
Cranston Street Armory	200,000
Cannon Building	1,225,000
Zambarano Building Rehabilitation	848,000
Pastore Medical Center Rehab DOA	1,000,000
Old State House	500,000
State Office Building	1,150,000
Old Colony House	200,000
William Powers Building	500,000
Fire Code Compliance State Buildings	650,000
Pastore Center Fire Code Compliance	800,000
Pastore Center Utility Systems	500,000
Replacement of Fueling Tanks	300,000
Environmental Compliance	300,000
Pastore Utilities Upgrade	1,000,000
Big River Management Area	200,000
Pastore Center Building Demolition	2,500,000
McCoy Stadium	500,000
Washington County Government Center	1,200,000
DoIT Operations Center	288,000
Pastore Center Power Plant	670,000
Veterans Auditorium Repairs	1,400,000
Chapin Health Laboratory	500,000
Pastore Center Parking	225,000
Board of Elections New Location	100,000
Building 79 Stabilization	300,000
Interdepartmental Weapons Range	150,000
Total - General	43,157,098
Debt Service Payments	
General Revenues	144,742,359
Federal Funds	743,348
Restricted Receipts	7,634,798
RIPTA Debt Service	1,198,372
Transportation Debt Service	46,206,772
Investment Receipts Bond Funds	100,000
COPS - DLT Building – TDI	278,848
Total - Debt Service Payments	200,904,497
Energy Resources	
Federal Funds	34,004,073
Federal Funds – Stimulus	11,865,689
Restricted Receipts	7,682,130
Total – Energy Resources	53,551,892
Undistributed Statewide Savings General Revenues	(3,000,000)
Grand Total - Administration	413,935,351
Business Regulation	

Central Management General Revenues	1,162,041
Banking Regulation	
General Revenues	1,472,238
Restricted Receipts	125,000
Total - Banking Regulation	1,597,238
Securities Regulation	
General Revenues	1,051,512
Restricted Receipts	15,000
Total - Securities Regulation	1,066,512
Insurance Regulation	
General Revenues	4,031,865
Federal Funds	148,312
Restricted Receipts	1,140,825
Total - Insurance Regulation	5,321,002
Office of the Health Commissioner	
General Revenues	547,168
Federal Funds	6,654,961
Restricted Receipts	10,500
Total - Office of the Health Commissioner	7,212,629
Board of Accountancy General Revenues	170,668
Commercial Licensing, Racing and Athletics	
General Revenues	753,526
Restricted Receipts	476,122
Total - Commercial Licensing, Racing and Athletics	1,229,648
Boards for Design Professionals General Revenues	247,360
Grand Total - Business Regulation	18,007,098
Labor and Training	
Central Management	
General Revenues	113,640
Restricted Receipts	534,274
Rhode Island Capital Plan Funds	
Center General Asset Protection	208,500
Center General Roof	770,000
Total - Central Management	1,626,414
Workforce Development Services	
Federal Funds	29,292,898
Restricted Receipts	6,694,730
Shared Youth Vision	45,900
Total - Workforce Development Services	36,033,528
Workforce Regulation and Safety General Revenues	2,901,435
Income Support	
General Revenues	4,163,873
Federal Funds	19,194,869
Federal Funds - Stimulus - UI	51,275,635
Restricted Receipts	1,320,268
Temporary Disability Insurance Fund	172,306,860

Employment Security Fund	273,892,146
Total - Income Support	522,153,651
Injured Workers Services Restricted Receipts	8,555,089
Labor Relations Board General Revenues	396,538
Grand Total - Labor and Training	571,666,655
Department of Revenue	
Director of Revenue Office General Revenues	784,261
Office of Revenue Analysis General Revenues	435,910
Lottery Division Other Funds	218,537,728
Municipal Finance	
General Revenues	1,204,490
Central Falls Receivership	698,450
Total – Municipal Finance	1,902,940
Taxation	
General Revenues	17,323,623
Federal Funds	1,348,756
Restricted Receipts	888,899
Other Funds	
Motor Fuel Evasion Program	43,178
Temporary Disability Insurance	987,032
Total - Taxation	20,591,488
Registry of Motor Vehicles	
General Revenues	17,574,304
Federal Funds	1,287,303
Restricted Receipts	15,100
Total – Registry of Motor Vehicles	18,876,707
State Aid	
General Revenues	
Distressed Communities Relief Fund	10,384,458
Payment in Lieu of Tax Exempt Properties	33,080,409
Motor Vehicle Excise Tax Payments	10,000,000
Property Revaluation Program	1,125,000
Restricted Receipts	
Car Rental Tax/Surcharge – Warwick Share	957,497
Total – State Aid	55,547,364
Grand Total – Revenue	316,676,398
Legislature	
General Revenues	36,548,053
Restricted Receipts	1,649,199
Grand Total - Legislature	38,197,252
Lieutenant Governor	
General Revenues	965,940
Federal Funds	124,232
Grand Total – Lieutenant Governor	1,090,172
Secretary of State	
Administration General Revenues	2,056,734

Corporations General Revenues	1,891,380
State Archives	
General Revenues	79,385
Restricted Receipts	496,548
Total - State Archives	575,933
Elections and Civics	
General Revenues	1,432,530
State Library	
General Revenues	581,844
Office of Public Information	
General Revenues	334,439
Grand Total - Secretary of State	6,872,860
General Treasurer	
Treasury	
General Revenues	2,190,137
Federal Funds	279,741
Temporary Disability Insurance Fund	227,589
Total – Treasury	2,697,467
State Retirement System	
Restricted Receipts	
Administrative Expenses - State Retirement System	11,062,057
Retirement - Treasury Investment Operations	1,060,744
Total - State Retirement System	12,122,801
Unclaimed Property Restricted Receipts	15,940,148
Crime Victim Compensation Program	
General Revenues	110,715
Federal Funds	848,310
Restricted Receipts	1,481,135
Total - Crime Victim Compensation Program	2,440,160
Grand Total - General Treasurer	33,200,576
Board of Elections	
General Revenues	1,825,905
Federal Funds	50,000
Grand Total - Board of Elections	1,875,905
Rhode Island Ethics Commission General Revenues	1,560,008
Office of Governor	
General Revenues	4,088,521
Contingency Fund	250,000
Federal Funds	139,898
Restricted Receipts - OERR	777,676
Grand Total - Office of Governor	5,256,095
Commission for Human Rights	
General Revenues	1,154,038
Federal Funds	301,532
Grand Total – Commission for Human Rights	1,455,570
Public Utilities Commission	

Federal Funds	109,394
Federal Funds - Stimulus	199,979
Restricted Receipts	7,795,633
Grand Total - Public Utilities Commission	8,105,006
Office of Health and Human Services	
General Revenues	9,773,834
Federal Funds	6,250,134
Restricted Receipts	904,712
Total – Health and Human Services	16,928,680
Children, Youth, and Families	
Central Management	
General Revenues	
Information Systems	1,033,309
Office of Budget	341,958
Office of the Director	889,249
Support Services	2,430,044
Federal Funds	
Information Systems	390,275
Office of Budget	427,922
Support Services	881,243
Restricted Receipts	301,122
Total - Central Management	6,695,122
Children's Behavioral Health Services	
General Revenues	
Children's Mental Health	10,088,177
Local Coordinating Council	730,119
Federal Funds	
Educational Services	1,733,352
Children's Mental Health	8,489,226
Rhode Island Capital Plan Funds	
NAFI Center	530,000
Mt. Hope – Building Façade	275,000
Various Repairs and Improvements	900,000
Total - Children's Behavioral Health Services	22,745,874
Juvenile Correctional Services	
General Revenues	
Institutional Services	16,605,460
Juvenile Probation and Parole	10,132,890
RITS Education Program	3,746,798
Federal Funds	
Institutional Services	64,000
Juvenile Probation and Parole	1,709,531
RITS Education Program	156,977
Federal Funds – Stimulus	386,667
Total - Juvenile Correctional Services	32,802,323
Child Welfare	

General Revenues	
18 to 21 Year Olds	12,358,817
Board and Care	45,396,579
Community Services	3,177,072
Family Services	16,904,520
Foster Care	11,092,453
Prevention Services	2,324
Protective Services	10,069,214
Federal Funds	
18 to 21 Year Olds	2,501,548
Board and Care	23,612,189
Community Services	3,730,450
Foster Care	5,099,091
Prevention Services	1,404,420
Protective Services	9,039,102
Restricted Receipts	3,088,174
Rhode Island Capital Plan Funds	
Camp E-Hun-Tee	85,000
Fire Code Upgrades	1,000,000
Total - Child Welfare	148,560,953
Higher Education Incentive Grants General Revenues	200,000
Grand Total - Children, Youth, and Families	211,004,272
Health	
Central Management	
General Revenues	1,352,631
Federal Funds	10,192,986
Restricted Receipts	3,511,068
Total - Central Management	15,056,685
State Medical Examiner	
General Revenues	2,012,467
Federal Funds	237,653
Total - State Medical Examiner	2,250,120
Environmental and Health Services Regulation	
General Revenues	8,511,059
Federal Funds	5,379,236
Restricted Receipts	4,375,400
Total - Environmental and Health Services Regulation	18,265,695
Health Laboratories	
General Revenues	6,016,806
Federal Funds	1,526,065
Federal Funds – Stimulus	257,946
Total - Health Laboratories	7,800,817
Public Health Information	
General Revenues	1,599,404
Federal Funds	1,370,411
Federal Funds – Stimulus	541,916

Total – Public Health Information	3,511,731
Community and Family Health and Equity	
General Revenues	2,623,954
Federal Funds	33,750,847
Federal Funds – Stimulus	2,878,814
Restricted Receipts	18,871,386
Safe And Active Commuting	63,400
Total – Community and Family Health and Equity	58,188,401
Infectious Disease and Epidemiology	
General Revenues	2,131,704
Federal Funds	2,868,679
Federal Funds – Stimulus	119,986
Total – Infectious Disease and Epidemiology	5,120,369
Grand Total - Health	110,193,818
Human Services	
Central Management	
General Revenues	5,683,745
Federal Funds	5,364,162
Restricted Receipts	499,999
Total - Central Management	11,547,906
Child Support Enforcement	
General Revenues	2,214,781
Federal Funds	6,140,841
Total – Child Support Enforcement	8,355,622
Individual and Family Support	
General Revenues	22,498,106
Federal Funds	100,790,474
Restricted Receipts	180,000
Rhode Island Capital Plan Funds	
Blind Vending Facilities	165,000
Intermodal Surface Transportation Fund	4,252,279
Total - Individual and Family Support	127,885,859
Veterans' Affairs	
General Revenues	18,568,043
Federal Funds	8,005,072
Restricted Receipts	1,643,512
Total - Veterans' Affairs	28,216,627
Health Care Quality, Financing and Purchasing	
General Revenues	18,551,887
Federal Fund	40,761,367
Restricted Receipts	60,000
Total - Health Care Quality, Financing & Purchasing	59,373,254
Medical Benefits	
General Revenues	
Managed Care	290,019,801
Hospitals	114,309,330

Nursing Facilities	162,645,787
Home and Community Based Services	32,834,071
Other	43,965,644
Pharmacy	51,048,438
Rhody Health	91,145,473
Federal Funds	
Managed Care	330,298,050
Hospitals	126,062,520
Nursing Facilities	178,545,292
Home and Community Based Services	41,294,467
Other	62,922,375
Pharmacy	5,076,010
Rhody Health	100,055,369
Special Education	20,837,655
Restricted Receipts	11,133,995
Total - Medical Benefits	1,662,194,277
Supplemental Security Income Program General Revenues	18,000,600
Rhode Island Works	
General Revenues	
Child Care	9,668,635
Federal Funds	76,471,915
Total – Rhode Island Works	86,140,550
State Funded Programs	
General Revenues	
General Public Assistance	2,491,925
Of this appropriation, \$210,000 shall be used towards hardship contingency payments.	
Federal Funds	299,218,512
Total - State Funded Programs	301,710,437
Elderly Affairs	
General Revenues	
General Revenues	9,109,749
RIPAE	374,000
Care and Safety of the Elderly	1,287
Federal Funds	17,769,466
Restricted Receipts	572,091
Total – Elderly Affairs	27,826,593
Grand Total - Human Services	2,331,251,725
Behavioral Healthcare, Developmental Disabilities, and Hospitals	
Central Management	
General Revenues	829,195
Federal Funds	320,449
Total - Central Management	1,149,644
Hospital and Community System Support	
General Revenues	2,435,629
Restricted Receipts	435,237
Rhode Island Capital Plan Funds	

Medical Center Rehabilitation	750,000
Community Facilities Fire Code	750,000
Total – Behavioral Healthcare, Developmental Disabilities and Hospitals	4,370,866
Services for the Developmentally Disabled	
General Revenues	97,336,360
Federal Funds	110,679,602
Restricted Receipts	2,006,522
Rhode Island Capital Plan Funds	
DD Private Waiver	909,832
Regional Center Repair/Rehabilitation	750,000
MR Community Facilities/Access to Independence	1,000,000
Total - Services for the Developmentally Disabled	212,682,316
Behavioral Healthcare Services	
General Revenues	36,009,986
Federal Funds	71,517,483
Restricted Receipts	90,000
Rhode Island Capital Plan Funds	
MH Community Facilities Repairs	300,000
MH Housing Development-Thresholds	500,000
MH Residences Furniture	25,000
Substance Abuse Asset Protection	300,000
Total – Behavioral Healthcare Services	108,742,469
Hospital and Community Rehabilitation Services	
General Revenues	47,638,399
Federal Funds	42,972,413
Restricted Receipts	5,466,220
Rhode Island Capital Plan Funds	
Zambarano Buildings and Utilities	500,000
Hospital Consolidation	16,000,000
MR Community Facilities	1,100,000
BHDDH Administrative Building	500,000
Total - Hospital and Community Rehabilitation Services	114,177,032
Grand Total – Behavioral, Healthcare, Developmental Disabilities and Hospitals	441,122,327
Office of the Child Advocate	
General Revenues	603,384
Federal Funds	49,048
Grand Total – Office of the Child Advocate	652,432
Commission on the Deaf and Hard of Hearing General Revenues	387,985
Governor's Commission on Disabilities	
General Revenues	388,786
Federal Funds	181,842
Restricted Receipts	9,264
Rhode Island Capital Plan Funds	
Facility Renovation – Handicapped Accessibility	250,000
Grand Total - Governor's Commission on Disabilities	829,892

Office of the Mental Health Advocate General Revenues	468,718
Elementary and Secondary Education	
Administration of the Comprehensive Education Strategy	
General Revenues	17,184,938
Federal Funds	191,187,703
Federal Funds – Stimulus	21,536,413
Education Jobs Fund	5,248,761
RITT LEA Share	12,850,155
Restricted Receipts	1,111,416
HRIC Adult Education Grants	5,795,000
Rhode Island Capital Plan Funds	
Chariho Career and Technical	400,000
Cranston Career and Technical	890,000
Newport Career and Technical	800,000
Warwick Career and Technical	200,000
Woonsocket Career and Technical	475,788
East Providence Career and Technical	150,000
Total – Administration of the Comprehensive Education Strategy	257,830,174
Davies Career and Technical School	
General Revenues	13,416,256
Federal Funds	1,439,216
Federal Funds – Stimulus	1,003,933
Restricted Receipts	685,495
Rhode Island Capital Plan Funds	
Davies Roof Repair	387,275
Davies HVAC	414,628
Davies Asset Protection	425,000
Total - Davies Career and Technical School	17,771,803
RI School for the Deaf	
General Revenues	5,889,334
Federal Funds	275,393
Restricted Receipt	651,482
Total - RI School for the Deaf	6,816,209
Metropolitan Career and Technical School	
General Revenues	11,642,563
Rhode Island Capital Plan Funds	
MET School East Bay	2,000,000
Total - Metropolitan Career and Technical School	13,642,563
Education Aid	
General Revenues	621,639,790
Federal Funds - Stimulus	3,515,045
Restricted Receipt	18,091,028
Total – Education Aid	643,245,863
Central Falls School District	
General Revenues	39,161,820
Federal Funds – Stimulus	1,089,396

Permanent School Fund – Central Falls	183,624
Total - Central Falls School District	40,434,840
Housing Aid General Revenues	72,507,180
Teachers' Retirement General Revenues	81,635,719
Grand Total - Elementary and Secondary Education	1,133,884,351
Public Higher Education	
Board of Governors/Office of Higher Education	
General Revenues	6,141,012
Federal Funds	4,588,294
Total – Board of Governors/Office of Higher Education	10,729,306
University of Rhode Island	
General Revenues	57,773,316
State Crime Lab	775,000
Debt Service	15,164,218
Stimulus – Byrne Grant Crime Lab	6,462
University and College Funds	586,841,049
Debt - Dining Services	1,144,008
Debt - Educational and General	3,292,622
Debt - Health Services	150,299
Debt - Housing Loan Funds	8,462,539
Debt - Memorial Union	121,827
Debt - Ryan Center	2,800,626
Debt - Alton Jones Services	115,886
Debt - Parking Authority	1,018,369
Debt – Sponsored Research (Ind. Cost)	102,388
Debt - URI Energy Conservation	1,932,338
Rhode Island Capital Plan Funds	
Asset Protection	7,042,364
New Chemistry Building	1,000,000
URI Biotechnology Center	4,500,000
Fine Arts Center Renovation	400,000
Total – University of Rhode Island	692,643,311
Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpected or unencumbered balances as of June 30, 2012 relating to the University of Rhode Island are hereby reappropriated to fiscal year 2013.	
Rhode Island College	
General Revenues	38,359,719
Debt Service	1,978,374
University and College Funds	107,550,237
Debt - Education and General	890,878
Debt - Housing	413,346
Debt - Student Center and Dining	172,960
Debt - Student Union	231,531
Debt - G.O. Debt Service	1,623,984
Rhode Island Capital Plan Funds	
Asset Protection	3,011,160

Art Center Renovation/Addition	1,300,000
Total – Rhode Island College	155,532,189
Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpected or unencumbered balances as of June 30, 2012 relating to the Rhode Island College are hereby reappropriated to fiscal year 2013.	
Community College of Rhode Island	
General Revenues	44,619,462
Debt Service	1,676,118
Restricted Receipts	941,338
University and College Funds	88,671,187
Debt – Bookstore	24,830
Rhode Island Capital Plan Funds	
Asset Protection	2,007,101
Total – Community College of Rhode Island	137,940,036
Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpected or unencumbered balances as of June 30, 2012 relating to the Community College of Rhode Island are hereby reappropriated to fiscal year 2013.	
Grand Total – Public Higher Education	996,844,842
RI State Council on the Arts	
General Revenues	
Operating Support	716,635
Grants	962,227
Federal Funds	973,064
Art for Public Facilities	435,000
Grand Total - RI State Council on the Arts	3,086,926
RI Atomic Energy Commission	
General Revenues	879,592
Federal Funds	324,104
URI Sponsored Research	257,830
Rhode Island Capital Plan Funds	
RINSC Asset Protection	50,000
Grand Total - RI Atomic Energy Commission	1,511,526
RI Higher Education Assistance Authority	
General Revenues	
Needs Based Grants and Work Opportunities	5,014,003
Authority Operations and Other Grants	899,101
Federal Funds	13,508,323
Other Funds	
Tuition Savings Program – Needs Based Grants & Work Op.	7,250,000
Tuition Savings Program – Administration	740,720
Grand Total – RI Higher Education Assistance Authority	27,412,147
RI Historical Preservation and Heritage Commission	
General Revenues	1,469,797
Federal Funds	846,195
Restricted Receipts	478,181
Rhode Island Capital Plan Funds	

Eisenhower House Asset Protection	75,000
Grand Total - RI Historical Pres. and Heritage Comm.	2,869,173
RI Public Telecommunications Authority	
General Revenues	947,960
Corporation for Public Broadcasting	683,212
Grand Total – RI Public Telecommunications Authority	1,631,172
Attorney General	
Criminal	
General Revenues	13,739,364
Federal Funds	2,870,904
Restricted Receipts	398,888
Total - Criminal	17,009,156
Civil	
General Revenues	4,692,836
Restricted Receipts	723,347
Total - Civil	5,416,183
Bureau of Criminal Identification	
General Revenues	1,101,532
Federal Funds	25,040
Total – Bureau of Criminal Identification	1,126,572
General	
General Revenues	2,909,135
Rhode Island Capital Plan Funds	
Building Renovations and Repairs	250,000
Total - General	3,159,135
Grand Total - Attorney General	26,711,046
Corrections	
Central Management General Revenues	8,596,603
Parole Board	
General Revenues	1,365,771
Federal Funds	36,850
Total - Parole Board	1,402,621
Institutional Corrections	
General Revenues	157,573,034
Federal Funds	1,911,173
Federal Funds – Stimulus	408,000
Rhode Island Capital Plan Funds	
Women's Bathroom Renovations	410,800
Asset Protection	4,250,000
Maximum – General Renovations	625,000
General Renovations – Women's	1,774,517
ISC Exterior Envelope and HVAC	1,400,000
Minimum Security Kitchen Ex	325,000
Medium Infrastructure	1,500,000
Total - Institutional Corrections	170,177,524
Community Corrections	

General Revenues	14,605,957
Federal Funds	558,522
Restricted Receipts	34,371
Total – Community Corrections	15,198,850
Grand Total - Corrections	195,375,598
Judiciary	
Supreme Court	
General Revenues	26,325,441
Defense of Indigents	3,562,240
Federal Funds	341,723
Restricted Receipts	1,359,947
Rhode Island Capital Plan Funds	
Judicial HVAC	500,000
Judicial Complexes Asset Protection	600,000
Total - Supreme Court	32,689,351
Judicial Tenure and Discipline General Revenues	111,282
Superior Court	
General Revenues	20,865,210
Federal Funds	72,985
Restricted Receipts	498,996
Total - Superior Court	21,437,191
Family Court	
General Revenues	17,533,090
Federal Funds	2,974,141
Federal Funds Stimulus	57,611
Restricted Receipts	252,350
Total - Family Court	20,817,192
District Court	
General Revenues	10,924,545
Federal Funds	130,128
Restricted Receipts	332,092
Total - District Court	11,386,765
Traffic Tribunal General Revenues	7,752,175
Workers' Compensation Court Restricted Receipts	7,754,978
Grand Total - Judiciary	101,948,934
Military Staff	
National Guard	
General Revenues	1,446,301
Federal Funds	11,675,448
Restricted Funds	235,000
Rhode Island Capital Plan Funds	
Armory of Mounted Command	750,000
State Armories Fire Code Compliance	170,000
Federal Armories Fire Code Compliance	53,750
Asset Protection	400,000
Logistics/Maintenance Facilities Fire Code Compliance	71,813

Command Readiness Center Addition	50,000
Emergency Management Build	125,000
Total - National Guard	14,977,312
Emergency Management	
General Revenues	2,024,627
Federal Funds	17,742,990
Restricted Receipts	374,311
Total - Emergency Management	20,141,928
Grand Total - Military Staff	35,119,240
Public Safety	
Central Management	
General Revenues	780,113
Federal Funds	4,122,042
Federal Funds – Stimulus	266,476
Restricted Receipts	850
Total – Central Management	5,169,481
E-911 Emergency Telephone System General Revenues	4,772,358
State Fire Marshal	
General Revenues	2,568,574
Federal Funds	450,050
Restricted Funds	280,899
Rhode Island Capital Plan Funds	
Fire Academy	1,325,000
Quonset Development Corporation	64,261
Total - State Fire Marshal	4,688,784
Security Services General Revenues	19,963,594
Municipal Police Training Academy	
General Revenues	352,118
Federal Funds	221,319
Federal Funds - Stimulus	86,061
Total - Municipal Police Training Academy	659,498
State Police	
General Revenues	60,970,954
Federal Funds	2,356,399
Federal Funds – Stimulus	145,641
Restricted Receipts	54,000
Rhode Island Capital Plan Funds	
Barracks and Training	1,025,000
Headquarters Repairs/Rehabilitation	200,000
State Microwave Upgrade	1,000,000
HQ Expansion	300,000
Traffic Enforcement - Municipal Training	133,842
Lottery Commission Assistance	232,363
Airport Corporation	232,363
Road Construction Reimbursement	2,546,100
Total - State Police	69,196,662

Grand Total – Public Safety	104,450,377
Office of Public Defender	
General Revenues	10,300,580
Federal Funds	575,478
Federal Funds – Stimulus	883
Grand Total - Office of Public Defender	10,876,941
Environmental Management	
Office of the Director	
General Revenues	4,775,428
Federal Funds	476,300
Restricted Receipts	2,833,219
Total – Office of the Director	8,084,947
Natural Resources	
General Revenues	18,508,312
Federal Funds	24,455,444
Restricted Receipts	3,779,269
DOT Recreational Projects	80,672
Blackstone Bike Path Design	36,270
Transportation MOU	82,172
Rhode Island Capital Plan Funds	
Dam Repair	850,000
Recreational Facilities Improvements	1,750,000
Fort Adams Rehabilitation	1,500,000
Galilee Piers Upgrade	950,000
Newport Piers	250,000
Blackstone Valley Bike Path	500,000
Total - Natural Resources	52,742,139
Environmental Protection	
General Revenues	12,099,861
Federal Funds	12,576,798
Federal Funds – Stimulus	848,000
Restricted Receipts	7,518,547
Transportation - MOU	90,107
Retrofit Heavy-Duty Diesel Vehicles	3,560,000
Total - Environmental Protection	36,693,313
Grand Total - Environmental Management	97,520,399
Coastal Resources Management Council	
General Revenues	2,236,814
Federal Funds	1,837,361
Federal Funds – Stimulus	201,100
Restricted Receipts	250,000
Rhode Island Capital Plan Funds	
South Coast Restoration Project	729,100
Grand Total – Coastal Resources Management Council	5,254,375
Transportation	
Central Management	

Federal Funds	11,394,390
Other Funds	
Gasoline Tax	1,108,923
Total - Central Management	12,503,313
Management and Budget	
Other Funds	
Gasoline Tax	1,176,686
Total - Management and Budget	1,176,686
Infrastructure – Engineering – Garvee/Motor Fuel Tax Bonds	
Federal Funds	291,594,814
Federal Funds – Stimulus	7,006,375
Restricted Receipts	1,000,000
Other Funds	
Gasoline Tax	52,273,807
Land Sale Revenue	16,603,398
Rhode Island Capital Plan Funds	
RIPTA Land and Buildings	70,000
Total - Infrastructure – Engineering – Garvee/Motor Fuel Tax Bonds	368,548,394
Infrastructure Maintenance	
Gasoline Tax	41,451,540
Non-land Surplus Property	10,000
Outdoor Advertising	100,000
Rhode Island Capital Plan Funds	
Cherry Hill/Lincoln Facility	337,000
Maintenance Facility Improvements	300,000
Maintenance Facilities – Fire Alarms	125,000
Portsmouth Facility	1,435,000
Salt Storage Facilities	1,000,000
Total - Infrastructure Maintenance	44,758,540
Grand Total - Transportation	426,986,933
Statewide Totals	
General Revenues	3,142,501,188
Federal Funds	2,606,487,980
Restricted Receipts	189,639,221
Other Funds	1,763,594,386
Statewide Grand Total	7,702,222,775

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. From the appropriation for contingency shall be paid such sums as may be required at the discretion of the Governor to fund expenditures for which appropriations may not exist. Such contingency funds may also be used for expenditures in the several 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.

SECTION 5. 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:

Account	Expenditure Limit
State Assessed Fringe Benefit Internal Service Fund	31,054,962
Administration Central Utilities Internal Service Fund	20,244,491
State Central Mail Internal Service Fund	5,585,439
State Telecommunications Internal Service Fund	2,882,141
State Automotive Fleet Internal Service Fund	13,926,504
Capital Police Internal Service Fund	739,072
Surplus Property Internal Service Fund	2,500
Health Insurance Internal Service Fund	306,399,745
Corrections General Services & Warehouse Internal Service Fund	6,804,849
Correctional Industries Internal Service Fund	7,285,903
Secretary of State Record Center Internal Service Fund	866,270

SECTION 6. 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 7. 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, 2012.

SECTION 8. 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, 2012.

SECTION 9. For the Fiscal Year ending June 30, 2012, the Rhode Island Housing and Mortgage Finance Corporation shall provide from its resources a minimum of one million five

hundred thousand dollars (\$1,500,000) in support of the Neighborhood Opportunities Program. The Corporation shall provide a report detailing the amount of funding provided to this program, as well as information on the number of units of housing provided as a result to the Director of Administration, the Chair of the Housing Resources Commission, the Chair of the House Finance Committee, the Chair of the Senate Finance Committee and the State Budget Officer.

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, 2012.

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 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 non-state general revenue funding source.

FY 2012 FTE POSITION AUTHORIZATION

Departments and Agencies	Full-Time Equivalent
Administration	694.6
Business Regulation	96.0
Labor and Training	470.2
Revenue	434.5
Legislature	298.5
Office of the Lieutenant Governor	8.0
Office of the Secretary of State	57.0
Office of the General Treasurer	82.0
Board of Elections	12.0
Rhode Island Ethics Commission	12.0
Office of the Governor	45.0
Commission for Human Rights	14.5

Public Utilities Commission	46.0
Office of Health and Human Services	149.0
Children, Youth, and Families	662.5
Health	426.3
Human Services	984.2
Behavioral Healthcare, Developmental Disabilities and Hospitals	1,378.2
Office of the Child Advocate	5.8
Commission on Deaf and Hard of Hearing	3.0
Governor's Commission on Disabilities	4.0
Office of the Mental Health Advocate	3.7
Elementary and Secondary Education	156.4
School for the Deaf	60.0
Davies Career and Technical School	132.0
Office of Higher Education	14.4
Provided that 1.0 of the total authorization would be available only for positions that are supported by third-party funds.	
University of Rhode Island	2,436.5
Provided that 593.2 of the total authorization would be available only for positions that are supported by third-party funds.	
Rhode Island College	909.6
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	854.1
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	41.6
Historical Preservation and Heritage Commission	16.6
Public Telecommunications Authority	15.0
Office of the Attorney General	231.1
Corrections	1,419.0
Judiciary	723.3
Military Staff	117.0
Public Safety	605.8
Office of the Public Defender	93.0
Environmental Management	410.0
Coastal Resources Management Council	30.0
Transportation	772.6
Total	14,942.2

SECTION 12. The amounts reflected in this Article include the appropriation of Rhode Island Capital Plan funds for fiscal year 2011 and supersede appropriations provided for FY 2011 within Section 12 of Article 1 of Chapter 68 of the P.L. of 2009.

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, 2013, June 30, 2014, June 30, 2015, and June 30, 2016. These amounts supersede

appropriations provided within Section 12 of Article 1 of Chapter 23 of the P.L. of 2010. 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>Fiscal Yr June 30, 2013</u>	<u>Fiscal Yr June 30, 2014</u>	<u>Fiscal Yr June 30, 2015</u>	<u>Fiscal Yr June 30, 2016</u>
<u>DOA-Pastore Utilities</u>				
Upgrade	\$2,000,000	\$2,000,000	\$0	\$0
<u>DOA-State House</u>				
Renovations	3,000,000	4,500,000	4,500,000	0
<u>DCYF-Fire Code Upgrades-</u>				
Group Homes	1,000,000	0	0	0
<u>ELSEC-Met. Career and Tech -</u>				
East Bay	3,600,000	2,580,000	0	0
<u>Higher Ed-Asset Protection-</u>				
CCRI	2,050,000	2,093,500	2,138,305	2,184,100
<u>Higher Ed-Asset Protection-</u>				
RIC	3,075,000	3,143,250	3,213,548	3,285,400
<u>Higher Ed-Asset Protection-</u>				
URI	7,200,000	7,357,500	7,520,000	7,686,900
<u>HPHC-Eisenhower House Asset</u>				
Protection	32,500	70,000	45,300	50,000
<u>DOC Asset Protection</u>	4,250,000	3,500,000	3,000,000	3,000,000
<u>Judicial-Asset Protection</u>	625,000	650,000	675,000	700,000
<u>Mil Staff-Asset Protection</u>	500,000	500,000	500,000	500,000
<u>DEM-Dam Repairs</u>	1,000,000	550,000	550,000	500,000
<u>DEM-Recreation Facility</u>				
Improvements	1,590,000	1,390,000	1,500,000	600,000
<u>DOT-Highway Projects</u>				
Match Plan	0	20,000,000	20,000,000	20,000,000

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. However, any such reappropriations are subject to final approval by the General Assembly as part of the supplemental appropriations act. Any unexpended funds of less than five hundred dollars (\$500) shall be reappropriated at the discretion of the State Budget Officer.

SECTION 14. Extension of previous authorizations.- The general assembly, pursuant to the provisions of section 35-8-25 of the general laws, hereby extends to the termination date contained herein the authority to issue the following general obligation bond authorization in the amount stated. The original authorization enacted by public law and approved by the people that remain unissued as of January 1, 2011 is as follows:

<u>Purpose</u>	<u>Statutory Reference</u>	<u>Unissued Amount to be Extended</u>	<u>Termination Date</u>
Preservation, Recreation & Heritage	Ch. 65-PL of 2002	\$1,200,000	June 30, 2014

Emergency Water Interconnect Ch. 595-P.L. of 2004 \$5,020,000 Nov. 2, 2014
Open Space Recreation, Bay

& Watershed Protection Ch. 595 P.L. of 2004 as \$21,885,000 Nov. 2, 2014

SECTION 15. Notwithstanding any provisions of Chapter 19 in Title 23 of the Rhode Island General Laws, the Resource Recovery Corporation shall transfer to the State Controller the sum of three million five hundred thousand dollars (\$3,500,000) by June 30, 2012.

SECTION 16. This Article shall take effect as of July 1, 2011.”

Respectfully submitted,

REPRESENTATIVE MELO

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LC02111/16
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Representatives Newberry and Melo discuss the amendment.

The motion to amend prevails on a roll call vote 65 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 65: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, DeSimone, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Johnston, Keable, Kennedy, Lally, Lima, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Williams.

NAYS - 1: Representative Watson.

By unanimous consent, Representative Phillips, seconded by Representative Brien offers a written motion to amend.

F L O O R A M E N D M E N T
TO
2011 -- H 5894 SUBSTITUTE A

AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUTE A, entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

(1) In Article 1, page 6, line 20, by deleting the numeral "218,537,728" and inserting in place thereof the numeral "217,337,728".

(2) In Article 1, page 16, line 9, by deleting the numeral "475,788" and inserting in place thereof the numeral "1,675,788".

Respectfully submitted,

REPRESENTATIVE PHILLIPS

LC02111/13

Representatives Phillips, Ferri, MacBeth, Mattiello and Ucci discuss the amendment.

The motion to amend fails on a roll call vote 6 members voting in the affirmative and 64 members voting in the negative as follows:

YEAS - 6: Representatives Baldelli-Hunt, Brien, Carnevale, MacBeth, Menard, Phillips.

NAYS - 64: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Bennett, Blazejewski, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, DeSimone, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Johnston, Keable, Kennedy, Lally, Lima, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Palumbo, Petrarca, Reilly, Ruggiero, San Bento, Savage, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

By unanimous consent, Representative Trillo, seconded by Representatives Morgan and Newberry offers a written motion to amend.

**F L O O R A M E N D M E N T
T O
2 0 1 1 -- H 5 8 9 4 S U B S T I T U T E A**

**AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE
STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012**

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUTE A, entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

1. In Article 1, page 13, line 4, by deleting the language "113,309,330" and by inserting in place thereof the following language: "112,809,330".

2. In Article 1, page 13, line 12, by deleting the language "126,062,520" and by inserting in place thereof the following language: "125,513,642".

3. In Article 1, page 25, between lines 28 and 29, by adding the following language: "Federal Revenue Highway Lighting 500,000"

Respectfully submitted,

REPRESENTATIVE TRILLO

LC02111/10

Representatives Trillo, Petrarca, Baldelli-Hunt, Martin and Mattiello discuss the amendment.

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

YEAS - 8: Representatives Carnevale, Costa, Lima, Morgan, Newberry, Palumbo, Reilly, Trillo.

NAYS - 61: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Chippendale, Cimini, Coderre, Corvese, DaSilva, DeSimone, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Johnston, Keable, Kennedy, Lally, MacBeth, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morrison, Naughton, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Ruggiero, San Bento, Savage, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

By unanimous consent, Representative Bennett, seconded by Representatives McNamara and McLaughlin offers a written motion to amend.

**F L O O R A M E N D M E N T
T O
2011 -- H 5894 SUBSTITUTE A**

**AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE
STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012**

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUTE A, entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

(1) In Article 1, page 11, line 28, by deleting the numeral "2,623,954" and inserting in place thereof the numeral "3,023,954".

(2) By adding thereto the following new Article:

"ARTICLE _____

RELATING TO THE CIGARETTE TAX

SECTION 1. Section 44-20-12 of the General Laws in Chapter 44-20 entitled "Cigarette Tax" is hereby amended to read as follows:

44-20-12. Tax imposed on cigarettes sold. -- A tax is imposed on all cigarettes sold or held for sale in the state. The payment of the tax to be evidenced by stamps, which may be affixed only by licensed distributors to the packages containing such cigarettes. Any cigarettes on which the proper amount of tax provided for in this chapter has been paid, payment being evidenced by the stamp, is not subject to a further tax under this chapter. The tax is at the rate of ~~one hundred seventy-three (173)~~ one hundred seventy-eight (178) mills for each cigarette; provided, however that four hundred thousand (\$400,000) dollars of said tax shall be used to fund the Rhode Island Tobacco Control Program in the department of health. SECTION 2. This Article shall take effect upon passage."

Respectfully submitted,

REPRESENTATIVE BENNETT

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LC02111/3
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Representatives Bennett, Mattiello, MacBeth, Valencia and Phillips discuss the amendment.

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

YEAS - 17: Representatives Baldelli-Hunt, Bennett, Blazejewski, Cimini, Diaz, Dickinson, Guthrie, Handy, Hull, Lima, McLaughlin, Medina, Reilly, Ruggiero, Slater, Tanzi, Valencia.

NAYS - 53: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Brien, Carnevale, Chippendale, Coderre, Corvese, Costa, DaSilva, DeSimone, Edwards, Ehrhardt, Fellela, Ferri, Gallison, Gordon, Hearn, Jackson, Johnston, Keable, Kennedy, Lally, MacBeth, Marcello, Martin, Mattiello, McNamara, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Palumbo, Petrarca, Phillips, San Bento, Savage, Serpa, Silva, Tarro, Tomasso, Trillo, Ucci, Walsh, Watson, Williams, Winfield.

By unanimous consent, Representative Trillo, seconded by Representative Newberry offers a written motion to amend.

F L O O R A M E N D M E N T
TO
2011 -- H 5894 SUBSTITUTE A

**AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE
STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012**

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUTE A, entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

(1) In Article 1, page 13, line 4, by deleting the figure "113,309,330" and inserting in place thereof the figure "112,309,330".

(2) In Article 1, page 13, line 12, by deleting the figure "126,062,520" and inserting in place thereof the figure "124,964,765".

(3) In Article 1, page 13, line 20, by deleting the figure "1,660,750,577" and inserting in place thereof the figure "1,658,652,822".

(4) In Article 1, page 14, line 29, by deleting the figure "36,009,986" and inserting in place thereof the figure "37,009,986."

(5) In Article 1, page 15, line 3, by deleting the figure "108,742,469" and inserting in place thereof the figure "109,742,469".

Respectfully submitted,

REPRESENTATIVE TRILLO

LC02111/4

Representatives Trillo, Mattiello, McLaughlin, Lima, Martin and Bennett discuss the amendment.

The motion to amend fails on a roll call vote 19 members voting in the affirmative and 50 members voting in the negative as follows:

YEAS - 19: Representatives Bennett, Blazejewski, Costa, Ferri, Guthrie, Hull, Martin, McLaughlin, Medina, Messier, Morgan, Newberry, Nunes, O'Grady, Palumbo, Reilly, Ruggiero, Trillo, Valencia.

NAYS - 50: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Gallison, Gordon, Handy, Hearn, Jackson, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Marcello, Mattiello, McNamara, Melo, Menard, Morrison, Naughton, O'Neill, Petrarca, Phillips, San Bento, Savage, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Ucci, Walsh, Watson, Williams, Winfield.

Article 1 is read and prevails as amended, on a roll call vote 61 members voting in the affirmative and 9 members voting in the negative as follows:

YEAS - 61: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Cimini, Coderre, Corvese, DaSilva, DeSimone, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Gallison, Guthrie, Handy, Hearn, Hull, Jackson, Johnston, Keable, Kennedy, Lally, Lima, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Messier, Morgan, Morrison, Naughton, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Ucci, Valencia, Walsh, Williams, Winfield.

NAYS - 9: Representatives Chippendale, Costa, Gordon, MacBeth, Menard, Newberry, Palumbo, Trillo, Watson.

AT EASE

At 3:58 o'clock P.M. the Honorable Speaker Fox declares the House to be at ease.

ORDER

At 4:00 o'clock P.M. the Honorable Speaker Fox calls the House to order.

**ARTICLE 2
RELATING TO MAKING SUPPLEMENTAL APPROPRIATIONS IN SUPPORT OF
FY 2011**

Representative Melo moves passage of the article, seconded by Representatives O'Neill, Naughton, San Bento, Ferri, Gallison, Slater, McLaughlin, Jackson, Savage, Hearn, Walsh, Carnevale, and Valencia.

By unanimous consent, Representative Guthrie seconded by Representatives Edwards offers a written motion to amend.

F L O O R A M E N D M E N T
TO
2011 -- H 5894 SUBSTITUTE A

**AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE
STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012**

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUTE A, entitled "AN ACT AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

Article 2, page 31, line 20, by deleting line 20 in its entirety and by inserting in place thereof the following language:

"SECTION 5. Section 44-30-2.6 of the General Laws in Chapter 44-30 entitled "Personal Income Tax" is hereby amended to read as follows:

44-30-2.6. Rhode Island taxable income -- Rate of tax. -- (a) "Rhode Island taxable income" means federal taxable income as determined under the Internal Revenue Code, 26 U.S.C. section 1 et seq., not including the increase in the basic standard deduction amount for married couples filing joint returns as provided in the Jobs and Growth Tax Relief Reconciliation Act of 2003 and the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA), and as modified by the modifications in section 44-30-12.

(b) Notwithstanding the provisions of sections 44-30-1 and 44-30-2, for tax years beginning on or after January 1, 2001, a Rhode Island personal income tax is imposed upon the Rhode Island taxable income of residents and nonresidents, including estates and trusts, at the rate of twenty-five and one-half percent (25.5%) for tax year 2001, and twenty-five percent (25%) for tax year 2002 and thereafter of the federal income tax rates, including capital gains rates and any other special rates for other types of income, except as provided in section 44-30-2.7, which were in effect immediately prior to enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA); provided, rate schedules shall be adjusted for inflation by the tax administrator beginning in taxable year 2002 and thereafter in the manner prescribed for adjustment by the commissioner of Internal Revenue in 26 U.S.C. section 1(f). However, for tax years beginning on or after January 1, 2006, a taxpayer may elect to use the alternative flat tax rate provided in section 44-30-2.10 to calculate his or her personal income tax liability.

(c) For tax years beginning on or after January 1, 2001, if a taxpayer has an alternative minimum tax for federal tax purposes, the taxpayer shall determine if he or she has a Rhode Island alternative minimum tax. The Rhode Island alternative minimum tax shall be computed by multiplying the federal tentative minimum tax without allowing for the increased exemptions under the Jobs and Growth Tax Relief Reconciliation Act of 2003 (as redetermined on federal form 6251 Alternative Minimum Tax-Individuals) by twenty-five and one-half percent (25.5%)

for tax year 2001, and twenty-five percent (25%) for tax year 2002 and thereafter, and comparing the product to the Rhode Island tax as computed otherwise under this section. The excess shall be the taxpayer's Rhode Island alternative minimum tax.

(1) For tax years beginning on or after January 1, 2005 and thereafter the exemption amount for alternative minimum tax, for Rhode Island purposes, shall be adjusted for inflation by the tax administrator in the manner prescribed for adjustment by the commissioner of Internal Revenue in 26 U.S.C. section 1(f).

(2) For the period January 1, 2007 through December 31, 2007, and thereafter, Rhode Island taxable income shall be determined by deducting from federal adjusted gross income as defined in 26 U.S.C. section 62 as modified by the modifications in section 44-30-12 the Rhode Island itemized deduction amount and the Rhode Island exemption amount as determined in this section.

(A) Tax imposed.

(1) There is hereby imposed on the taxable income of married individuals filing joint returns and surviving spouses a tax determined in accordance with the following table:

If taxable income is:	The tax is:
Not over \$53,150	3.75% of taxable income
Over \$53,150 but not over \$128,500	\$1,993.13 plus 7.00% of the excess over \$53,150
Over \$128,500 but not over \$195,850 over \$128,500	\$7,267.63 plus 7.75% of the excess
Over \$195,850 but not over \$349,700 over \$195,850	\$12,487.25 plus 9.00% of the excess
Over \$349,700 over \$349,700	\$26,333.75 plus 9.90% of the excess

(2) There is hereby imposed on the taxable income of every head of household a tax determined in accordance with the following table:

If taxable income is:	The tax is:
Not over \$42,650	3.75% of taxable income
Over \$42,650 but not over \$110,100	\$1,599.38 plus 7.00% of the excess over \$42,650
Over \$110,100 but not over \$178,350	\$6,320.88 plus 7.75% of the excess over \$110,100
Over \$178,350 but not over \$349,700	\$11,610.25 plus 9.00% of the excess over \$178,350
Over \$349,700	\$27,031.75 plus 9.90% of the excess over \$349,700

(3) There is hereby imposed on the taxable income of unmarried individuals (other than surviving spouses and heads of households) a tax determined in accordance with the following table:

If taxable income is:	The tax is:
Not over \$31,850	3.75% of taxable income
Over \$31,850 but not over \$77,100	\$1,194.38 plus 7.00% of the excess over \$31,850
Over \$77,100 but not over \$160,850	\$4,361.88 plus 7.75% of the excess over \$77,100

Over \$160,850 but not over \$349,700	\$10,852.50 plus 9.00% of the excess over \$160,850
Over \$349,700	\$27,849.00 plus 9.90% of the excess over \$349,700

(4) There is hereby imposed on the taxable income of married individuals filing separate returns and bankruptcy estates a tax determined in accordance with the following table:

If taxable income is:	The tax is:
Not over \$26,575	3.75% of taxable income
Over \$26,575 but not over \$64,250	\$996.56 plus 7.00% of the excess
Over \$64,250 but not over \$97,925	\$3,633.81 plus 7.75% of the excess over \$64,250
Over \$97,925 but not over \$174,850	\$6,243.63 plus 9.00% of the excess over \$97,925
Over \$174,850	\$13,166.88 plus 9.90% of the excess over \$174,850

(5) There is hereby imposed a taxable income of an estate or trust a tax determined in accordance with the following table:

If taxable income is:	The tax is:
Not over \$2,150	3.75% of taxable income
Over \$2,150 but not over \$5,000	\$80.63 plus 7.00% of the excess over \$2,150
Over \$5,000 but not over \$7,650	\$280.13 plus 7.75% of the excess over \$5,000
Over \$7,650 but not over \$10,450	\$485.50 plus 9.00% of the excess over \$7,650
Over \$10,450	\$737.50 plus 9.90% of the excess over \$10,450

(6) Adjustments for inflation.

The dollars amount contained in paragraph (A) shall be increased by an amount equal to:

(a) Such dollar amount contained in paragraph (A) in the year 1993, multiplied by;

(b) The cost-of-living adjustment determined under section (J) with a base year of 1993;

(c) The cost-of-living adjustment referred to in subparagraph (a) and (b) used in making adjustments to the nine percent (9%) and nine and nine tenths percent (9.9%) dollar amounts shall be determined under section (J) by substituting "1994" for "1993."

(B) Maximum capital gains rates

(1) In general

If a taxpayer has a net capital gain for tax years ending prior to January 1, 2010, the tax imposed by this section for such taxable year shall not exceed the sum of:

(a) 2.5 % of the net capital gain as reported for federal income tax purposes under section 26 U.S.C. 1(h)(1)(a) and 26 U.S.C. 1(h)(1)(b).

(b) 5% of the net capital gain as reported for federal income tax purposes under 26 U.S.C. 1(h)(1)(c).

(c) 6.25% of the net capital gain as reported for federal income tax purposes under 26 U.S.C. 1(h)(1)(d).

(d) 7% of the net capital gain as reported for federal income tax purposes under 26 U.S.C.

1(h)(1)(e).

(2) For tax years beginning on or after January 1, 2010 the tax imposed on net capital gain shall be determined under subdivision 44-30-2.6(c)(2)(A).

(C) Itemized deductions.

(1) In general

For the purposes of section (2) "itemized deductions" means the amount of federal itemized deductions as modified by the modifications in section 44-30-12.

(2) Individuals who do not itemize their deductions

In the case of an individual who does not elect to itemize his deductions for the taxable year, they may elect to take a standard deduction.

(3) Basic standard deduction.

The Rhode Island standard deduction shall be allowed in accordance with the following table:

Filing status	Amount
Single	\$5,350
Married filing jointly or qualifying widow(er)	\$8,900
Married filing separately	\$4,450
Head of Household	\$7,850

(4) Additional standard deduction for the aged and blind.

An additional standard deduction shall be allowed for individuals age sixty-five (65) or older or blind in the amount of \$1,300 for individuals who are not married and \$1,050 for individuals who are married.

(5) Limitation on basic standard deduction in the case of certain dependents.

In the case of an individual to whom a deduction under section (E) is allowable to another taxpayer, the basic standard deduction applicable to such individual shall not exceed the greater of:

(a) \$850;

(b) The sum of \$300 and such individual's earned income;

(6) Certain individuals not eligible for standard deduction.

In the case of:

(a) A married individual filing a separate return where either spouse itemizes deductions;

(b) Nonresident alien individual;

(c) An estate or trust;

The standard deduction shall be zero.

(7) Adjustments for inflation.

Each dollars amount contained in paragraphs (3), (4) and (5) shall be increased by an amount equal to:

(a) Such dollar amount contained in paragraphs (3), (4) and (5) in the year 1988, multiplied by

(b) The cost-of-living adjustment determined under section (J) with a base year of 1988.

(D) Overall limitation on itemized deductions

(1) General rule.

In the case of an individual whose adjusted gross income as modified by section 44-30-12 exceeds the applicable amount, the amount of the itemized deductions otherwise allowable for the taxable year shall be reduced by the lesser of:

(a) Three percent (3%) of the excess of adjusted gross income as modified by section 44-

30-12 over the applicable amount; or

(b) Eighty percent (80%) of the amount of the itemized deductions otherwise allowable for such taxable year.

(2) Applicable amount.

(a) In general.

For purposes of this section, the term "applicable amount" means \$156,400 (\$78,200 in the case of a separate return by a married individual)

(b) Adjustments for inflation.

Each dollar amount contained in paragraph (a) shall be increased by an amount equal to:

(i) Such dollar amount contained in paragraph (a) in the year 1991, multiplied by

(ii) The cost-of-living adjustment determined under section (J) with a base year of 1991.

(3) Phase-out of Limitation.

(a) In general.

In the case of taxable year beginning after December 31, 2005, and before January 1, 2010, the reduction under section (1) shall be equal to the applicable fraction of the amount which would be the amount of such reduction.

(b) Applicable fraction.

For purposes of paragraph (a), the applicable fraction shall be determined in accordance with the following table:

For taxable years beginning in	The applicable fraction is calendar year
2006 and 2007	2/3
2008 and 2009	1/3

(E) Exemption amount

(1) In general.

Except as otherwise provided in this subsection, the term "exemption amount" mean \$3,400.

(2) Exemption amount disallowed in case of certain dependents. In the case of an individual with respect to whom a deduction under this section is allowable to another taxpayer for the same taxable year, the exemption amount applicable to such individual for such individual's taxable year shall be zero.

(3) Adjustments for inflation.

The dollar amount contained in paragraph (1) shall be increased by an amount equal to:

(a) Such dollar amount contained in paragraph (1) in the year 1989, multiplied by

(b) The cost-of-living adjustment determined under section (J) with a base year of 1989.

(4) Limitation.

(a) In general.

In the case of any taxpayer whose adjusted gross income as modified for the taxable year exceeds the threshold amount shall be reduced by the applicable percentage.

(b) Applicable percentage.

In the case of any taxpayer whose adjusted gross income for the taxable year exceeds the threshold amount, the exemption amount shall be reduced by two (2) percentage points for each \$2,500 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds the threshold amount. In the case of a married individual filing a separate return, the preceding sentence shall be applied by substituting "\$1,250" for "\$2,500." In no event shall the applicable percentage exceed one hundred percent (100%).

(c) Threshold Amount.

For the purposes of this paragraph, the term "threshold amount" shall be determined with the following table:

Filing status	Amount
Single	\$156,400
Married filing jointly of qualifying widow(er)	\$234,600
Married filing separately	\$117,300
Head of Household	\$195,500

(d) Adjustments for inflation.

Each dollars amount contain in paragraph (b) shall be increased by an amount equal to:

(i) Such dollar amount contained in paragraph (b) in the year 1991, multiplied by

(ii) The cost-of-living adjustment determined under section (J) with a base year of 1991.

(5) Phase-out of Limitation.

(a) In general.

In the case of taxable years beginning after December 31, 2005, and before January 1, 2010, the reduction under section 4 shall be equal to the applicable fraction of the amount which would be the amount of such reduction.

(b) Applicable fraction.

For the purposes of paragraph (a), the applicable fraction shall be determined in accordance with the following table:

For taxable years beginning in calendar year	The applicable fraction is
2006 and 2007	2/3
2008 and 2009	1/3

(F) Alternative minimum tax

(1) General rule. - There is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to the excess (if any) of:

(a) The tentative minimum tax for the taxable year, over

(b) The regular tax for the taxable year.

(2) The tentative minimum tax for the taxable year is the sum of:

(a) 6.5 percent of so much of the taxable excess as does not exceed \$175,000, plus

(b) 7.0 percent of so much of the taxable excess above \$175,000.

(3) The amount determined under the preceding sentence shall be reduced by the alternative minimum tax foreign tax credit for the taxable year.

(4) Taxable excess. - For the purposes of this subsection the term "taxable excess" means so much of the federal alternative minimum taxable income as modified by the modifications in section 44-30-12 as exceeds the exemption amount.

(5) In the case of a married individual filing a separate return, subparagraph (2) shall be applied by substituting "\$87,500" for \$175,000 each place it appears.

(6) Exemption amount.

For purposes of this section "exemption amount" means:

Filing status	Amount
Single	\$39,150
Married filing jointly or qualifying widow(er)	\$53,700
Married filing separately	\$26,850
Head of Household	\$39,150
Estate or trust	\$24,650

(7) Treatment of unearned income of minor children

(a) In general.

In the case of a minor child, the exemption amount for purposes of section (6) shall not exceed the sum of:

(i) Such child's earned income, plus

(ii) \$6,000.

(8) Adjustments for inflation.

The dollar amount contained in paragraphs (6) and (7) shall be increased by an amount equal to:

(a) Such dollar amount contained in paragraphs (6) and (7) in the year 2004, multiplied by

(b) The cost-of-living adjustment determined under section (J) with a base year of 2004.

(9) Phase-out.

(a) In general.

The exemption amount of any taxpayer shall be reduced (but not below zero) by an amount equal to twenty-five percent (25%) of the amount by which alternative minimum taxable income of the taxpayer exceeds the threshold amount.

(b) Threshold amount.

For purposes of this paragraph, the term "threshold amount" shall be determined with the following table:

Filing status	Amount
Single	\$123,250
Married filing jointly or qualifying widow(er)	\$164,350
Married filing separately	\$82,175
Head of Household	\$123,250

(c) Adjustments for inflation

Each dollar amount contained in paragraph (9) shall be increased by an amount equal to:

(i) Such dollar amount contained in paragraph (9) in the year 2004, multiplied by

(ii) The cost-of-living adjustment determined under section (J) with a base year of 2004.

(G) Other Rhode Island taxes

(1) General rule. - There is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to twenty-five percent (25%) of:

(a) The Federal income tax on lump-sum distributions.

(b) The Federal income tax on parents' election to report child's interest and dividends.

(c) The recapture of Federal tax credits that were previously claimed on Rhode Island return.

(H) Tax for children under 18 with investment income

(1) General rule. - There is hereby imposed a tax equal to twenty-five percent (25%) of:

(a) The Federal tax for children under the age of 18 with investment income.

(I) Averaging of farm income

(1) General rule. - At the election of an individual engaged in a farming business or fishing business, the tax imposed in section 2 shall be equal to twenty-five percent (25%) of:

(a) The Federal averaging of farm income as determined in IRC section 1301.

(J) Cost-of-living adjustment

(1) In general.

The cost-of-living adjustment for any calendar year is the percentage (if any) by which:

(a) The CPI for the preceding calendar year exceeds

(b) The CPI for the base year.

(2) CPI for any calendar year. For purposes of paragraph (1), the CPI for any calendar year is the average of the Consumer Price Index as of the close of the twelve (12) month period ending on August 31 of such calendar year.

(3) Consumer Price Index

For purposes of paragraph (2), the term "consumer price index" means the last consumer price index for all urban consumers published by the department of labor. For purposes of the preceding sentence, the revision of the consumer price index which is most consistent with the consumer price index for calendar year 1986 shall be used.

(4) Rounding.

(a) In general.

If any increase determined under paragraph (1) is not a multiple of \$50, such increase shall be rounded to the next lowest multiple of \$50.

(b) In the case of a married individual filing a separate return, subparagraph (a) shall be applied by substituting "\$25" for \$50 each place it appears.

(K) Credits against tax. - For tax years beginning on or after January 1, 2001, a taxpayer entitled to any of the following federal credits enacted prior to January 1, 1996 shall be entitled to a credit against the Rhode Island tax imposed under this section:

(1) [Deleted by P.L. 2007, ch. 73, art. 7, section 5].

(2) Child and dependent care credit;

(3) General business credits;

(4) Credit for elderly or the disabled;

(5) Credit for prior year minimum tax;

(6) Mortgage interest credit;

(7) Empowerment zone employment credit;

(8) Qualified electric vehicle credit.

(L) Credit against tax for adoption. - For tax years beginning on or after January 1, 2006, a taxpayer entitled to the federal adoption credit shall be entitled to a credit against the Rhode Island tax imposed under this section if the adopted child was under the care, custody, or supervision of the Rhode Island department of children, youth and families prior to the adoption.

(M) The credit shall be twenty-five percent (25%) of the aforementioned federal credits provided there shall be no deduction based on any federal credits enacted after January 1, 1996, including the rate reduction credit provided by the federal Economic Growth and Tax Reconciliation Act of 2001 (EGTRRA). In no event shall the tax imposed under this section be reduced to less than zero. A taxpayer required to recapture any of the above credits for federal tax purposes shall determine the Rhode Island amount to be recaptured in the same manner as prescribed in this subsection.

(N) Rhode Island earned income credit

(1) In general.

A taxpayer entitled to a federal earned income credit shall be allowed a Rhode Island earned income credit equal to twenty-five percent (25%) of the federal earned income credit. Such credit shall not exceed the amount of the Rhode Island income tax.

(2) Refundable portion.

In the event the Rhode Island earned income credit allowed under section (J) exceeds the amount of Rhode Island income tax, a refundable earned income credit shall be allowed.

(a) For purposes of paragraph (2) refundable earned income credit means fifteen percent

(15%) of the amount by which the Rhode Island earned income credit exceeds the Rhode Island income tax.

(O) The tax administrator shall recalculate and submit necessary revisions to paragraphs (A) through (J) to the general assembly no later than February 1, 2010 and every three (3) years thereafter for inclusion in the statute.

(3) For the period January 1, 2011 through December 31, 2011, and thereafter, "Rhode Island taxable income" means federal adjusted gross income as determined under the Internal Revenue Code, 26 U.S.C. 1 et seq., and as modified for Rhode Island purposes pursuant to section 44-30-12 less the amount of Rhode Island Basic Standard Deduction allowed pursuant to subparagraph 44-30-2.6(c)(3)(B), and less the amount of personal exemption allowed pursuant of subparagraph 44-30-2.6(c)(3)(C).

(A) Tax imposed.

(I) There is hereby imposed on the taxable income of married individuals filing joint returns, qualifying widow(er), every head of household, unmarried individuals, married individuals filing separate returns and bankruptcy estates, a tax determined in accordance with the following table:

RI Taxable Income		RI Income Tax
Over	But not over	Pay + % on Excess on the amount over
\$ 0 -	\$ 55,000	\$ 0 + 3.75%
55,000 -	125,000	2,063 + 4.75%
125,000 -	500,000	5,388 + 5.99%
500,000		27,851 + 7.99%

Provided, that the additional two percent (2%) tax rate provided for all personal income over five hundred thousand dollars (\$500,000) shall be in effect until and through December 31, 2013, after which time said additional tax rate shall expire, and the tax rate for income over one hundred twenty-five thousand dollars (\$125,000) shall apply and control.

(II) There is hereby imposed on the taxable income of an estate or trust a tax determined in accordance with the following table:

RI Taxable Income		RI Income Tax
Over	But not over	Pay + % Over - Excess on the amount over
\$ 0 -	\$ 2,230	\$ 0 + 3.75%
2,230 -	7,022	84 + 4.75%
7,022 -		312 + 5.99%

(B) Deductions:

(I) Rhode Island Basic Standard Deduction. Only the Rhode Island standard deduction shall be allowed in accordance with the following table:

Filing status:	Amount
Single	\$7,500
Married filing jointly or qualifying widow(er)	\$15,000
Married filing separately	\$7,500
Head of Household	\$11,250

(II) Nonresident alien individuals, estates and trusts are not eligible for standard deductions.

(III) In the case of any taxpayer whose adjusted gross income, as modified for Rhode Island purposes pursuant to section 44-30-12, for the taxable year exceeds one hundred seventy-

five thousand dollars (\$175,000), the standard deduction amount shall be reduced by the applicable percentage. The term "applicable percentage" means twenty (20) percentage points for each five thousand dollars (\$5,000) (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds one hundred seventy-five thousand dollars (\$175,000).

(C) Exemption Amount:

(I) The term "exemption amount" means three thousand five hundred dollars (\$3,500) multiplied by the number of exemptions allowed for the taxable year for federal income tax purposes.

(II) Exemption amount disallowed in case of certain dependents. In the case of an individual with respect to whom a deduction under this section is allowable to another taxpayer for the same taxable year, the exemption amount applicable to such individual for such individual's taxable year shall be zero.

(D) In the case of any taxpayer whose adjusted gross income, as modified for Rhode Island purposes pursuant to section 33-30-12, for the taxable year exceeds one hundred seventy-five thousand dollars (\$175,000), the exemption amount shall be reduced by the applicable percentage. The term "applicable percentage" means twenty (20) percentage points for each five thousand dollars (\$5,000) (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds one hundred seventy-five thousand dollars (\$175,000).

(E) Adjustment for inflation. - The dollar amount contained in subparagraphs 44-30-2.6(c)(3)(A), 44-30-2.6(c)(3)(B) and 44-30-2.6(c)(3)(C) shall be increased annually by an amount equal to:

(I) Such dollar amount contained in subparagraphs 44-30-2.6(c)(3)(A), 44-30-2.6(c)(3)(B) and 44-30-2.6(c)(3)(C) adjusted for inflation using a base tax year of 2000, multiplied by;

(II) The cost-of-living adjustment with a base year of 2000.

(III) For the purposes of this section the cost-of-living adjustment for any calendar year is the percentage (if any) by which the consumer price index for the preceding calendar year exceeds the consumer price index for the base year. The consumer price index for any calendar year is the average of the consumer price index as of the close of the twelve (12) month period ending on August 31, of such calendar year.

(IV) For the purpose of this section the term "consumer price index" means the last consumer price index for all urban consumers published by the department of labor. For the purpose of this section the revision of the consumer price index which is most consistent with the consumer price index for calendar year 1986 shall be used.

(V) If any increase determined under this section is not a multiple of fifty dollars (\$50.00), such increase shall be rounded to the next lower multiple of fifty dollars (\$50.00). In the case of a married individual filing separate return, if any increase determined under this section is not a multiple of twenty-five dollars (\$25.00), such increase shall be rounded to the next lower multiple of twenty-five dollars (\$25.00).

(E) Credits against tax.

(I) Notwithstanding any other provisions of Rhode Island Law, for tax years beginning on or after January 1, 2011, the only credits allowed against a tax imposed under this chapter shall be as follows:

(a) Rhode Island Earned Income Credit: Credit shall be allowed for earned income credit pursuant to subparagraph 44-30-2.6(c)(2)(N).

(b) Property Tax Relief Credit: Credit shall be allowed for property tax relief as provided in section 44-33-1 et seq.

(c) Lead Paint Credit: Credit shall be allowed for residential lead abatement income tax credit as provided in section 44-30.3-1 et seq.

(d) Credit for income taxes of other states. - Credit shall be allowed for income tax paid to other states pursuant to section 44-30-74.

(e) Historic Structures Tax Credit: Credit shall be allowed for historic structures tax credit as provided in section 44-33.2-1 et seq.

(f) Motion Picture Productions Tax Credit: Credit shall be allowed for motion picture production tax credit as provided in section 44-31.2-1 et seq.

(g) Child and Dependent Care: Credit shall be allowed for twenty-five percent (25%) of the federal child and dependent care credit allowable for the taxable year for federal purposes; provided, however, such credit shall not exceed the Rhode Island tax liability.

(h) Tax credits for contributions to Scholarship Organizations: Credit shall be allowed for contributions to scholarship organizations as provided in section 44-62 et seq.

(i) Credit for tax withheld. - Wages upon which tax is required to be withheld shall be taxable as if no withholding were required, but any amount of Rhode Island personal income tax actually deducted and withheld in any calendar year shall be deemed to have been paid to the tax administrator on behalf of the person from whom withheld, and the person shall be credited with having paid that amount of tax for the taxable year beginning in that calendar year. For a taxable year of less than twelve (12) months, the credit shall be made under regulations of the tax administrator.

(2) Except as provided in section 1 above, no other state and federal tax credit shall be available to the taxpayers in computing tax liability under this chapter.

SECTION 6. Effective July 1, 2011, general revenue sharing shall be distributed to the various cities and towns of the state as set forth in the fiscal years 2007-2008 as follows:.

City or Town	General Revenue Sharing
Barrington	243,363
Bristol	991,817
Burrillville	706,306
Central Falls	1,693,857
Charlestown	407,811
Coventry	1,014,646
Cranston	5,428,521
Cumberland	1,560,119
East Greenwich	176,808
East Providence	2,681,452
Exeter	90,542
Foster	310,304
Glocester	567,421
Hopkinton	225,882
Jamestown	146,604
Johnston	2,554,218
Lincoln	959,290
Little Compton	105,828
Middletown	979,346
Narragansett	882,212

Newport	1,846,695
New Shoreham	91,497
North Kingstown	890,042
North Providence	2,404,365
North Smithfield	656,282
Pawtucket	5,476,767
Portsmouth	654,697
Providence	15,536,990
Richmond	148,322
Scituate	452,695
Smithfield	1,867,355
South Kingstown	1,015,804
Tiverton	646,245
Warren	502,159
Warwick	4,872,914
Westerly	757,697
West Greenwich	223,293
West Warwick	1,473,614
Woonsocket	3,868,095
Subtotal	\$65, 111,876
Total	\$65, 111,876

SECTION 7. This Article shall take effect upon passage.”

Respectfully submitted,

REPRESENTATIVE GUTHRIE

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LC02112/2
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Representatives Guthrie and Watson discuss the amendment.

Representative Watson rises on a point of order for Representative Guthrie to speak germane to the amendment.

The Honorable Speaker rules for Representative Guthrie to speak germane to the amendment.

Representatives Guthrie, Melo, Watson, Bennett, McLaughlin, Lima, Mattiello, and Valencia continue the discussion.

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

YEAS - 18: Representatives Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Cimini, Dickinson, Guthrie, Jacquard, Lima, MacBeth, McLaughlin, Menard, Messier, O'Grady, Phillips, Silva, Tanzi, Walsh.

NAYS - 53: The Honorable Speaker Fox and Representatives Ajello, Brien, Carnevale, Chippendale, Coderre, Corvese, Costa, DaSilva, Diaz, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Handy, Hearn, Hull, Jackson, Johnston, Keable, Lally, Marcello, Martin, Mattiello, McCauley, McNamara, Medina, Melo, Morgan, Morrison, Naughton, Newberry, Nunes, O'Neill, Petrarca, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Slater, Tarro, Tomasso, Trillo, Ucci, Valencia, Watson, Williams, Winfield.

Article 2 is read and prevails on a roll call vote 67 members voting in the affirmative and 5 members voting in the negative as follows:

YEAS - 67: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Williams, Winfield.

NAYS - 5: Representatives Costa, Gordon, MacBeth, Menard, Watson.

ARTICLE 3
RELATING TO HEALTH AND SAFETY - RHODE ISLAND RESOURCE RECOVERY CORPORATION

Representative Gallison moves passage of the article, seconded by Representatives Naughton, Ferri, Hearn and San Bento.

Article 3 is read and prevails on a roll call vote 72 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 72: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 0.

ARTICLE 4
RELATING TO SECURITY--UNEMPLOYMENT INSURANCE

Representative Jackson moves passage of the article, seconded by Representatives Gallison, San Bento, and Hearn.

Representatives Jackson discusses the article.

Article 4 is read and prevails 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 Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 3: Representatives Chippendale, Cimini, Morrison.

**ARTICLE 5
RELATING TO EDUCATION AID**

Representative Ferri moves passage of the article, seconded by Representatives Newberry, Azzinaro, O'Neill, Ruggiero, Hearn and Carnevale.

Representative Ferri discusses the article.

By unanimous consent, Representative Melo seconded by Representatives O'Neill, Ferri and Hearn offers a written motion to amend.

**FLOOR AMENDMENT
TO
2011 -- H 5894 SUBSTITUTE A**

**AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE
STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012**

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUTE A, entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

(1) In Article 5, on page 7, line 19, by deleting the numeral "8,889", and by inserting in place thereof the numeral "8,899".

(2) In Article 5, on page 7, line 21, be deleting the numeral "41,893,956" and by inserting in place thereof the numeral "39,893,956".

(3) In Article 5, on page 9, line 16, after the word "approval", by inserting the following language: "or which has not been previously financed,".

Respectfully submitted,

REPRESENTATIVE MELO

Representatives Melo, MacBeth, Keable, and McLaughlin discuss the amendment.

The motion to amend prevails on a roll call vote 71 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 71: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 1: Representative MacBeth.

By unanimous consent, Representative Morrison seconded by Representatives Gallison offers a written motion to amend.

F L O O R A M E N D M E N T
TO
2011 -- H 5894 SUBSTITUTE A

**AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE
STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012**

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUTE A, entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

1. In Article 1, page 15, line 31, by deleting the language "17,184,938" and by inserting in place thereof the following language: "16,184,938".

2. In Article 5, page 7, line 17, by deleting the language "18,431,734" and by inserting in place thereof the following language: "19,037,434".

3. In Article 5, page 7, line 18, by deleting the language "6,534,833" and by inserting in place thereof the following language: "6,749,633".

4. In Article 5, page 7, line 19, by deleting the language "374,768" and by inserting in place thereof the following language: "387,068".

5. In Article 5, page 7, line 20, by deleting the language "5,089,030" and by inserting in place thereof the following language: "5,256,230".

Respectfully submitted,

REPRESENTATIVE MORRISON

Representatives Morrison, Gallison, Melo, Chippendale, Jacquard, Ajello, McLaughlin and Hearn discuss the amendment.

The motion to amend fails on a roll call vote 15 members voting in the affirmative and 54 members voting in the negative as follows:

YEAS - 15: Representatives Baldelli-Hunt, Chippendale, Costa, Fellela, Gallison, Jacquard, Keable, Kennedy, Lima, McLaughlin, Morrison, Schadone, Walsh, Watson, Winfield.

NAYS - 54: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Bennett, Blazejewski, Brien, Carnevale, Cimini, Coderre, Corvese, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Ferri, Flaherty, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Johnston, Lally, MacBeth, Marcello, Mattiello, McNamara, Medina, Melo, Menard, Messier, Morgan, Naughton, Newberry, Nunes, O'Grady, O'Neill, Phillips, Reilly, Ruggiero, San Bento, Savage, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Williams.

Article 5 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 Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 0.

ARTICLE 6 RELATING TO DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Representative Gallison moves passage of the article, seconded by Representatives Jackson, Hearn and Walsh

Article 6 is read and prevails on a roll call vote 61 members voting in the affirmative and 10 members voting in the negative as follows:

YEAS - 61: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Cimini, Coderre, Corvese, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Messier, Morrison, Naughton, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tarro, Tomasso, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 10: Representatives Chippendale, Costa, Gordon, MacBeth, Menard, Morgan, Newberry, Nunes, Tanzi, Trillo.

ARTICLE 7

RELATING TO BORROWING IN ANTICIPATION OF RECEIPTS FROM TAXES

Representative Melo moves passage of the article, seconded by Representatives O'Neill, McNamara, Hearn, Jackson, and Gallison.

Representatives McLaughlin, Melo and Ehrhardt discuss the article.

Article 7 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 Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 0.

ARTICLE 8

RELATING TO LONGEVITY PAYMENTS

Representative Melo moves passage of the article, seconded by Representatives O'Neill, Jackson, Hearn, and Ucci.

By unanimous consent, Representative Melo seconded by Representatives O'Neill, Marcello, Newberry, Costa, Jackson, Martin, Ucci, and Brien offers a written motion to amend.

F L O O R A M E N D M E N T **TO** **2011 -- H 5894 SUBSTITUTE A**

AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUTE A, entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

(1) In Article 8, page 3, between lines 32 and 33 by inserting the following new language:
"SECTION 5. Chapter 36-6 of the General Laws entitled "Salaries and Traveling

Expenses" is hereby amended by adding thereto the following section:

36-6-22. Longevity payments. -- Beginning on July 1, 2011, notwithstanding any rule, regulation, or provision of the public laws or general laws to the contrary, there shall be no further longevity increases for officers, secretaries, and employees of the legislative branch, the judicial branch, the office of the governor, the office of the lieutenant governor, the department of state, the department of the attorney general, and the treasury department; provided, however, for employees with longevity provisions pursuant to a collective bargaining agreement in effect on June 1, 2011, longevity increases shall cease beginning on July 1, 2011 or beginning upon the expiration of the applicable collective bargaining agreement, whichever occurs later. To the extent an employee has previously accrued longevity payments, the employee shall continue to receive the same longevity percentage in effect on June 30, 2011, or in the case of an employee with longevity provisions pursuant to a collective bargaining agreement in effect on June 1, 2011, the same longevity percentage in effect on June 30, 2011 or upon the expiration of the applicable collective bargaining agreement, whichever occurs later."

(2) In Article 8, page 3, line 33, by deleting the numeral "5" and inserting in place thereof the numeral "6".

Respectfully submitted,

REPRESENTATIVE MELO

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LC02118/10
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Representatives Melo and Marcello discuss the amendment.

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

YEAS - 70: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Menard, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 2: Representatives Messier, San Bento.

Representatives Menard and Melo discuss the article, as amended.

By unanimous consent, Representative Menard seconded by Representatives Guthrie and Jacquard offers a written motion to amend.

**F L O O R A M E N D M E N T
T O
2 0 1 1 - - H 5 8 9 4 S U B S T I T U T E A**

AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE
STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUTE A, entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

(1) In Article 8, page 3, between lines 32 and 33, by adding thereto the following language:
"SECTION 5. Title 36 of the General Laws entitled "Public Officers and Employees" is hereby amended by adding thereto the following chapter:

CHAPTER 16.2

QUASI PUBLIC CORPORATIONS - LONGEVITY

36-16.2-1. Longevity payments – Quasi municipal employees. - (a) Beginning on July 1, 2011, notwithstanding any rule, regulation, or provision of the public laws or general laws to the contrary, there shall be no further longevity increases for employees of the quasi- public corporations; provided, however, for employees with longevity provisions pursuant to a collective bargaining agreement in effect on June 1, 2011, longevity increases shall cease beginning on July 1, 2011, or beginning upon the expiration of the applicable collective bargaining agreement, whichever occurs later. To the extent an employee has previously accrued longevity payments, the amount of the longevity payment earned by the employee for the last pay period in June, 2011 shall be added to the employee’s base salary as of June 30, 2011, or in the case of an employee with longevity provisions pursuant to a collective bargaining agreement in effect on June 1, 2011, the amount of the longevity payment earned by the employee for the latter of the last pay period in June or the last pay period prior to the expiration of the applicable collective bargaining agreement shall be added to the employee’s base salary as of June 30, 2011 or upon the expiration of the applicable collective bargaining agreement, whichever occurs later.

(b) For purposes of this section "quasi-public corporation" means a body corporate and politic acting as a public corporation, which has been organized pursuant to law and granted certain powers, rights and privileges by the general laws, while exhibiting a distinct legal existence from the state, and not constituting a department of the state government, in order to perform a governmental function."

(2) In Article 8, page 3, line 33, by deleting the numeral "5" and inserting in place thereof the numeral "6".

Respectfully submitted,

REPRESENTATIVE MENARD

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LC02118/4
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Representatives Menard, Watson, and Mattiello discuss the amendment.

By unanimous consent, Representative Menard offers an oral amendment on line 10, page 1, by deleting the word “municipal” and inserting the word “public”, seconded by Representatives Mattiello, Ruggiero, Nunes, Medina, Phillips, Reilly, Watson, Gordon, Edwards, Kennedy, and McLaughlin.

The oral motion to amend the amendment 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 Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 0.

The amendment, as amended prevails on a roll call vote 70 members voting in the affirmative and 2 members voting in the negative as follows:

YEAS - 70: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 2: Representatives Hull, San Bento.

By unanimous consent, Representative DaSilva seconded by Representatives Guthrie, Bennett, Hull and Dickinson offers a written motion to amend.

F L O O R A M E N D M E N T
T O
2011 -- H 5894 SUBSTITUT E A

**AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE
STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012**

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUT E A, entitled "AN ACT AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

1. In Article 8, page 1, line 11, by deleting the language "July 1, 2011" and inserting in place thereof the language "July 1, 2012".

2. In Article 8, page 1, by deleting all of the language on lines 12 through 21 and inserting in place thereof the following language: "any provision of the public laws or general laws to the contrary, there shall be no further longevity increases for state employees except those increases provided through collective bargaining. To the extent an employee has previously accrued

longevity payments, the employee shall continue to receive the same longevity percentage in effect on June 30, 2011, unless modified through collective bargaining.”

3. In Article 8, page 2, by deleting all of the language on lines 3 through 16 and inserting in place thereof the following language: “(c) Beginning on July 1, 2012, notwithstanding any provision of the public laws or general laws to the contrary, there shall be no further longevity increases for employees of the board of governors except those increases provided through collective bargaining. To the extent an employee has previously accrued longevity payments, the amount of the longevity payment earned by the employee for the last pay period in June, 2011 shall be added to the employee’s base salary as of June 30, 2011 unless modified through collective bargaining.”

4. In Article 8, page 2, by deleting all of the language on lines 28 through 34.

5. In Article 8, page 3, by deleting all of the language on lines 1 through 7 and inserting in place thereof the following language: “(c) Beginning on July 1, 2012, notwithstanding any provision of the public laws or general laws to the contrary, there shall be no further longevity increases for employees of the board of regents for elementary and secondary education except those increases provided through collective bargaining. To the extent an employee has previously accrued longevity payments, the amount of the longevity payment earned by the employee for the last pay period in June, 2011 shall be added to the employee’s base salary as of June 30, 2011 unless modified through collective bargaining.”

6. In Article 8, page 3, by deleting all of the language on lines 19 through 32 and inserting in place thereof the following language: “(c) Beginning on July 1, 2012, notwithstanding any provision of the public laws or general laws to the contrary, there shall be no further longevity increases for employees of the Rhode Island public telecommunications authority except those increases provided through collective bargaining. To the extent an employee has previously accrued longevity payments, the amount of the longevity payment earned by the employee for the last pay period in June, 2011 shall be added to the employee’s base salary as of June 30, 2011 unless modified through collective bargaining.”

Respectfully submitted,

REPRESENTATIVE DASILVA

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LC02118/2
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Representatives DaSilva, Melo, and Newberry discuss the amendment.

Representative McCauley rises on a point of order for Representative Newberry to speak germane to the amendment.

The Honorable Speaker rules for Representative Newberry to speak germane to the amendment.

Representatives Lima, Guthrie, McLaughlin, Hall, Watson, Petrarca, O’Neill, Jacquard, Mattiello, Messier, Reilly, Trillo, Dickinson and Costa continue the discussion on the amendment.

The motion to amend fails on a roll call vote 33 members voting in the affirmative and 39 members voting in the negative as follows:

YEAS - 33: Representatives Azzinaro, Bennett, Blazejewski, Carnevale, Cimini, DaSilva, Diaz, Dickinson, Edwards, Fellela, Ferri, Flaherty, Guthrie, Handy, Hull, Jacquard, Johnston, Lima, MacBeth, McLaughlin, Medina, Menard, Messier, Morrison, O'Grady, San Bento, Savage, Schadone, Silva, Tanzi, Valencia, Walsh, Williams.

NAYS - 39: The Honorable Speaker Fox and Representatives Ajello, Baldelli-Hunt, Brien, Chippendale, Coderre, Corvese, Costa, Ehrhardt, Gallison, Gordon, Hearn, Jackson, Keable, Kennedy, Lally, Marcello, Martin, Mattiello, McCauley, McNamara, Melo, Morgan, Naughton, Newberry, Nunes, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, Serpa, Slater, Tarro, Tomasso, Trillo, Ucci, Watson, Winfield.

Representatives Lima discusses the article, as amended.

Representative Ehrhardt rises on a point of order for Representative Lima to speak germane to the article, as amended.

The Honorable Speaker rules for Representative Lima to speak germane to the article, as amended.

Representative Lima continues to discuss the article, as amended.

Representative Guthrie questions the germaneness of the article, as amended.

The Honorable Speaker rules that the article, as amended is germane.

Representative Guthrie challenges the ruling of the chair.

The ruling of the chair is upheld on a roll call vote, 64 members voting in the affirmative and 4 members voting in the negative as follows:

YEAS - 64: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Corvese, Costa, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Handy, Hearn, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, MacBeth, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 4: Representatives Bennett, DaSilva, Guthrie, Hull.

Representatives MacBeth and Mattiello discuss the article, as amended.

Article 8 is read and prevails, as amended, on a roll call vote 44 members voting in the affirmative and 27 members voting in the negative as follows:

YEAS - 44: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Brien, Chippendale, Corvese, Costa, Diaz, Edwards, Ehrhardt, Gallison, Gordon, Handy, Hearn, Jackson, Keable, Kennedy, Lally, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Melo,

Morgan, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, Schadone, Serpa, Silva, Tarro, Tomasso, Trillo, Ucci, Watson, Winfield.

NAYS - 27: Representatives Baldelli-Hunt, Bennett, Blazejewski, Carnevale, Cimini, DaSilva, Dickinson, Fellela, Ferri, Flaherty, Guthrie, Hull, Jacquard, Johnston, Lima, MacBeth, Medina, Menard, Messier, Morrison, San Bento, Savage, Slater, Tanzi, Valencia, Walsh, Williams.

**ARTICLE 9
RELATING TO GOVERNMENTAL ORGANIZATION**

Representative Melo moves passage of the article, seconded by Representatives O'Neill, Gallison, Jackson, Brien, and McLaughlin.

Representative Melo discusses the article.

By unanimous consent, Representative Melo seconded by Representatives Mattiello, Reilly, and Gallison offers a written motion to amend.

**F L O O R A M E N D M E N T
T O
2011 -- H 5894 SUBSTITUTE A
AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE
STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012**

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUTE A, entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

1. By deleting Article 9 in its entirety and by inserting in place thereof the following language:

**“ARTICLE 9
RELATING TO GOVERNMENTAL ORGANIZATION**

SECTION 1. Section 12-1.2-4 of the General Laws in Chapter 12-1.2 entitled "State Crime Laboratory" is hereby amended to read as follows:

12-1.2-4. Funding. -- The state crime laboratory shall be funded through the budget of the ~~department of health~~ University of Rhode Island.

SECTION 2. Title 42 of the General Laws entitled "STATE AFFAIRS AND GOVERNMENT" is hereby amended by adding thereto the following chapter:

**CHAPTER 154
DIVISION OF ELDERLY AFFAIRS**

42-154-1. Establishment of division -- Director. -- There is hereby established within the executive branch of state government and the department of human services a division of elderly affairs, effective July 1, 2011. The head of the division shall be the director of the division of elderly affairs, who shall be a person qualified through and by training and experience to perform the duties of the division. The director shall be in the unclassified service.

42-154-2. Transfer of powers and duties from the department of elderly affairs. -- There is hereby transferred to the division of elderly affairs within the department of human services those

powers and duties formerly administered by the department of elderly affairs as provided for in chapters 42-66 ("Elderly Affairs Department") through 42-66.10 ("Elder Health Insurance Consumer Assistance Program"), inclusive, and any other applicable provisions of the general laws; provided, however, in order that there is no interruption in the functions of elderly affairs and/or human services the transfer may be postponed until such time as determined by the secretary of the office of health and human services that the transfer may best be put into force and effect; provided, further, the governor shall submit to the 2012 Assembly any recommended statutory changes necessary to facilitate the merger.

42-154-3. Construction of references. — Effective July 1, 2011, all references in the general laws to the department of elderly affairs established pursuant to chapter 42-66 ("Elderly Affairs Department") shall be deemed to mean and refer to the division of elderly affairs within the department of human services as set forth in this chapter.

SECTION 3. Chapter 42-152 of the General Laws entitled "Department of Veterans' Affairs" is hereby repealed in its entirety.

CHAPTER 42-152

Department of Veterans' Affairs

~~42-152-1. Department of veterans' affairs. — There is hereby established within the office of health and human services a department of veterans' affairs.~~

~~42-152-2. Powers and duties. — The powers and duties of the former division of veterans' affairs, as provided for in chapter 30-17 of the general laws are hereby transferred to the director of veterans' affairs. The director shall be an honorably discharged war veteran of the United States armed forces and shall be appointed by the governor with the advise and consent of the senate.~~

~~42-152-3. Appropriations. — The general assembly shall annually act upon a budget prepared and submitted by the director of veterans' affairs for the support of the veterans' home in the town of Bristol, any veterans' cemetery authorized and established by the general assembly, and the assistance of the widows, widowers, and dependent children of deceased veterans, known as the "veterans' assistance fund," for the assistance of worthy dependent veterans, and the dependent worthy families of those veterans who served in the army, navy, marine corps, coast guard, merchant marines, and air force of the United States and were honorably discharged from that service.~~

~~42-152-4. Powers of department of veterans' affairs. — The department of veterans' affairs, in addition to having the control and management of veterans' affairs, shall have custody of all records inquiring into the needs of worthy veterans and the needs of dependent worthy families of those veterans, residing within the state of Rhode Island, and shall also assist such cases as examination proves worthy of assistance, in such sums of money and by such methods as will, in the judgment of that division, best relieve the needs of worthy applicants for assistance.~~

~~42-152-5. Pension and compensation claims assistance. — Upon request, the director of the department shall, in accordance with the applicable rules and regulations of the department of veterans' affairs of the United States, prepare and present all veterans' pension and compensation claims qualifying under the provisions of section 42-12-5. The department shall render this assistance without charge to the claimant for the assistance.~~

~~42-152-6. Admittance of veteran to veterans' home as condition of assistance. — The director or his or her designee, may, in his or her discretion, require any veteran who has no dependent parents, wife, or children, and who desires assistance as provided in this chapter, to become a resident of the veterans' home in order to enjoy the benefits of this chapter.~~

~~42-152-7. Residence requirement for admittance to veterans' home. — Any person who has~~

~~served in the army, navy, marine corps, coast guard, merchant marines, or air force of the United States for a period of ninety (90) days or more and that period began or ended during any foreign war in which the United States shall have been engaged or in any expedition or campaign for which the United States government issues a campaign medal, and who was honorably discharged there from, and who shall be deemed to be in need of care provided at the Rhode Island Veterans' Home, may be admitted to that facility subject to the rules and regulations as shall be adopted by the director of veterans' affairs to govern the admission of applicants to the facility. Any person who has served in the armed forces of the United States designated herein and otherwise qualified, who has served less than the ninety (90) day period described herein, and who was honorably discharged from service, and who, as a result of the service, acquired a service connected disability or disease, may be admitted. No person shall be admitted to the facility unless the person has been accredited to the enlistment in the state or is a legal resident of the state at that time of the application for admission to the facility.~~

~~42-152-8. Annual report to general assembly.— The director shall appear and make an annual report in January of each year to the House and Senate Finance Committees, setting forth in detail the condition of the veterans' home, any veterans' cemetery, authorized and established by the general assembly, and in general the character of the work of veterans' affairs; and shall render in the report a faithful account of all moneys received and expended by the director and by the division of veterans' services in the execution of the provisions of this chapter and chapter 24 of this title, excepting the names of persons to whom they have furnished assistance which shall be omitted.~~

SECTION 4. Title 30 of the General Laws entitled "MILITARY AFFAIRS AND DEFENSE" is hereby amended by adding thereto the following chapter:

CHAPTER 17.1

VETERANS' AFFAIRS

30-17.1-1. Appropriations. – The general assembly shall annually appropriate such sums as it may deem necessary for the support of the veterans' home in the town of Bristol, any veterans' cemetery authorized and established by the general assembly, and the assistance of the widows, widowers, and dependent children of deceased veterans, known as the "veterans' assistance fund", for the assistance of worthy dependent veterans, and the dependent worthy families of those veterans who served in the army, navy, marine corps, coast guard, and air force of the United States and were honorably discharged from that service, and for such clerical assistance as may be required in connection with the administration of that program; and the state controller is hereby authorized and directed to draw an order upon the general treasurer for the payment of such sums as may be from time to time required, upon receipt by the state controller of proper vouchers approved by the director of human services.

30-17.1-2. Powers of division of veterans' affairs. – The division of veterans' affairs, in the department of human services, in addition to having the control and management of veterans' affairs, shall have custody of all records inquiring into the needs of worthy veterans and the needs of dependent worthy families of those veterans, residing within the State of Rhode Island, and shall also assist such cases as examination proves worthy of assistance, in such sums of money and by such methods as will, in the judgment of that division, best relieve the needs of worthy applicants for assistance.

30-17.1-3. Oath of officials -- Bonds. – All officials appointed under the provisions of this chapter or chapter 24 of this title shall be duly sworn to the faithful performance of their duties. The director of human services may, in the director's discretion, require of all officials subordinate

to the director, bonds for the faithful performance of their duties.

30-17.1-4. Veterans' claims assistance. – Upon request, the director of the department of human services, or his or her designee, shall, in accordance with the applicable rules and regulations of the department of veterans' affairs of the United States, prepare and present all veterans' pension and compensation claims qualifying under the provisions of section 42-12-5. The department of human services shall render this assistance without charge to the claimant for the assistance.

30-17.1-5. Requiring veteran to enter home. – The director of human services, or his or her designee, may, in his or her discretion, require any veteran who has no dependent parents, wife, or children, and who desires assistance as provided in this chapter, to become a resident of the veterans' home in order to enjoy the benefits of this chapter.

30-17.1-6. Establishment of division director. – There is hereby established within the executive branch of government and the department of human services a director of the division of veterans' affairs. The director of the division of veterans' affairs shall be a person qualified through experience and training and shall be an honorably discharged war veteran of the United States armed forces. The director of the division of veterans' affairs shall report directly to the director of the department of human services and be in the unclassified service.

30-17.1-7. Annual report to general assembly. – The director of human services shall report annually no later than January 31 of each year to the governor, speaker of the house of representatives, the senate president, house and senate finance committees, setting forth in detail the condition of the veterans' home, any veterans' cemetery, authorized and established by the general assembly, and in general the character of the work of veterans' affairs; and shall render in the report a faithful account of all moneys received and expended by the director of human services and by the division of veterans' services in the execution of the provisions of this chapter and chapter 24 of this title, excepting the names of persons to whom they have furnished assistance which shall be omitted.

SECTION 5. Sections 30-24-1, 30-24-2, 30-24-3, 30-24-4, 30-24-5, 30-24-6, 30-24-9, 30-24-10 and 30-24-10.1 of the General Laws in Chapter 30-24 entitled "Rhode Island Veterans' Home" are hereby amended to read as follows:

30-24-1. Management and control. -- The management and control of the Rhode Island veterans' home, established in this state for those who served in the army, navy, marine corps, coast guard, merchant marines, or air force of the United States in any war or conflict and were honorably discharged therefrom, who shall be in need of such care as is provided at the home, shall be ~~in the responsibility of the director of veterans' affairs~~ human services or his or her designee.

30-24-2. By-laws and regulations -- Supervision by director. -- (a) The director of ~~veterans' affairs~~ human services or his or her designee shall have the general supervision over and shall prescribe rules for the government and management of the Rhode Island veterans' home. He or she shall make all needful by-laws and regulations governing the admission, maintenance, and discharge of the residents of the home, which shall not be inconsistent with the spirit and intent of this chapter, and generally may do all things necessary to successfully carry into effect the purposes of this chapter.

(b) The director shall appoint and employ all subordinate officials and persons needed for the proper management of the home.

30-24-3. Department of veterans' affairs — Advisory council Administrator -- Advisory council. -- (a) The director of ~~veterans' affairs~~ human services shall ~~serve as commandant and shall~~

appoint an administrator for the Rhode Island veterans' home who shall be an honorably discharged war veteran of the United States Armed Forces. There shall be an advisory council for ~~the department of~~ veterans' affairs, consisting of not more than twenty-seven (27) qualified electors of this state, ten (10) of whom shall be honorably discharged war veterans of the armed forces of the United States; sixteen (16) of the members shall be appointed by the governor, consisting of a member designated by each of the various state departments of chartered veteran organizations, one of whom shall be a member of the purple heart organization, and the remaining member or members at large; provided, however, that each of those departments of veteran organizations shall have and continue to have at least one member on the advisory council for veterans' affairs; and provided further that one member shall be a female veteran, one member shall be a minority veteran, one member shall be a representative of the Persian Gulf War Veterans' Association, and one member shall be a representative of the Korean War Veterans' Association; seven (7) members shall consist of five (5) members of the house of representatives, not more than four (4) members from the same political party, to be appointed by the speaker of the house of representatives, and two (2) members from the senate, not more than one from the same political party, to be appointed by the president of the senate. The seven (7) members of the general assembly who shall serve on the advisory council of veteran affairs shall serve so long as they are members of the general assembly.

(b) The remaining members shall be one former representative having served at least five (5) years on the advisory council, to be appointed by the speaker of the house of representatives, and one former senator having served at least five (5) years on the advisory council, to be appointed by the president of the senate. If either of the last two (2) mentioned are not available, the selections may be members at-large selected from the general public; provided, further, the immediate past chief of veterans' affairs shall serve as ex-officio of the veterans' council with voting privileges for a period of five (5) years and may be reappointed for an additional term by the governor. The final remaining member shall be an active National Guard person to be appointed by the State Adjutant General.

30-24-4. Appointments to advisory council -- Organization and meetings. -- Annually, on or before July 1, the governor shall appoint a successor of each member of the advisory council whose term expires, these appointments to be for a term of three (3) years. Provided, however, that a former state representative or senator having served at least five (5) years on the advisory council shall be appointed for a term of at least five (5) years. In case of any vacancy or additional members on the council, the governor shall appoint a new member for the unexpired portion of the term of that membership as hereinbefore provided. Members of the council shall serve without pay. The advisory council shall elect one of its members to serve as chairperson for a period of one year and until a successor is elected and qualified. Meetings shall be held at the call of the chairperson; provided, however, that a majority of the members may call a meeting of the advisory council at any time, all members being notified in any case by mail and reasonably in advance of any such meetings. A majority of members shall constitute a quorum for the transaction of business. The governor may remove a member of the council for neglect of duty. Secretarial service for the council shall be provided by the director of the department of ~~veterans' affairs~~ human services. Provided, further, the immediate past chief of veterans' affairs shall serve as ex-officio of the veterans' council with voting privileges for a period of five (5) years and may be reappointed for an additional term by the governor.

30-24-5. Functions of advisory council. -- The advisory council for ~~the department of~~ veterans' affairs shall exercise and perform all the duties and functions formerly exercised and

performed by the advisory council for the Rhode Island veterans' home. The advisory council for the Rhode Island veterans' home is hereby abolished. The advisory council for veterans' affairs shall make suggestions to and shall advise the director of ~~veterans' affairs~~ human services and the administrator of the veterans' home concerning the policies, rules, and the regulations of the Rhode Island veterans' home; provided, however, that the advisory council shall have no administrative power.

30-24-6. Acceptance of gifts -- Veterans' home restricted account. -- (a) The director of ~~veterans' affairs~~ human services is hereby authorized and empowered to take and receive in the name of the state any grant, devise, gift, or bequest of real or personal property that may be made for the use and benefit of the Rhode Island veterans' home or the residents or purposes thereof. All money so received, and all money received under the provisions of sections 30-24-9 and 30-24-10, shall be paid over to the general treasurer and shall be kept by him or her as a restricted account to be known as the "veterans' home restricted account". Use of the "veterans' home restricted account" funds may only be made upon prior approval of the house of representatives' finance committee and senate finance committee. The director may sell and dispose of any real or personal property received under this section, and any property received under section 30-24-9, and the proceeds of the sale shall be paid over to the general treasurer to be made a part of the restricted account. The restricted account shall be used for the improvement of social, recreational, and educational programs, including the purchase of educational and recreational supplies and equipment for the welfare of members and for operational expenses and capital improvements at the veterans' home and veterans' cemetery, as deemed necessary by the director of ~~veterans' affairs~~ human services.

(b) [Deleted by P.L. 1999, ch. 11, section 5.]

30-24-9. Property of deceased residents. -- All goods, chattels, property, money, and effects of a deceased resident of the Rhode Island veterans' home, which have not been disposed of by him or her by a completed inter vivos conveyance or gift, or by a valid will, after payment therefrom of the funeral expenses, which shall not exceed five thousand dollars (\$5,000), and after payment therefrom of the reasonable debts and expenses of the deceased resident to be determined by rules and regulations as shall be adopted by the director, shall upon his or her decease become the property of the state, and shall be applied by the director of ~~veterans' affairs~~ human services or his designee to the uses and purposes of the veterans' restricted account; provided, however, that the director may in his or her discretion deliver to any surviving relative of the deceased resident any of the property or effects as may serve as a memento of the deceased resident. For purposes of this section, the provisions of chapter 24 of title 33 shall be applicable.

30-24-10. Admissible to home -- Fees. -- (a) Any person who has served in the army, navy, marine corps, coast guard, or air force of the United States for a period of ninety (90) days or more and that period began or ended during any foreign war in which the United States shall have been engaged or in any expedition or campaign for which the United States government issues a campaign medal, and who was honorably discharged from it, and who shall be deemed to be in need of care provided at the Rhode Island veterans' home, may be admitted to that facility subject to such rules and regulations as shall be adopted by the director of ~~veterans' affairs~~ human services to govern the admission of applicants to the facility. Any person who has served in the armed forces of the United States designated herein and otherwise qualified, who has served less than the ninety-day period described in this section, and who was honorably discharged from service, and who, as a result of the service, acquired a service-connected disability or disease, may be admitted. No person shall be admitted to the facility unless the person has been accredited to the enlistment

or induction quota of the state or has resided in the state for at least two (2) consecutive years next prior to the date of the application for admission to the facility.

(b) (1) The director shall, at the end of each fiscal year, determine the net per diem expenses of maintenance of residents in the facility and shall assess against each resident who has "net income", as defined in this section, a fee equal to eighty percent (80%) of the resident's net income, provided that fee shall not exceed the actual cost of care and maintenance for the resident; and provided that an amount equal to twenty percent (20%) of the maintenance fee assessed shall be allocated to and deposited in the veterans' restricted account. For the purposes of this section, "net income" is defined as gross income minus applicable federal and state taxes and minus:

(i) An amount equal to one hundred fifty dollars (\$150) per month of residency and fifty percent (50%) of any sum received due to wounds incurred under battle conditions for which the resident received the purple heart; and

(ii) The amount paid by a resident for the support and maintenance of his or her spouse, parent(s), minor child(ren), or child(ren) who is/are blind or permanently and totally disabled as defined in title XVI of the Federal Social Security Act, 42 U.S.C. sections 1381 -- 1383d, subject to a maximum amount to be determined by rules and regulations as shall be adopted by the director.

(2) The fees shall be paid monthly to the home and any failure to make payment when due shall be cause for dismissal from the facility. Prior to dismissal, the resident shall be afforded administrative due process.

(c) Admissions to the veterans' home shall be made without discrimination as to race, color, national origin, religion, sex, disability, marital status, age, sexual orientation, gender identity or expression, assets, or income.

(d) Laundry services shall be provided to the residents of the Rhode Island veterans' home at no charge to the residents, with such funds to cover the cost of providing laundry services for residents of the Rhode Island Veterans' Home derived from monies appropriated to the department of ~~veterans' affairs~~ human services.

30-24-10.1. Domiciliary care program for homeless veterans. -- The director of the department of ~~veterans' affairs~~ human services is hereby authorized and empowered to establish and maintain a domiciliary care program for homeless veterans (Veterans Transitional Supportive Program, V.T.S.P.) at the Rhode Island Veterans' Home. Any veteran admitted to the Rhode Island Veterans' Home pursuant to this section shall be exempt from the maintenance fee assessment established pursuant to section 30-24-10, provided, however, that the director shall assess against each veteran admitted under this program a monthly maintenance fee equal to ten percent (10%) of the veteran's monthly gross income, from whatever source derived and whether taxable or non-taxable. In addition there will also be additional beds called Extended, V.T.S.P. beds to which a monthly maintenance fee of thirty percent (30%) will be charged. Extended V.T.S.P. will be available to eligible veterans in the V.T.S.P. program, but occupancy will not exceed four (4) months. The maintenance fee shall be paid monthly to the Veterans' Home and shall be deposited in the Veterans' Home fund. Any failure to make payment when due shall be cause for dismissal from the facility. Prior to any dismissal for non-payment of fees, the veteran shall be afforded administrative due process. The director is authorized to promulgate rules and regulations to effectuate the intent and provisions of this section, and this grant of authority to promulgate rules and regulations shall be liberally construed.

SECTION 6. Sections 30-25-8, 30-25-9, 30-25-10, 30-25-11, 30-25-12, 30-25-13 and 30-25-14 of the General Laws in Chapter 30-25 entitled "Burial of Veterans" are hereby amended to

read as follows:

30-25-8. Maintenance of north cemetery. -- The director of ~~veterans' affairs~~ human services shall be custodian of the Rhode Island soldiers' burial lots, and the monument and grave markers thereon, located in the north cemetery in the town of Bristol. He or she shall, from time to time, cause such work to be done as may be necessary in keeping the lots, monuments, and markers in good condition and repair.

30-25-9. Expenses of north cemetery. -- The director of ~~veterans' affairs~~ human services is authorized to make such expenditures as may be necessary in carrying out the purposes of section 30-25-8, and the state controller is hereby authorized and directed upon receipt of proper vouchers approved by the state director of ~~veterans' affairs~~ human services, to draw orders upon the general treasurer for the payment of such sums as may be required, from the funds under the control of the director of ~~veterans' affairs~~ human services, known as the veterans' home, restricted account.

30-25-10. Care of neglected graves. -- The director of ~~veterans' affairs~~ human services is authorized and empowered to undertake the care of any grave of any soldier or sailor who fought in the war of the revolution, or who at any time served the United States in any war, when the grave appears to have been neglected or abandoned. For that purpose, the director, and the agents or employees of the division, when duly authorized thereunto by the director, may enter into and upon any public or private cemetery or burial place to clear any grave of grass, weeds, brush, briars, or rubbish; to erect, replace, repair, or renovate fences, memorial stones, or markers; and to perform the other tasks as may be necessary to restore and maintain the grave and its surroundings in a decent and orderly condition.

30-25-11. Consent of custodian of neglected grave. -- When any cemetery or burial place containing a neglected grave is found by the director of ~~veterans' affairs~~ human services, or the agents or employees of the division, to be under the custody or control of some private owner or public authority, then the director shall obtain permission in writing from the person or persons having custody or control before entering into and upon the cemetery or burial place; provided, that if no person or persons can be found having the custody or control of the cemetery or burial place, the director shall assume the right of entry and shall perform the duties specified in section 30-25-10, without further notice.

30-25-12. Appropriations for care of graves. -- The general assembly shall, from time to time, appropriate such sums as it may deem necessary to be expended by the director of ~~veterans' affairs~~ human services in carrying out the purposes of sections 30-25-10 and 30-25-11, and the state controller is hereby authorized and directed, upon the receipt of the proper vouchers approved by the director, to draw orders upon the general treasurer for the payment of such sums as may be required, within the amount appropriated therefor.

30-25-13. Acceptance and administration of gifts. -- The director of ~~veterans' affairs~~ human services may accept in the name of the state, and may administer, any devise, bequest, or gift which is to be expended for the general purposes of this chapter. All sums received by devise, bequest, or gift from any person or corporation shall be deposited with the general treasurer, and by him or her kept in a special fund, to be known as "the veterans' cemetery fund", and held subject to the order of the director.

30-25-14. Rhode Island veterans' memorial cemetery. -- The Rhode Island veterans' memorial cemetery located on the grounds of the Joseph H. Ladd school in the town of Exeter shall be under the management and control of the director of the department of ~~veterans' affairs~~ human services. The director of the department of ~~veterans' affairs~~ human services shall appoint an administrator for the Rhode Island veterans' memorial cemetery who shall be an honorably

discharged veteran of the United States Armed Forces and shall have the general supervision over and shall prescribe rules for the government and management of the cemetery. He or she shall make all needful rules and regulations governing the operation of the cemetery and generally may do all things necessary to insure the successful operation thereof. The director shall promulgate rules and regulations, not inconsistent with the provisions of 38 USCS section 2402, to govern the eligibility for burial in the Rhode Island veterans' memorial cemetery. In addition to all persons eligible for burial pursuant to rules and regulations established by the director, any person who served in the army, navy, air force, or marine corps of the United States for a period of not less than two (2) years and whose service was terminated honorably, shall be eligible for burial in the Rhode Island veterans' memorial cemetery. The director shall appoint and employ all subordinate officials and persons needed for the proper management of the cemetery. National Guard members who are killed in the line of duty or who are honorably discharged after completion of at least twenty (20) years' of service in the Rhode Island National Guard and their spouse shall be eligible for internment in the Rhode Island Veterans' Memorial Cemetery. For the purpose of computing service under this section, honorable service in the active forces or reserves shall be considered toward the twenty (20) years of National Guard service. The general assembly shall make an annual appropriation to the department of ~~veterans' affairs~~ human services to provide for the operation and maintenance for the cemetery. The director shall charge and collect a grave liner fee per interment of the eligible spouse and/or eligible dependents of the qualified veteran equal to the Department's cost for the grave liner.

SECTION 7. Section 42-18-5 of the General Laws in Chapter 42-18 entitled "Department of Health" is hereby amended to read as follows:

42-18-5. Transfer of powers and functions from department of health. -- (a) There are hereby transferred to the department of administration:

(1) Those functions of the department of health which were administered through or with respect to departmental programs in the performance of strategic planning as defined in section 42-11-10(c);

(2) All officers, employees, agencies, advisory councils, committees, commissions, and task forces of the department of health who were performing strategic planning functions as defined in section 42-11-10(c); and

(3) So much of other functions or parts of functions and employees and resources, physical and funded, related thereto of the director of health as are incidental to and necessary for the performance of the functions transferred by subdivisions (1) and (2).

(b) There is hereby transferred to the department of human services the administration and management of the special supplemental nutrition program for women, infants, and children (WIC) and all functions and resources associated therewith.

(c) There is hereby transferred to the department of human services the HIV/AIDS direct services programs and all functions and resources associated therewith.

SECTION 8. Section 42-11-10 of the General Laws in Chapter 42-11 entitled "Department of Administration" is hereby amended to read as follows:

42-11-10. Statewide planning program. -- (a) Findings. - The general assembly finds that the people of this state have a fundamental interest in the orderly development of the state; the state has a positive interest and demonstrated need for establishment of a comprehensive strategic state planning process and the preparation, maintenance, and implementation of plans for the physical, economic, and social development of the state; the continued growth and development of the state presents problems that cannot be met by the cities and towns individually and that require

effective planning by the state; and state and local plans and programs must be properly coordinated with the planning requirements and programs of the federal government.

(b) Establishment of statewide planning program. - (1) A statewide planning program is hereby established to prepare, adopt, and amend strategic plans for the physical, economic, and social development of the state and to recommend these to the governor, the general assembly, and all others concerned.

(2) All strategic planning, as defined in subsection (c) of this section, undertaken by the executive branch for those departments and other agencies enumerated in subsection (g) of this section, shall be conducted by or under the supervision of the statewide planning program. The statewide planning program shall consist of a state planning council, and the office of strategic planning and the office of systems planning of the division of planning, which shall be a division within the department of administration.

(c) Strategic planning. - Strategic planning includes the following activities:

(1) Establishing or identifying general goals.
(2) Refining or detailing these goals and identifying relationships between them.
(3) Formulating, testing, and selecting policies and standards that will achieve desired objectives.

(4) Preparing long-range or system plans or comprehensive programs that carry out the policies and set time schedules, performance measures, and targets.

(5) Preparing functional short-range plans or programs that are consistent with established or desired goals, objectives, and policies, and with long-range or system plans or comprehensive programs where applicable, and that establish measurable intermediate steps toward their accomplishment of the goals, objectives, policies, and/or long-range system plans.

(6) Monitoring the planning of specific projects and designing of specific programs of short duration by the operating departments, other agencies of the executive branch, and political subdivisions of the state to insure that these are consistent with and carry out the intent of applicable strategic plans.

(7) Reviewing the execution of strategic plans and the results obtained and making revisions necessary to achieve established goals.

(d) State guide plan. - Components of strategic plans prepared and adopted in accordance with this section may be designated as elements of the state guide plan. The state guide plan shall be comprised of functional elements or plans dealing with land use; physical development and environmental concerns; economic development; housing production; energy supply, including the development of renewable energy resources in Rhode Island, and energy access, use, and conservation; human services; and other factors necessary to accomplish the objective of this section. The state guide plan shall be a means for centralizing, integrating, and monitoring long-range goals, policies, plans, and implementation activities related thereto. State agencies concerned with specific subject areas, local governments, and the public shall participate in the state guide planning process, which shall be closely coordinated with the budgeting process.

(e) Membership of state planning council. - The state planning council shall consist of:

- (1) The director of the department of administration as chairperson;
- (2) The director, policy office, in the office of the governor, as vice-chairperson;
- (3) The governor, or his or her designee;
- (4) The budget officer;
- (5) The chairperson of the housing resources commission;
- (6) The chief of statewide planning, as secretary;

(7) The president of the League of Cities and Towns or his or her designee and one official of local government, who shall be appointed by the governor from a list of not less than three (3) submitted by the Rhode Island League Cities and Towns; and

(8) The executive director of the League of Cities and Towns;

(9) One representative of a nonprofit community development or housing organization;

(10) Four (4) public members, appointed by the governor;

(11) Two (2) representatives of a private, nonprofit environmental advocacy organization, both to be appointed by the governor; and

(12) The director of planning and development for the city of Providence.

(f) Powers and duties of state planning council. - The state planning council shall have the following powers and duties:

(1) To adopt strategic plans as defined in this section and the long-range state guide plan, and to modify and amend any of these, following the procedures for notification and public hearing set forth in section 42-35-3, and to recommend and encourage implementation of these goals to the general assembly, state and federal agencies, and other public and private bodies; approval of strategic plans by the governor;

(2) To coordinate the planning and development activities of all state agencies, in accordance with strategic plans prepared and adopted as provided for by this section;

(3) To review and comment on the proposed annual work program of the statewide planning program;

(4) To adopt rules and standards and issue orders concerning any matters within its jurisdiction as established by this section and amendments to it;

(5) To establish advisory committees and appoint members thereto representing diverse interests and viewpoints as required in the state planning process and in the preparation or implementation of strategic plans. The state planning council shall appoint a permanent committee comprised of:

(i) Public members from different geographic areas of the state representing diverse interests, and

(ii) Officials of state, local and federal government, which shall review all proposed elements of the state guide plan, or amendment or repeal of any element of the plan, and shall advise the state planning council thereon before the council acts on any such proposal. This committee shall also advise the state planning council on any other matter referred to it by the council; and

(6) To establish and appoint members to an executive committee consisting of major participants of a Rhode Island geographic information system with oversight responsibility for its activities.

(7) To adopt on or before July 1, 2007, and to amend and maintain as an element of the state guide plan or as an amendment to an existing element of the state guide plan, standards and guidelines for the location of eligible renewable energy resources and renewable energy facilities in Rhode Island with due consideration for the location of such resources and facilities in commercial and industrial areas, agricultural areas, areas occupied by public and private institutions, and property of the state and its agencies and corporations, provided such areas are of sufficient size, and in other areas of the state as appropriate.

(g) Division of planning. - (1) The division of planning shall be the principal staff agency of the state planning council for preparing and/or coordinating strategic plans for the comprehensive management of the state's human, economic, and physical resources. The division

of planning shall recommend to the state planning council specific guidelines, standards, and programs to be adopted to implement strategic planning and the state guide plan and shall undertake any other duties established by this section and amendments thereto.

(2) The division of planning shall maintain records (which shall consist of files of complete copies) of all plans, recommendations, rules, and modifications or amendments thereto adopted or issued by the state planning council under this section. The records shall be open to the public.

(3) The division of planning shall manage and administer the Rhode Island geographic information system of land-related resources, and shall coordinate these efforts with other state departments and agencies, including the University of Rhode Island, which shall provide technical support and assistance in the development and maintenance of the system and its associated data base.

(4) The division of planning shall coordinate and oversee the provision of technical assistance to political subdivisions of the state in preparing and implementing plans to accomplish the purposes, goals, objectives, policies, and/or standards of applicable elements of the state guide plan and shall make available to cities and towns data and guidelines that may be used in preparing comprehensive plans and elements thereof and in evaluating comprehensive plans and elements thereby.

(h) Transfer determinations. - (1) The director of administration, with the approval of the governor, shall make the conclusive determination of the number of positions, personnel, physical space, property, records, and appropriation balances, allocations and other funds of the department of mental health, retardation, and hospitals, department of health, department of human services, department of corrections, department of labor and training, department of environmental management, department of business regulation, department of transportation, department of state library services, Rhode Island Economic Development Corporation, department of elderly affairs, department of children, youth, and families, historical preservation commission, water resources board, and the defense civil preparedness/emergency management agency of the executive department to be transferred to the department of administration in connection with the functions transferred there into by the provisions of this article.

(2) In order to ensure continuity of the strategic planning process of the department specified heretofore, the actual transfer of functions or any part thereof to the department of administration may be postponed after July 1, 1985 until such time as, by executive order of the governor, the transfer herein provided can be put into force and effect but no later than December 31, 1985.

(i) The division of planning shall be the principal staff agency of the water resources board established pursuant to chapter 46-15 ("Water Resources Board") and the water resources board corporate established pursuant to chapter 46-15.1 ("Water Supply Facilities").

SECTION 9. Chapter 42-11 of the General Laws entitled "Department of Administration" is hereby amended by adding thereto the following section:

42-11-10.1. Transfer of powers, functions and resources from the water resources board. --
(a) There are hereby transferred to the division of planning within the department of administration those powers and duties formerly administered by the employees of the water resources board as provided for in chapter 46-15 ("Water Resources Board") through 46-15.8 ("Water Use and Efficiency Act"), inclusive, and any other applicable provisions of the general laws; provided, however, the governor shall submit to the 2012 assembly any recommended statutory changes necessary to facilitate the merger.

(b) All resources of the water resources board, including, but not limited to, property, employees and accounts, are hereby transferred to the division of planning.

(c) As part of the above transfer, except for the general manager, all employees of the water resources board currently subject to the provisions of chapter 4 of title 36 shall continue to be subject to those provisions.

SECTION 10. The title of Chapter 46-15 of the General Laws entitled "WATER RESOURCES BOARD" is hereby amended to read as follows:

~~CHAPTER 46-15~~

~~Water Resources Board~~

CHAPTER 46-15

WATER RESOURCES MANAGEMENT

SECTION 11. Section 46-15-6.1 of the General Laws in Chapter 46-15 entitled "Water Resources Board" is hereby repealed.

~~46-15-6.1. Assistants and employees and support provided. — The board shall appoint a general manager, who shall not be subject to the provisions of chapter 4 of title 36; and shall set his or her compensation and terms of employment. The general manager shall appoint such subordinates, assistants, and employees as may be required for the proper performance of the powers and duties of the board. All those subordinates, assistants, and employees shall be subject to the provisions of chapter 4 of title 36.~~

SECTION 12. Notwithstanding any provisions of the general laws, the low-income home energy assistance program and the weatherization assistance program are hereby transferred from the state energy office within the department of administration to the department of human services, effective July 1, 2012.

SECTION 13. The general assembly hereby directs the auditor general to chair, identify and convene a task force of state and local officials to develop and implement a strategic plan to inventory, evaluate and coordinate programs charged with preventing and detecting fraud, waste, abuse and mismanagement of public funds. Said strategic plan shall address the goal of maximizing existing resources to identify and/or prevent fraud, waste, abuse and mismanagement of public funds. The strategic plan shall inventory the state's various fraud detection units, programs and resources, provide a clear definition of roles and responsibilities, and develop measures of success with an appropriate timetable to measure progress.

Public funds shall include, but not be limited to, federal, state and local expenditures relating to any an all state programs and operations by agencies, bureaus, divisions, sections, departments, offices, commissions, institutions and activities of the State of Rhode Island, including those districts, authorities, or political subdivisions created by the general assembly, the governor, and any court, including any city or town within the State of Rhode Island.

The auditor general is directed to report the findings and recommendations contained in the strategic plan no later than December 1, 2011, with copies to the speaker of the house, senate president, chairs of the house and senate finance committees and their respective fiscal advisors.

All departments and agencies of the state shall furnish such advice and information, documentary or otherwise to the auditor general and his or her agents as is deemed necessary or desirable by the auditor general to facilitate the purposes of the task force.

SECTION 14. Section 42-17.1-17 of the General Laws in Chapter 42-17.1 entitled "Department of Environmental Management" is hereby amended to read as follows:

42-17.1-17. Transfer of powers and functions from department of environmental management. -- (a) There are hereby transferred to the department of administration:

(1) Those functions of the department of environmental management which were administered through or with respect to departmental programs in the performance of strategic planning as defined in section 42-11-10(c);

(2) All officers, employees, agencies, advisory councils, committees, commissions, and task forces of the department of environmental management who were performing strategic planning functions as defined in section 42-11-10(c); and

(3) So much of other functions or parts of functions and employees and resources, physical and funded, related thereto of the director of environmental management as are incidental to and necessary for the performance of the functions transferred by subdivisions (1) and (2).

(b) There are hereby transferred to the department of public safety dispatch functions of the division of enforcement of the department of environmental management.

(c) In order that there is no interruption in the dispatch functions of the division of enforcement, the actual transfer of the dispatch functions, corresponding resources, and personnel to the department of public safety, may be postponed until such time, as determined by the director of public safety, that the transfer provided herein may be best put into force and effect, but shall occur no later than January 1, 2012 and shall be reflected in the FY 2012 supplemental budget submission.

SECTION 15. Chapter 16-59 of the General Laws entitled "Board of Governors for Higher Education" is hereby amended by adding thereto the following section:

16-59-4.1. Administration of higher education. -- The director of the department of administration is hereby directed to conduct research and analysis to recommend a revised plan for the organizational structure for higher education governance, staff support and resource allocation in Rhode Island. This plan shall address the goal of improving affordability and accessibility to public higher education; and maximizing efficiencies while providing sufficient support to the governance structure of public higher education. The director of the department of administration is directed to report findings, recommendations and alternative designs to the general assembly no later than November 1, 2011 with copies to the speaker of the house, senate president, chairs of the house and senate finance committees and their respective fiscal advisors.

The report shall include a strategic plan that outlines the mission, goals, and the estimated cost and timelines to implement said recommendations. The report shall provide a clear definition of roles and responsibilities, including those responsible for implementing the proposed recommendations. The analysis shall develop measures of success, and an appropriate timeline to measure implementation progress. It shall also include:

(1) An examination of the various organizational structures in other states, evaluating their strengths and weaknesses, and how they may or may not be applicable in Rhode Island. This should include an evaluation of the best practices regarding organizational structures for higher education.

(2) An analysis of what functions could be allocated to other institutions, and which might be centralized to translate into efficiencies and more effective higher education policy. This should include, but not be limited to, strategies to reorganize and or centralize finance, purchasing, human resources, information technology, and facilities management within an office of higher education, with specific direction on the allocation of resources, staff and responsibilities.

The report should explore the feasibility of permanently allocating all operational activities and other responsibilities currently held within the office of higher education to the three (3) higher education institutions or other viable alternatives while maintaining the board of governors.

All departments and agencies of the state shall furnish such advice and information,

documentary or otherwise to the director of the department of administration and its agents as is deemed necessary or desirable to facilitate the purposes of the study.

SECTION 16. Section 42-11-21 of the General Laws in Chapter 42-11 entitled "Department of Administration" is hereby repealed.

~~42-11-21. Division of sheriffs. — (a) Division established. — A division of sheriffs is hereby established within the department of administration. This division shall be responsible for statewide activities assigned by law which relate to the duties and functions of the sheriffs of the several counties. The division also shall be responsible for all statewide activities assigned by law which relate to the duties and functions of state marshals. Among its other responsibilities, the division shall also be responsible for courtroom security and cellblocks in all state courthouses, training of personnel, transportation of individuals charged with crimes, and special operations.~~

~~(b) Powers and duties.~~

~~(1) The division of sheriffs shall have the following powers and duties:~~

~~(i) To provide and maintain security for judges at all state courts;~~

~~(ii) To provide and maintain security in all courtrooms and other public areas within state courthouses;~~

~~(iii) To provide and maintain security in the cellblocks in all state courts, and exercise all powers as required and prescribed in all other provisions of the general laws and public laws relating to the powers and duties of sheriffs.~~

~~(2) The division of sheriffs shall also have the following powers and duties previously performed by the Rhode Island marshals:~~

~~(i) To be responsible for transportation statewide of prisoners to and from police departments, the adult correctional institutions, all courthouses, and other places of detention;~~

~~(ii) To transport persons arrested by state and local police departments to places of detention; provided, however, nothing in this subsection shall prevent state and local police departments from transporting those persons;~~

~~(iii) To supervise the conduct of and maintain order and discipline of the prisoners in their custody;~~

~~(iv) To be responsible for the custody and safety of prisoners while being transported to and from court sessions, places of detention, and outside hospitals prior to commitment to the adult correctional institutions;~~

~~(v) To be responsible for the custody and security of prisoners detained in the cellblock areas in the Kent County courthouse and Providence County superior courthouse and for the security of these prisoners during the hearing of their cases, and while in outside hospitals prior to commitment to the adult correctional institutions;~~

~~(vi) To be responsible for the safety and welfare of prisoners in their custody;~~

~~(vii) To provide all security in connection with transportation in the execution of extraditions, including, but not limited to, warrants, IAD (Interstate Agreement on Detainers), arrest affidavits, interstate compact extradition, and criminal detainers; and~~

~~(viii) To carry firearms as prescribed.~~

~~(c) Administration and organization. — The director of the department of administration shall appoint with the consent of the governor an administrator, an executive high sheriff, and sheriffs and chief deputy sheriffs for the division of sheriffs, each to be appointed to a ten (10) year term. The sheriffs and chief deputy sheriffs shall be appointed to each of the counties. The director of the department of administration shall appoint deputy sheriffs and other necessary classifications, subject to the appropriation process, to provide assistance in the areas of~~

~~courthouse and cellblock security, transportation of prisoners, staff training and special operations. Special operations include, but shall not be limited to, transportation of high risk inmates, extraditions, the execution of criminal warrants, prosecution and mutual aid to the police departments of the cities and towns. This special operations unit initially will be comprised of personnel transferred from the Rhode Island state marshals. All employees in the division of sheriffs shall be in the unclassified service.~~

~~(d) Transfer determinations.~~

~~(1) The director of administration, with the approval of the governor, subject to the appropriation process, shall make the determination of the number of positions, personnel, property, allocations and other funds of the sheriffs of the several counties and the department of corrections which shall be transferred to the department of administration.~~

~~(2) In order to ensure continuity of the functions provided by sheriffs and marshals, the actual transfer of functions or any part of those functions may be postponed by the director until such time as the director deems appropriate; provided, however, the transfer of functions shall be completed within three (3) years.~~

SECTION 17. Section 36-4-2 of the General Laws in Chapter 36-4 entitled "Merit System" is hereby amended to read as follows:

36-4-2. Positions in unclassified service. -- The classified service shall comprise all positions in the state service now existing or hereinafter established, except the following specific positions which with other positions heretofore or hereinafter specifically exempted by legislative act shall constitute the unclassified service:

(1) Officers and legislators elected by popular vote and persons appointed to fill vacancies in elective offices.

(2) Employees of both houses of the general assembly.

(3) Officers, secretaries, and employees of the office of the governor, office of the lieutenant governor, department of state, department of the attorney general, and the treasury department.

(4) Members of boards and commissions appointed by the governor, members of the state board of elections and the appointees of the board, members of the commission for human rights and the employees of the commission, and directors of departments.

(5) The following specific offices:

(i) In the department of administration: director, chief information officer;

(ii) In the department of business regulation: director;

(iii) In the department of elementary and secondary education: commissioner of elementary and secondary education;

(iv) In the department of higher education: commissioner of higher education;

(v) In the department of health: director;

(vi) In the department of labor and training: director, administrative assistant, administrator of the labor board and legal counsel to the labor board;

(vii) In the department of environmental management: director;

(viii) In the department of transportation: director;

(ix) In the department of human services: director and director of veterans' affairs;

(x) In the state properties committee: secretary;

(xi) In the workers' compensation court: judges, administrator, deputy administrator, clerk, assistant clerk, clerk secretary;

(xii) In the ~~department~~ division of elderly affairs: director;

- (xiii) In the department of mental health, retardation, and hospitals: director;
- (xiv) In the department of corrections: director, assistant director (institutions/operations), assistant director (rehabilitative services), assistant director (administration), and wardens;
- (xv) In the department of children, youth and families: director, one assistant director, one associate director, and one executive director;
- (xvi) In the public utilities commission: public utilities administrator;
- (xvii) In the water resources board: general manager;
- (xviii) In the human resources investment council: executive director.
- (xix) In the office of health and human services: secretary of health and human services.
- (6) Chief of the hoisting engineers, licensing division, and his or her employees; executive director of the veterans memorial building and his or her clerical employees.
- (7) One confidential stenographic secretary for each director of a department and each board and commission appointed by the governor.
- (8) Special counsel, special prosecutors, regular and special assistants appointed by the attorney general, the public defender and employees of his or her office, and members of the Rhode Island bar occupying a position in the state service as legal counsel to any appointing authority.
- (9) The academic and/or commercial teaching staffs of all state institution schools, with the exception of those institutions under the jurisdiction of the board of regents for elementary and secondary education and the board of governors for higher education.
- (10) Members of the military or naval forces, when entering or while engaged in the military or naval service.
- (11) Judges, referees, receivers, clerks, assistant clerks, and clerical assistants of the supreme, superior, family, and district courts, the traffic tribunal, security officers of the traffic tribunal, jurors and any persons appointed by any court.
- (12) Election officials and employees.
- (13) ~~Administrator, executive high sheriff, sheriffs, chief deputy sheriffs, deputy sheriffs, and other employees of the sheriff's division within the department of administration and security officers of the traffic tribunal~~ Executive high sheriff, chief deputy sheriff, sheriffs, deputy sheriffs, and other employees of the sheriffs division within the department of public safety.
- (14) Patient or inmate help in state charitable, penal, and correctional institutions and religious instructors of these institutions and student nurses in training, residents in psychiatry in training, and clinical clerks in temporary training at the institute of mental health within the state of Rhode Island medical center.
- (15) (i) Persons employed to make or conduct a temporary and special inquiry, investigation, project or examination on behalf of the legislature or a committee therefor, or on behalf of any other agency of the state if the inclusion of these persons in the unclassified service is approved by the personnel administrator. The personnel administrator shall notify the house fiscal advisor and the senate fiscal advisor whenever he or she approves the inclusion of a person in the unclassified service.
- (ii) The duration of the appointment of a person, other than the persons enumerated in this section, shall not exceed ninety (90) days or until presented to the department of administration. The department of administration may extend the appointment another ninety (90) days. In no event shall the appointment extend beyond one hundred eighty (180) days.
- (16) Members of the division of state police within the department of public safety.
- (17) Executive secretary of the Blackstone Valley district commission.

(18) Artist and curator of state owned art objects.

(19) Mental health advocate.

(20) Child advocate.

(21) The position of aquaculture coordinator and marine infrastructure specialist within the coastal resources management council.

(22) Employees of the office of the health insurance commissioner.

(23) In the department of revenue: the director, secretary, attorney.

(24) In the department of public safety: the director.

SECTION 18. Section 42-7.3-3 of the General Laws in Chapter 42-7.3 entitled "Department of Public Safety" is hereby amended to read as follows:

42-7.3-3. Powers and duties of the department. -- The department of public safety shall be responsible for the management and administration of the following divisions and agencies:

(a) Office of the capitol police (chapter 2.2 of title 12).

(b) State fire marshal (chapter 28.2 of title 23).

(c) E-911 emergency telephone system division (chapter 28.2 of title 39).

(d) Rhode Island state police (chapter 28 of title 39).

(e) Municipal police training academy (chapter 28.2 of title 42).

(f) Division of sheriffs (chapter 7.3 of title 42).

SECTION 19. Chapter 42-7.3 of the General Laws entitled "Department of Public Safety" is hereby amended by adding thereto the following section:

42-7.3-3.2. Division of sheriffs. -- (a) Division established. A division of sheriffs is hereby established within the department of public safety. This division shall be responsible for statewide activities assigned by law which relate to the duties and functions of the sheriffs of the several counties. The division also shall be responsible for all statewide activities assigned by law which relate to the duties and functions of state marshals. Among its other responsibilities, the division shall also be responsible for courtroom security and cellblocks in all state courthouses, training of personnel, transportation of individuals charged with crimes, and special operations.

(b) Powers and Duties. (1) The division of sheriffs shall have the following powers and duties:

(i) To provide and maintain security for judges at all state courts;

(ii) To provide and maintain security in all courtrooms and other public areas within state courthouses;

(iii) To provide and maintain security in the cellblocks in all state courts, and exercise all powers as required and prescribed in all other provisions of the general laws and public laws relating to the powers and duties of sheriffs.

(2) The division of sheriffs shall also have the following powers and duties previously performed by the Rhode Island marshals:

(i) To be responsible for transportation statewide of prisoners to and from police departments, the adult correctional institutions, all courthouses, and other places of detention;

(ii) To transport persons arrested by state and local police departments to places of detention; provided, however, nothing in this subsection shall prevent state and local police departments from transporting those persons;

(iii) To supervise the conduct of and maintain order and discipline of the prisoners in their custody;

(iv) To be responsible for the custody and safety of prisoners while being transported to and from court sessions, places of detention, and outside hospitals prior to commitment to the

adult correctional institutions;

(v) To be responsible for the custody and security of prisoners detained in the cellblock areas in the Kent County courthouse and Providence County superior courthouse and for the security of these prisoners during the hearing of their cases, and while in outside hospitals prior to commitment to the adult correctional institutions;

(vi) To be responsible for the safety and welfare of prisoners in their custody;

(vii) To provide all security in connection with transportation in the execution of extraditions, including, but not limited to, warrants, IAD (Interstate Agreement on Detainers), arrest affidavits, interstate compact extradition, and criminal detainers; and

(viii) To carry firearms as prescribed.

(c) Administration and organization. (1) The director of the department of public safety shall appoint, with the consent of the governor, an executive high sheriff. (2) The director of the department of public safety shall appoint deputy sheriffs and other necessary classifications, subject to the appropriation process, to provide assistance in the areas of courthouse and cellblock security, transportation of prisoners, staff training and special operations. All employees in the division of sheriffs shall be in the unclassified service.

SECTION 20. Section 42-29-1 of the General Laws in Chapter 42-29 entitled "Sheriffs" is hereby amended to read as follows:

42-29-1. Appointment -- Powers and duties -- Removal. -- (a) ~~The director of the department of administration shall appoint with the consent of the governor an administrator to a ten (10) year term to be in charge of the division of sheriffs within the department of administration.~~ The director of the department of ~~administration~~ public safety shall also appoint, with the consent of the governor, an executive high sheriff to a ten (10) year term, ~~to assist the administrator.~~ The director of the department of ~~administration~~ public safety shall also appoint to each of the counties with the consent of the governor the sheriffs and the chief deputy sheriffs to ten (10) year terms. The director of the department of ~~administration~~ public safety shall appoint deputy sheriffs and other necessary classifications, subject to the appropriations process. Sheriffs, chief deputy sheriffs, ~~and deputy sheriffs,~~ and other employees of the sheriff's division shall be subject to the supervision of the ~~administrator~~ executive high sheriff who may assign tasks and functions in order to ensure the proper management of the sheriffs division. Any deputy sheriff hired after July 1, 2001 must successfully complete the sheriff academy and any courses deemed necessary at the municipal police training academy prior to assuming the duties of a deputy sheriff. Furthermore, the ~~administrator~~ executive high sheriff in conjunction with the personnel administrator shall be responsible for promulgating written class specifications with necessary minimum qualifications defined in them. The sheriffs of the several counties ~~and the deputy high sheriff for Providence county~~ who are in office as of February 1, 2001 shall continue to hold office until their present term expires. Sheriffs and deputies can be removed for just cause by their appointing authority.

(b) The ~~administrator, assisted by the~~ executive high sheriff, the sheriffs, the chief deputy sheriffs, and the deputy sheriffs shall perform all the duties required and exercise all the powers prescribed in this chapter; chapter 15 of title 5; chapters 5 and 10 of title 9; chapters 5, 10 and 14 of title 10; chapters 8, 31, 34, 36 and 44 of title 11; chapters 4, 5 and 6 of title 12; chapter 22 of title 17; chapters 4 and 6 of title 22; chapter 2 of title 28; chapter 6 of title 35; chapter 8 of title 37; and all other provisions of the general laws and public laws insofar as those powers and duties relate to the sheriffs of the several counties and as required and prescribed in all other provisions of the general laws and public laws relating to the powers and duties of the sheriffs of the several

counties. ~~Sheriffs and deputies can be removed for just cause by their appointing authority.~~

(c) All resources of the sheriffs ~~and of the several counties~~ shall be transferred to the division of sheriffs within the department of ~~administration~~ public safety. These resources include, but are not limited to, all positions, property, accounts and other funding pertinent to sheriffs.

SECTION 21. Any proceeding or other business or matter undertaken or commenced, prior to the effective date of this article, by a department, division, or other administrative agency, the functions, powers, and duties whereof are assigned and transferred to the department of public safety and are pending on the effective date of this act, may be conducted and completed by the director of the department of public safety, or by a subordinate under this direction, in the same manner and under the same terms and conditions and with the same effect as though it were undertaken or commenced or completed by the department, division, or other administrative agency prior to said transfer.

SECTION 22. In order that there is no interruption in the public safety functions of the division of sheriffs, the actual transfer of functions to the department of public safety, from any existing departments, divisions, or agencies, may be postponed until after the effective date of this article and until such time, as determined by director of public safety, that the transfer provided herein may best be put into force and effect.

SECTION 23. Section 40.1-21-4.3 of the General Laws in Chapter 40.1-21 entitled "Division of Developmental Disabilities" is hereby amended to read as follows:

40.1-21-4.3. Definitions. -- As used in this chapter and in chapter 22 of this title the words:

(1) "Ancillary services" means those services provided, and shall include, but not be limited to, transportation, housing, housing adaptation, personal attendant care, and homemaker services.

(2) "Case management" means the implementation of an individual's program by providing information, by referral to appropriate service providers, by procurement of services, and by the coordination of the necessary services.

(3) "Department" means the Rhode Island department of mental health, retardation, and hospitals.

(4) "Developmental services" means those services provided to developmentally disabled adults, and shall include, but not be limited to, habilitation and rehabilitation services, and day services.

(5) "Developmentally disabled adult" means a person, eighteen (18) years old or older and not under the jurisdiction of the department of children, youth, and families who is either a mentally retarded developmentally disabled adult or is a person with a severe, chronic disability which:

(i) Is attributable to a mental or physical impairment or combination of mental and physical impairments;

(ii) Is manifested before the person attains age twenty-two (22);

(iii) Is likely to continue indefinitely;

(iv) Results in substantial functional limitations in three (3) or more of the following areas of major life activity:

(A) Self care,

(B) Receptive and expressive language,

(C) Learning,

(D) Mobility,

(E) Self-direction,

(F) Capacity for independent living,

(G) Economic self-sufficiency; and

(v) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services, which are of lifelong or extended duration and are individually planned and coordinated. For purposes of funding, it is understood that students enrolled in school will continue to receive education from their local education authority in accordance with § 16-24-1 et seq.

(6) "Diagnosis and evaluation" means a process to determine whether and to what extent an individual is developmentally disabled and a study of the individual's condition, situation, and needs which lead to a recommendation of what services, if any, would benefit the individual.

(7) "Individualized program plan" or "general service plan" means a plan, however named, which includes, but shall not be limited to, the following:

(i) An evaluation of the strengths, difficulties, needs, and goals of the individual;

(ii) A description of those services found to be necessary or appropriate to assist the individual in realizing his or her potential for self-sufficiency in major life activities;

(iii) A description of the agencies and/or individuals, which are proposed to provide each of the recommended services;

(iv) The intermediate and long-range objectives for the individual's development and habilitation;

(v) The expected duration for the provision of the services;

(vi) A description of the tests and other evaluative devices used and their results;

(vii) Proposed criteria for monitoring and evaluating the success of the services in meeting the individual's needs; and

(viii) The signatures of the preparers of the plan and the date.

The individual program plan shall indicate developmental, supportive, or ancillary services by function and frequency, the manner of subsidy and delivery and the categories of need for services such as transportation, job training, or occupation, housing, housing adaptation, personal attendant care, homemaker, or other services. This plan shall be reviewed at least annually; provided, however, that authorizations for services and funding issued prior to July 1, 2011 are null and void. Authorizations will be paid at the rate effective in the quarter the service was provided.

(8) "Mentally retarded developmentally disabled adult" means a person eighteen (18) years old or older and not under the jurisdiction of the department of children, youth, and families, with significant sub-average, general intellectual functioning two (2) standard deviations below the norm, existing concurrently with deficits in adaptive behavior and manifested during the developmental period. For purposes of funding, it is understood that students enrolled in school will continue to receive education from their local education authority in accordance with § 16-24-1 et seq.

(9) "Service broker" means that individual who assists in facilitating the connection between the developmentally disabled person and the services required by the individual program plan.

(10) "Subsidized access to service" means the provisions of financial resources through vouchers to a developmentally disabled person to enable the person to gain access to appropriate generic and/or special services as required by the individual program plan.

(11) "Supportive services" means those services provided to developmentally disabled adults, and shall include, but not be limited to, occupational therapy, physical therapy,

psychological services, counseling, nursing services, and medical services.

SECTION 24. Section 40.1-26-2 of the General Laws in Chapter 40.1-26 entitled "Rights for Persons with Developmental Disabilities" is hereby amended to read as follows:

40.1-26-2. Definitions. -- As used in this chapter:

(1) "Advocate" means: (i) a legal guardian; or (ii) an individual acting on behalf of a person with a developmental disability in a manner clearly consistent with the interests of the person with a developmental disability and includes a family member, friend, or professional advocate. Whenever possible an advocate should be selected by the person with a disability.

(2) "Agency" means any person or organization which provides day program services, residential services, support services or advocacy services for persons with developmental disabilities, and which is licensed by the department of mental health, retardation, and hospitals pursuant to section 40.1-24-1 et seq.

(3) "Applicant" means any person with a developmental disability who has applied for services from the division of developmental disabilities and/or any agency licensed by the department of mental health, retardation, and hospitals pursuant to section 40.1-24-1 et seq.

(4) "Aversive interventions" means a class of stimuli that are followed by escape or avoidance response.

(5) "Behavioral Treatment Intervention" means any intervention or treatment to develop or strengthen adaptive appropriate behaviors through the application of behavioral interventions and to simultaneously reduce the frequency of maladaptive or inappropriate behaviors. Behavior interventions encompass interventions, which refer to purposeful, clinical manipulation of behavior.

(6) "Competent" means the ability to understand the likely risks and benefits of a procedure or plan when the risks and benefits are presented to the participant in a manner most likely to be understood by the participant in light of his or her cognitive abilities and learning style.

(7) "Department" means the department of mental health, retardation, and hospitals.

(8) "Developmental disability" means a severe chronic disability which is attributable to a mental or physical impairment or combination of impairments; is manifested before the person attains age twenty-two (22); is likely to continue indefinitely; results in substantial functional limitations in three (3) or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, economic self-sufficiency; and reflects the person's need for a combination and sequence of special, interdisciplinary or generic care, treatment, or other services which are of life long or extended duration and are individually planned and coordinated.

(9) "Individualized plan" means the personalized document which describes an individualized profile of the participant highlighting his or her capabilities, preferences and interests. The plan describes specific supports in the areas of vocational, social, medical, supported living, and rehabilitation required to meet the specific needs of the participant. The plan includes quality indicators that demonstrate the plan has met the expectations of the participant and the participant is satisfied with the support services he or she is receiving; provided, however, that authorizations for services and funding issued prior to July 1, 2011 are null and void. Authorizations for services will be paid at the rate effective when in the quarter the service was provided.

(10) "Participant" means any person eighteen (18) years or older, with a developmental disability who receives services from the division of developmental disabilities and/or an agency

licensed by the department of mental health, retardation, and hospitals.

(11) "Relative" means a member of the participant's or applicant's family who has been actively involved in the participant's or applicant's life, has an ongoing relationship with the participant or applicant, and is supportive in a manner clearly consistent with the best interests of the participant or applicant.

(12) "Seclusion" means placing a participant alone in a locked room without supervision.

(13) "Serious incidents" means any situation involving a person with developmental disabilities in which the person:

(i) Has sustained an injury, which requires medical care or treatment beyond routine first aid;

(ii) Has been missing;

(iii) Has died;

(iv) Has been involved in a criminal act;

(v) Has been subject to a medication error.

SECTION 25. Sections 1 through 13 shall take effect on July 1, 2011. Section 14 shall take effect on January 1, 2012. Section 15 shall take effect upon passage. Sections 16 through 22 shall take effect on July 1, 2011. Sections 23 and 24 shall take effect upon passage."

Respectfully submitted,

REPRESENTATIVE MELO

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LC02119/12
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Representatives Melo, MacBeth, Gallison, Gordon, Schadone, and McLaughlin discuss the amendment.

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 Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Marcello, Martin, Mattiello, McLaughlin, McNamara, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Schadone, Serpa, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Williams, Winfield.

NAYS - 0.

Representatives Lima and Melo discuss the act as amended.

Representative Schadone requests to vote on page 24, lines 10-24 and sections 18, 19, 20, 21, and 22 separately.

Representatives Corvese and Reilly continue to discuss the article, as amended.

AT EASE

At 6:19 o'clock P.M. the Honorable Speaker Fox declares the House to be at ease.

ORDER

At 6:24 o'clock P.M. the Honorable Speaker Fox calls the House to order.

The Honorable Speaker Fox rules Representative Schadone's request is divisible

Representative Melo discusses the article.

Representative Menard requests for a separate vote on sections 23 and 24. The Speaker rules it is divisible.

Page 24, lines 10 through 24 and sections 18, 19, 20, 21, and 22, prevails on a roll call vote 43 members voting in the affirmative and 27 members voting in the negative as follows:

YEAS - 43: The Honorable Speaker Fox and Representatives Ajello, Baldelli-Hunt, Blazejewski, Brien, Carnevale, Cimini, Coderre, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Ferri, Gallison, Handy, Hearn, Jackson, Johnston, Keable, Kennedy, Lally, Marcello, Mattiello, McCauley, McNamara, Medina, Melo, Morrison, Naughton, Nunes, O'Grady, O'Neill, Petrarca, San Bento, Serpa, Slater, Tanzi, Tarro, Ucci, Valencia, Walsh, Williams.

NAYS - 27: Representatives Azzinaro, Bennett, Chippendale, Corvese, Costa, Fellela, Flaherty, Gordon, Guthrie, Hull, Jacquard, Lima, MacBeth, Martin, McLaughlin, Menard, Messier, Morgan, Newberry, Phillips, Reilly, Ruggiero, Savage, Schadone, Tomasso, Trillo, Winfield.

Sections 23 and 24, prevails on a roll call vote 65 members voting in the affirmative and 6 members voting in the negative as follows:

YEAS - 65: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Johnston, Keable, Kennedy, Lally, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Morgan, Morrison, Naughton, Newberry, Nunes, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Williams, Winfield.

NAYS - 6: Representatives Jacquard, Lima, MacBeth, Menard, Messier, O'Grady.

The remainder of Article 9, as amended prevails on a roll call vote 66 members voting in the affirmative and 2 members voting in the negative.

YEAS - 66: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Costa, DaSilva, Diaz,

Dickinson, Edwards, Ehrhardt, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Serpa, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Williams, Winfield.

NAYS - 2: Representatives Corvese, Schadone.

**ARTICLE 10
RELATING TO THE DEPARTMENT OF EDUCATION**

Representative Ferri moves passage of the article, seconded by Representatives Gallison, McNamara, Ruggiero, Hearn, Walsh, and McLaughlin.

Representative Ferri discusses the article.

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

**F L O O R A M E N D M E N T
T O
2011 -- H 5894 SUBSTITUTE A**

**AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE
STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012**

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUTE A, entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

(1) In Article 10, page 5, line 8, by deleting the language "by the hiring agency" and inserting in place thereof the following language:

"by applying to the bureau of criminal identification, department of attorney general, state police or local police department where he or she resides. Upon the discovery of any disqualifying information as defined in section 23-17-37, the bureau of criminal identification, the state police or the local police department will inform the applicant, in writing, of the nature of the disqualifying information; and without disclosing the nature of the disqualifying information will notify the hiring agency, in writing, that disqualifying information has been discovered. An individual against whom disqualifying information has been found may request that a copy of the criminal background report be sent to the hiring agency which shall make a judgment regarding the ability of the individual to operate a pupil transportation vehicle. In those situations in which no disqualifying information has been found, the bureau of criminal identification, state police or local police department shall inform the applicant and the hiring agency in writing of this fact".

(2) In Article 10, page 7, line 13, by deleting the language "national and statewide criminal and".

(3) In Article 10, page 7, line 14, after the language "agency" and inserting in place thereof

the following language:

", and a national and statewide criminal record check, by applying to the bureau of criminal identification, department of attorney general, state police or local police department where he or she resides. Upon the discovery of any disqualifying information as defined in section 23-17-37, the bureau of criminal identification, the state police or the local police department will inform the applicant, in writing, of the nature of the disqualifying information; and, without disclosing the nature of the disqualifying information, will notify the hiring agency, in writing, that disqualifying information has been discovered. An individual against whom disqualifying information has been found may request that a copy of the criminal background report be sent to the hiring agency which shall make a judgment regarding the ability of the individual to operate a pupil transportation vehicle. In those situations in which no disqualifying information has been found, the bureau of criminal identification, state police or local police department shall inform the applicant and the hiring agency in writing of this fact".

Respectfully submitted,

REPRESENTATIVE AJELLO

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LC02120/2
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Representatives Ajello, Ucci, DaSilva, Ferri, Tomasso, Chippendale, Handy, O'Neill and Jackson discuss the amendment.

The motion to amend fails on a roll call vote 7 members voting in the affirmative and 63 members voting in the negative as follows:

YEAS - 7: Representatives Ajello, Cimini, Handy, Tanzi, Tomasso, Walsh, Watson.

NAYS - 63: The Honorable Speaker Fox and Representatives Azzinaro, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Coderre, Corvese, Costa, DaSilva, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tarro, Trillo, Ucci, Valencia, Williams, Winfield.

Representatives Menard, Ferri, McLaughlin, and McNamara continue to discuss the article.

Article 10 is read and prevails on a roll call vote 72 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 72: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San

Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 0.

**ARTICLE 11
RELATING TO THE CHILDREN'S HEALTH ACCOUNT**

Representative Naughton moves passage of the article, seconded by Representatives Gallison, Bennett and Ferri

Representative Naughton discusses the article.

By unanimous consent, Representative Naughton offers Representative Melo's amendment seconded by Representative San Bento.

**F L O O R A M E N D M E N T
T O
2011 -- H 5894 SUBSTITUTE A**

**AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE
STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012**

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUTE A, entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

(1) In Article 11, page 2, between lines 11 and 12, by inserting the following language:

"SECTION 2. Comprehensive analysis.--The office of the health insurance commissioner is directed to undertake an analysis and study of alternatives to the current assessments levied upon health insurance premiums, including the child and adult immunization assessments and the children's health account assessment. Alternatives should include, but not be limited to, a claims surcharge on hospital services which would be levied on self-insured as well as fully-insured health plans. The analysis shall evaluate other states' tax structures, evaluate their strengths and weaknesses, and assess how they may or may not be applicable in Rhode Island.

All departments and agencies of the state shall furnish advice and information, documentary or otherwise to the office of the health insurance commissioner and its agents as is deemed necessary or desirable to facilitate the purposes of the analysis.

The office shall present a report including findings and recommendations to the chairpersons of the house and senate finance committees no later than January 1, 2012."

(2) In Article 11, page 2, line 12, by deleting the number "2" and inserting in its place the number "3".

Respectfully submitted,

REPRESENTATIVE MELO

Representative Naughton 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 Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, MacBeth, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 0.

Representatives Watson, Naughton and Menard discuss the article, as amended.

Article 11, as amended is read and prevails on a roll call vote 68 members voting in the affirmative and 3 members voting in the negative as follows:

YEAS - 68: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Williams, Winfield.

NAYS - 3: Representatives Gordon, Marcello, Watson.

ARTICLE 12
RELATING TO MUNICIPAL ACCOUNTABILITY

Representative Melo moves passage of the article, seconded by Representatives Hearn, Gallison, Slater, Ehrhardt, Reilly, Carnevale, and Morgan.

Representative Melo discusses the article.

By unanimous consent, Representative Melo, seconded by Representative Slater, offers a written motion to amend.

F L O O R A M E N D M E N T
TO
2011 -- H 5894 SUBSTITUTE A

AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE
STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUTE A, entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

1. In Article 12, page 3, line 13, by deleting the numeral "55" and inserting in place thereof the numeral "54".

2. In Article 12, page 3, line 14, by deleting the language: "STATE AND".

3. In Article 12, page 3, by deleting lines 15 through 18 and inserting in place thereof the following language:

"28-54-1. Medicare enrollment. -- Every municipality, participating or nonparticipating in the municipal employees' retirement system, may require its retirees, as a condition of receiving or continuing to receive retirement payments and health benefits, to enroll in Medicare as soon as he or she is eligible, notwithstanding the provisions of any other statute, ordinance, interest arbitration award, or collective bargaining agreement to the contrary. Municipalities that require said enrollment shall have the right to negotiate any Medicare supplement or gap coverage for Medicare-eligible retirees, but shall not be required to provide any other healthcare benefits to any Medicare-eligible retiree or his or her spouse who has reached sixty-five (65) years of age, notwithstanding the provisions of any other statute, ordinance, interest arbitration award, or collective bargaining agreement to the contrary. Municipality provided benefits that are provided to Medicare-eligible individuals shall be secondary to Medicare benefits. Nothing contained herein shall impair collectively bargained Medicare Supplement Insurance."

4. In Article 12, page 3, by deleting lines 19 through 34.

5. In Article 12, by deleting pages 4 through 14.

6. In Article 12, page 15, by deleting lines 1 through 10 and inserting in place thereof the following language:

"SECTION 3. Sections 28-29-2 and 28-29-26 of the General Laws in Chapter 28-29 entitled "Workers' Compensation - General Provisions" are hereby amended to read as follows:

28-29-2. Definitions. -- In chapters 29 -- 38 of this title, unless the context otherwise requires:

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

(2) "Director" means the director of labor and training or his or her designee unless specifically stated otherwise.

(3) (i) "Earnings capacity" means the weekly straight time earnings which an employee could receive if the employee accepted an actual offer of suitable alternative employment. Earnings capacity can also be established by the court based on evidence of ability to earn, including, but not limited to, a determination of the degree of functional impairment and/or disability, that an employee is capable of employment. The court may, in its discretion, take into consideration the performance of the employee's duty to actively seek employment in scheduling the implementation of the reduction. The employer need not identify particular employment before the court can direct an earnings capacity adjustment. In the event that an employee returns to light duty employment while partially disabled, an earnings capacity shall not be set based upon actual wages earned until the employee has successfully worked at light duty for a period of at least

thirteen (13) weeks.

(ii) As used under the provisions of this title, "functional impairment" means an anatomical or functional abnormality existing after the date of maximum medical improvement as determined by a medically or scientifically demonstrable finding and based upon the Sixth (6th) edition of the American Medical Association's Guide to the Evaluation of Permanent Impairment or comparable publications of the American Medical Association.

(iii) In the event that an employee returns to employment at an average weekly wage equal to the employee's pre-injury earnings exclusive of overtime, the employee will be presumed to have regained his/her earning capacity.

(4) "Employee" means any person who has entered into the employment of or works under contract of service or apprenticeship with any employer, except that in the case of a city or town other than the city of Providence it shall only mean that class or those classes of employees as may be designated by a city, town, or regional school district in a manner provided in this chapter to receive compensation under chapters 29 -- 38 of this title. Any person employed by the state of Rhode Island, except for sworn employees of the Rhode Island State Police, or by the Rhode Island Airport Corporation who is otherwise entitled to the benefits of chapter 19 of title 45 shall be subject to the provisions of chapters 29 -- 38 of this title for all case management procedures and dispute resolution for all benefits. The term "employee" does not include any individual who is a shareholder or director in a corporation, general or limited partners in a general partnership, a registered limited liability partnership, a limited partnership, or partners in a registered limited liability limited partnership, or any individual who is a member in a limited liability company. These exclusions do not apply to shareholders, directors and members who have entered into the employment of or who work under a contract of service or apprenticeship within a corporation or a limited liability company. The term "employee" also does not include a sole proprietor, independent contractor, or a person whose employment is of a casual nature, and who is employed other than for the purpose of the employer's trade or business, or a person whose services are voluntary or who performs charitable acts, nor shall it include the members of the regularly organized fire and police departments of any town or city except for appeals from an order of the retirement board filed pursuant to the provisions of Rhode Island general law section 45-21.2-9; provided, however, that it shall include the members of the police and aircraft rescue and firefighting (ARFF) units of the Rhode Island Airport Corporation. Whenever a contractor has contracted with the state, a city, town, or regional school district any person employed by that contractor in work under contract shall not be deemed an employee of the state, city, town, or regional school district as the case may be. Any person who on or after January 1, 1999, was an employee and became a corporate officer shall remain an employee, for purposes of these chapters, unless and until coverage under this act is waived pursuant to subsection 28-29-8(b) or section 28-29-17. Any person who is appointed a corporate officer between January 1, 1999 and December 31, 2001, and was not previously an employee of the corporation, will not be considered an employee, for purposes of these chapters, unless that corporate officer has filed a notice pursuant to subsection 28-29-19(b). In the case of a person whose services are voluntary or who performs charitable acts, any benefit received, in the form of monetary remuneration or otherwise, shall be reportable to the appropriate taxation authority but shall not be deemed to be wages earned under contract of hire for purposes of qualifying for benefits under chapters 29 -- 38 of this title. Any reference to an employee who had been injured shall, where the employee is dead, include a reference to his or her dependents as defined in this section, or to his or her legal representatives, or, where he or she is a minor or incompetent, to his or her conservator or

guardian. A "seasonal occupation" means those occupations in which work is performed on a seasonal basis of not more than sixteen (16) weeks.

(5) "Employer" includes any person, partnership, corporation, or voluntary association, and the legal representative of a deceased employer; it includes the state, and the city of Providence. It also includes each city, town, and regional school district in the state that votes or accepts the provisions of chapters 29 -- 38 of this title in the manner provided in this chapter or is a party to an appeal from an order of the retirement board filed pursuant to the provisions of Rhode Island general law section 45-21.2-9.

(6) "General or special employer":

(i) "General employer" includes but is not limited to temporary help companies and employee leasing companies and means a person who for consideration and as the regular course of its business supplies an employee with or without vehicle to another person.

(ii) "Special employer" means a person who contracts for services with a general employer for the use of an employee, a vehicle, or both.

(iii) Whenever there is a general employer and special employer wherein the general employer supplies to the special employer an employee and the general employer pays or is obligated to pay the wages or salaries of the supplied employee, then, notwithstanding the fact that direction and control is in the special employer and not the general employer, the general employer, if it is subject to the provisions of the Workers' Compensation Act or has accepted that Act, shall be deemed to be the employer as set forth in subdivision (5) of this section and both the general and special employer shall be the employer for purposes of sections 28-29-17 and 28-29-18.

(iv) Effective January 1, 2003, whenever a general employer enters into a contract or arrangement with a special employer to supply an employee or employees for work, the special employer shall require an insurer generated insurance coverage certification, on a form prescribed by the department, demonstrating Rhode Island workers' compensation and employer's liability coverage evidencing that the general employer carries workers' compensation insurance with that insurer with no indebtedness for its employees for the term of the contract or arrangement. In the event that the special employer fails to obtain and maintain at policy renewal and thereafter this insurer generated insurance coverage certification demonstrating Rhode Island workers' compensation and employer's liability coverage from the general employer, the special employer is deemed to be the employer pursuant to the provisions of this section. Upon the cancellation or failure to renew, the insurer having written the workers' compensation and employer's liability policy shall notify the certificate holders and the department of the cancellation or failure to renew and upon notice, the certificate holders shall be deemed to be the employer for the term of the contract or arrangement unless or until a new certification is obtained.

(7) (i) "Injury" means and refers to personal injury to an employee arising out of and in the course of his or her employment, connected and referable to the employment.

(ii) An injury to an employee while voluntarily participating in a private, group, or employer-sponsored carpool, vanpool, commuter bus service, or other rideshare program, having as its sole purpose the mass transportation of employees to and from work shall not be deemed to have arisen out of and in the course of employment. Nothing in the foregoing provision shall be held to deny benefits under chapters 29 -- 38 and chapter 47 of this title to employees such as drivers, mechanics, and others who receive remuneration for their participation in the rideshare program. Provided, that the foregoing provision shall not bar the right of an employee to recover against an employer and/or driver for tortious misconduct.

(8) "Maximum medical improvement" means a point in time when any medically determinable physical or mental impairment as a result of injury has become stable and when no further treatment is reasonably expected to materially improve the condition. Neither the need for future medical maintenance nor the possibility of improvement or deterioration resulting from the passage of time and not from the ordinary course of the disabling condition, nor the continuation of a pre-existing condition precludes a finding of maximum medical improvement. A finding of maximum medical improvement by the workers' compensation court may be reviewed only where it is established that an employee's condition has substantially deteriorated or improved.

(9) "Physician" means medical doctor, surgeon, dentist, licensed psychologist, chiropractor, osteopath, podiatrist, or optometrist, as the case may be.

(10) "Suitable alternative employment" means employment or an actual offer of employment which the employee is physically able to perform and will not exacerbate the employee's health condition and which bears a reasonable relationship to the employee's qualifications, background, education, and training. The employee's age alone shall not be considered in determining the suitability of the alternative employment.

(11) "Independent contractor" means a person who has filed a notice of designation as independent contractor with the director pursuant to section 28-29-17.1 or as otherwise found by the workers' compensation court.

28-29-26. Supervision of enforcement. -- (a) Department of labor and training. - The director as provided for in chapters 29 -- 38 of this title, and chapter 53 of this title and chapter 16.1 of title 42, shall have supervision over the enforcement of the provisions of those chapters, and the director shall have the power and authority to adopt and enforce all reasonable rules, regulations, and orders necessary and suitable to the administration of the department's responsibilities as described in those chapters.

(b) (1) Workers' compensation court. - The workers' compensation court, as provided for in chapters 29 -- 38 of this title, shall have supervision over the enforcement of the provisions of the chapters, and shall have the power and authority to adopt and enforce all reasonable rules, regulations, and orders necessary and suitable to the administration of its responsibilities described in the chapters. In addition to the foregoing, the court shall have the power and authority to hear and decide appeals from the retirement board in accordance with Rhode Island general law sections 45-21.2-9. The court shall remain judicially and administratively independent. The Workers' compensation court shall have original jurisdiction over all civil actions filed pursuant to sections 28-36-15 and 28-37-28 and pursuant to the provisions of chapter 53 of this title.

(2) Any petition arising from any dispute regardless of date of injury, unless specifically excepted, shall be filed with the administrator of the workers' compensation court in accordance with chapter 35 of this title and any rules and regulations promulgated by the workers' compensation court.

(3) The enactment of this subsection shall not affect the rights of the parties established by any existing memorandum of agreement, suspension agreement and receipt, preliminary determination of the department of workers' compensation, order or decree, or any existing right to the payment of compensation acquired pursuant to section 28-29-6 or 28-35-9.

SECTION 4. Sections 28-30-1 and 28-30-13 of the General Laws in Chapter 28-30 entitled "Workers' Compensation Court" are hereby amended to read as follows:

28-30-1. Court established -- General powers. -- (a) There is established in the state of Rhode Island a workers' compensation court consisting of a chief judge and nine (9) associate judges having the jurisdiction that may be necessary to carry out its duties under the provisions of

the Workers' Compensation Act, chapters 29 -- 38 of this title and the provisions of Rhode Island general law sections 45-21.2-9, except those provisions of the act which establish violations of the act as crimes, offenses, or misdemeanors. The jurisdiction of those crimes, offenses, or misdemeanors shall remain in the district and superior courts as otherwise provided by law.

(b) The court shall be a court of record with the same authority and power to subpoena and also the same authority and power to cite and punish for civil contempt as exist in the superior court. The court shall have a seal, and the members, administrator, deputy administrator, and assistant clerks of the court shall have the authority and power to administer oaths and affirmations.

28-30-13. Controversies submitted to court. -- (a) Any controversy over which the workers' compensation court has jurisdiction in accordance with chapters 29 -- 38 and chapter 53 of this title, including compensation, reasonableness of medical and hospital bills, degree of functional impairment and/or disability, a dispute between an insurance carrier and an employer under a workers' compensation insurance contract, except disputes under the jurisdiction of the workers' compensation appeals board established pursuant to section 27-9-29, failure of an employer to secure the payment of compensation under chapters 29 -- 38 and chapter 53 of this title and any controversy in which the state or any of its political subdivisions is a party, and appeals from an order of the retirement board pursuant to Rhode Island general law section 45-21.2-9 shall be submitted to the court in the manner provided in chapters 33 and 35 of this title.

(b) Disputes between an insurance carrier and an employer under a workers' compensation insurance contract shall not be subject to a pretrial conference in accordance with section 28-35-20, but shall be assigned consistent with the rules and regulations of the workers' compensation court.

SECTION 5. Sections 28-35-11 and 28-35-27 of the General Laws in Chapter 28-35 entitled "Workers' Compensation - Procedure" are hereby amended to read as follows:

28-35-11. Questions determined by court. -- All questions arising under chapters 29 -- 38 of this title and Rhode Island general law sections 45-21.2-9 shall, except as otherwise provided, be determined by the workers' compensation court in accordance with the provisions of those chapters.

28-35-27. Decision of controversies -- Decree. -- (a) In any controversy over which the workers' compensation court has jurisdiction pursuant to this chapter and Rhode Island general law sections 45-21.2-9, any judge of that court shall, pursuant to sections 28-35-11 -- 28-35-28, and the procedural rules of the court, hear all questions of law and fact involved in the controversy and presented by any party in interest, and he or she shall within ten (10) days after the hearing, unless the parties otherwise agree, decide the merits of the controversy pursuant to the law and the fair preponderance of the evidence and notify the administrator of the court of the decision, who shall immediately notify the parties by mail.

(b) Within seventy-two (72) hours of the mailing of the notice, exclusive of Sundays and holidays, the judge shall enter a decree upon the decision, which shall contain findings of fact, but within that time any party may appear and present a form of decree for consideration.

SECTION 6. Section 28-36-5 of the General Laws in Chapter 28-36 entitled "Workers' Compensation - Insurance" is hereby amended to read as follows:

28-36-5. Policy provisions as to liability of employer and insurer. -- Every policy shall cover the entire liability of the employer under chapters 29 - 38 of this title, except for appeals from an order of the retirement board filed pursuant to the provisions of Rhode Island General Law sections 45-21.2-9, and shall contain an agreement by the insurer to the effect that the insurer

shall be directly and primarily liable to the employee and, in the event of his death, to his or her dependents, to pay to him, her, or them the compensation, if any, for which the employer is liable.

SECTION 7. Section 45-19-1 of the General Laws in Chapter 45-19 entitled "Relief of Injured and Deceased Fire Fighters and Police Officers" is hereby amended to read as follows:

45-19-1. Salary payment during line of duty illness or injury. -- (a) Whenever any police officer of the Rhode Island Airport Corporation or whenever any police officer, fire fighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal of any city, town, fire district, or the state of Rhode Island is wholly or partially incapacitated by reason of injuries received or sickness contracted in the performance of his or her duties or due to their rendering of emergency assistance within the physical boundaries of the state of Rhode Island at any occurrence involving the protection or rescue of human life which necessitates that they respond in a professional capacity when they would normally be considered by their employer to be officially off-duty, the respective city, town, fire district, state of Rhode Island or Rhode Island Airport Corporation by which the police officer, fire fighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal, is employed, shall, during the period of the incapacity, pay the police officer, fire fighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal, the salary or wage and benefits to which the police officer, fire fighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal, would be entitled had he or she not been incapacitated, and shall pay the medical, surgical, dental, optical, or other attendance, or treatment, nurses, and hospital services, medicines, crutches, and apparatus for the necessary period, except that if any city, town, fire district, the state of Rhode Island or Rhode Island Airport Corporation provides the police officer, fire fighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal, with insurance coverage for the related treatment, services, or equipment, then the city, town, fire district, the state of Rhode Island or Rhode Island Airport Corporation is only obligated to pay the difference between the maximum amount allowable under the insurance coverage and the actual cost of the treatment, service, or equipment. In addition, the cities, towns, fire districts, the state of Rhode Island or Rhode Island Airport Corporation shall pay all similar expenses incurred by a member who has been placed on a disability pension and suffers a recurrence of the injury or illness that dictated his or her disability retirement, subject to the provisions of subsection (j) herein.

(b) As used in this section, "police officer" means and includes any chief or other member of the police department of any city or town regularly employed at a fixed salary or wage and any executive high sheriff, sheriff, deputy sheriff, member of the fugitive task force, or capitol police officer, permanent environmental police officer or criminal investigator of the department of environmental management, or airport police officer.

(c) As used in this section, "fire fighter" means and includes any chief or other member of the fire department or rescue personnel of any city, town, or fire district, and any person employed as a member of the fire department of the town of North Smithfield, or fire department or district in any city or town.

(d) As used in this section, "crash rescue crewperson" means and includes any chief or other member of the emergency crash rescue section, division of airports, or department of transportation of the state of Rhode Island regularly employed at a fixed salary or wage.

(e) As used in this section, "fire marshal," "chief deputy fire marshal", and "deputy fire marshal" mean and include the fire marshal, chief deputy fire marshal, and deputy fire marshals regularly employed by the state of Rhode Island pursuant to the provisions of chapter 28.2 of title

23.

(f) Any person employed by the state of Rhode Island, except for sworn employees of the Rhode Island State Police, who is otherwise entitled to the benefits of chapter 19 of this title shall be subject to the provisions of chapters 29 -- 38 of title 28 for all case management procedures and dispute resolution for all benefits.

(g) In order to receive the benefits provided for under this section, a police officer or firefighter must prove to their employer that he or she had reasonable grounds to believe that there was an emergency which required an immediate need for their assistance for the protection or rescue of human life.

(h) Any claims to the benefits provided for under this section resulting from the rendering of emergency assistance in the state of Rhode Island at any occurrence involving the protection or rescue of human life while off-duty, shall first require those covered by this section to submit a sworn declaration to their employer attesting to the date, time, place and nature of the event involving the protection or rescue of human life causing the professional assistance to be rendered and the cause and nature of any injuries sustained in the protection or rescue of human life. Sworn declarations shall also be required from any available witness to the alleged emergency involving the protection or rescue of human life.

(i) All declarations required under this section shall contain the following language:

"Under penalty of perjury, I declare and affirm that I have examined this declaration, including any accompanying schedules and statements, and that all statements contained herein are true and correct."

(j) Any person receiving injured on-duty benefits pursuant to this section, and subject to the jurisdiction of the state retirement board for accidental retirement disability, for an injury occurring on or after July 1, 2011, shall be eligible to receive such benefits for a total period of eighteen (18) months after the date of the person's injury that resulted in said person's injured on duty status, except as provided for in subdivision 45-19-1(j)(2).

(1) Within eighteen (18) months of being injured, the person shall apply for an accidental disability retirement allowance from the state retirement board. A person who so applies shall continue to receive injured on duty payments until the person's application for an accidental disability retirement allowance has been allowed or denied, and if denied initially, then upon the expiration of the appeal period from such decision to the workers' compensation court pursuant to section 45-21.2-9 of the general laws, or, if appealed, then upon a decision from the workers' compensation court denying said appeal, whichever is applicable.

(2) If a person with injured on duty status fails to apply for an accidental disability retirement allowance from the state retirement board within the eighteen (18) month period set forth in this subsection, that person's injured on duty payments shall terminate, unless said person provides to the applicable municipality a written opinion from a physician that states that it is the physician's opinion, to a reasonable degree of medical certainty, that the person will be able to return to work within six (6) months. In such event, the injured person may continue to receive injured on duty payments for a period, not to exceed six (6) months, after the initial eighteen (18) month period expires.

SECTION 8. Section 45-21.2-9 of the General Laws in Chapter 45-21.2 entitled "Optional Retirement for Members of Police Force and Fire Fighters" is hereby amended to read as follows:

45-21.2-9. Retirement for accidental disability. -- (a) Any member in active service, regardless of length of service, is entitled to an accidental disability retirement allowance. Application for the allowance is made by the member or on the member's behalf, stating that the

member is physically or mentally incapacitated for further service as the result of an injury sustained while in the performance of duty and certifying to the time, place, and conditions of the duty performed by the member which resulted in the alleged disability and that the alleged disability was not the result of the willful negligence or misconduct on the part of the member, and was not the result of age or length of service, and that the member has not attained the age of sixty-five (65). The application shall be made within eighteen (18) months of the alleged accident from which the injury has resulted in the member's present disability and shall be accompanied by an accident report and a physician's report certifying to the disability. If the member was able to return to his or her employment and subsequently reinjures or aggravates the same injury, the member shall make another application within eighteen (18) months of the reinjury or aggravation which shall be accompanied by a physician's report certifying to the reinjury or aggravation causing the disability. If a medical examination made by three (3) physicians engaged by the retirement board, and other investigations as the board may make, confirms the statements made by the member, the board may grant the member an accidental disability retirement allowance.

(b) For the purposes of subsection (a), "aggravation" shall mean an intervening work-related trauma that independently contributes to a member's original injury that amounts to more than the natural progression of the preexisting disease or condition and is not the result of age or length of service. The intervening independent trauma causing the aggravation must be an identifiable event or series of work-related events that are the proximate cause of the member's present condition of disability.

(c) "Occupational cancer", as used in this section, means a cancer arising out of employment as a fire fighter, due to injury due to exposures to smoke, fumes, or carcinogenic, poisonous, toxic, or chemical substances while in the performance of active duty in the fire department.

(d) For purposes of subsection (a), "reinjury" shall mean a recurrence of the original work-related injury from a specific ascertainable event. The specific event must be the proximate cause of the member's present condition of disability.

(e) Any fire fighter, including one employed by the state, or a municipal firefighter employed by a municipality that participates in the optional retirement for police officers and fire fighters as provided in this chapter, who is unable to perform his or her duties in the fire department by reason of a disabling occupational cancer which develops or manifests itself during a period while the fire fighter is in the service of the department, and any retired member of the fire force of any city or town who develops occupational cancer, is entitled to receive an occupational cancer disability and he or she is entitled to all of the benefits provided for in this chapter, chapters 19, 19.1, and 21 of this title and chapter 10 of title 36 if the fire fighter is employed by the state.

(f) In the event that any party is aggrieved by the determination of the retirement board pursuant to section 45-19-1, for an injury occurring on or after July 1, 2011, the party may submit an appeal to the Rhode Island workers' compensation court. The appellant shall file a notice of appeal with the retirement board and shall serve a copy of the notice of appeal upon the opposing party.

(g) Within twenty (20) days of the receipt of the notice of appeal, the retirement board shall transmit the entire record of proceedings before it, together with its order, to the workers' compensation court.

(h) In the event that a party files a notice of appeal to the workers' compensation court, the order of the retirement board shall be stayed pending further action by the court pursuant to the

provisions of Rhode Island general law section 28-35-20.

(i) Upon receipt of the record of proceedings before the retirement board, the court shall assign the matter to a judge and shall issue a notice at the time advising the parties of the judge to whom the case has been assigned and the date for pretrial conference in accordance with Rhode Island general law section 28-35-20.

(j) All proceedings filed with the workers' compensation court pursuant to this section shall be de novo and shall be subject to the provisions of chapters 29 to 38 of Title 28 for all case management procedures and dispute resolution processes, as provided under the rules of workers' compensation court. Where the matter has been heard and decided by the workers' compensation court, the court shall retain jurisdiction to review any prior orders or decrees entered by it. Such petitions to review shall be filed directly with the workers' compensation court and shall be subject to the case management and dispute resolution procedures set forth in chapters 29 through 38 of title 28 ("Labor and Labor Relations").

(k) If the court determines that a member qualifies for accidental disability retirement, the member shall receive a retirement allowance equal to sixty-six and two-thirds percent (66 2/3%) of the rate of the member's compensation at the date of the member's retirement, subject to the provisions of section 45-21-31."

7. In Article 12, page 23, lines 8 and 9 by deleting the underlined language and by inserting the following new language: 'Notwithstanding the provisions of this section, the chief of library services shall not accept any applications for library projects until July 1, 2014.'

8. In Article 12, page 29, by deleting lines 1 through 4 and inserting in place thereof the following language: "SECTION 19. This Article shall take effect upon passage."

Respectfully submitted,

REPRESENTATIVE MELO

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LC02122/10
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Representatives Melo, DaSilva, Brien, Menard, Newberry, O'Grady, MacBeth, and McLaughlin discuss the amendment.

The motion to amend prevails on a roll call vote 66 members voting in the affirmative and 2 members voting in the negative as follows:

YEAS - 66: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Costa, DaSilva, DeSimone, Diaz, Edwards, Ehrhardt, Fellela, Ferri, Gallison, Gordon, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, MacBeth, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Williams, Winfield.

NAYS - 2: Representatives Corvese, Guthrie.

By unanimous consent, Representative Valencia, seconded by Representative O'Grady, offers a written motion to amend.

F L O O R A M E N D M E N T
TO
2011 -- H 5894 SUBSTITUTE A

**AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE
STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012**

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUTE A, entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

(1) In Article 12, page 1, line 27, by deleting the semi-colon ";" and by inserting in place thereof a period "." and the following language: "The notice shall also be sent to all persons who have made a timely request of the public body for advance notice of its public meeting agendas. All persons requesting advance notice shall have the option of receiving the notice via fax, posted mail, or electronic mail."

(2) In Article 12, page 1, line 30, by deleting the language "however, nothing" and by inserting in place thereof the word "Nothing".

Respectfully submitted,

REPRESENTATIVE VALENCIA

=====
LC02122/4
=====

Representatives Valencia, Petrarca, Melo, Newberry, Chippendale, Marcello, and Ucci discuss the amendment.

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

YEAS - 8: Representatives Ajello, Cimini, Marcello, Morrison, O'Grady, Ruggiero, Valencia, Walsh.

NAYS - 61: The Honorable Speaker Fox and Representatives Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Coderre, Corvese, Costa, DaSilva, DeSimone, Diaz, Edwards, Ehrhardt, Fellela, Ferri, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, MacBeth, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Naughton, Newberry, Nunes, O'Neill, Petrarca, Phillips, Reilly, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Williams, Winfield.

By unanimous consent, Representative Morgan, seconded by Representatives Newberry and Trillo offers a written motion to amend.

FLOOR AMENDMENT
TO
2011 -- H 5894 SUBSTITUTE A

AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE
STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUTE A, entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

(1) In Article 12, page 13, line 5, between the words "member's" and "compensation", by inserting the word "base".

(2) In Article 12, page 15, line 8, after the words "member's" and "compensation", by inserting the word "base".

Respectfully submitted,

REPRESENTATIVE MORGAN

=====
LC02122/3
=====

Representatives Morgan and Melo discuss the amendment.

The motion to amend fails on a roll call vote 8 members voting in the affirmative and 60 members voting in the negative as follows:

YEAS - 8: Representatives Baldelli-Hunt, Chippendale, Costa, Gordon, Morgan, Newberry, Reilly, Trillo.

NAYS - 60: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Bennett, Blazejewski, Brien, Carnevale, Cimini, Coderre, Corvese, DaSilva, DeSimone, Diaz, Edwards, Ehrhardt, Fellela, Ferri, Gallison, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, MacBeth, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morrison, Naughton, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Ruggiero, San Bento, Savage, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Ucci, Valencia, Walsh, Williams, Winfield.

Representatives Guthrie, Brien, Gordon, McLaughlin, Melo, and Edwards discuss the article as amended.

Representative DaSilva requests to vote section 2 separately. The Honorable Speaker rules it is divisible.

Representatives DaSilva, Slater, Handy, and Corvese continue to discuss the act as amended.

Section 2 of Article 12 as amended prevails on a roll call vote 67 members voting in the affirmative and 5 members voting in the negative as follows:

YEAS - 67: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Costa, DeSimone, Diaz, Edwards, Ehrhardt, Ferri, Gallison, Gordon, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Menard, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Palumbo, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 5: Representatives Corvese, DaSilva, Fellela, Guthrie, Messier.

The remainder of Article 12 as amended prevails on a roll call vote with 72 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 72: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, DeSimone, Diaz, Edwards, Ehrhardt, Fellela, Ferri, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Palumbo, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 0.

ARTICLE 13 RELATING TO REGISTRATION OF MOTOR VEHICLES

Representative Jackson moves passage of the article, seconded by Representatives Gallison and San Bento.

Representative Jackson discusses the article.

Article 13 is read and prevails on a roll call vote 58 members voting in the affirmative and 13 members voting in the negative as follows:

YEAS - 58: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Cimini, Coderre, Corvese, DaSilva, DeSimone, Diaz, Dickinson, Edwards, Fellela, Ferri, Gallison, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Marcello, Martin, Mattiello, McCauley, McNamara, Medina, Melo, Messier, Morrison, Naughton, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Ucci, Valencia, Walsh, Williams, Winfield.

NAYS - 13: Representatives Chippendale, Costa, Ehrhardt, Gordon, Lima, MacBeth, McLaughlin, Menard, Newberry, Nunes, Schadone, Trillo, Watson.

ARTICLE 14
RELATING TO MEDICAL ASSISTANCE NURSING FACILITIES RATE REFORM

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

Representative Naughton discusses the article.

By unanimous consent, Representative Naughton offers Representative Melo's amendment seconded by Representatives McNamara, Valencia, and Corvese.

F L O O R A M E N D M E N T
TO
2011 -- H 5894 SUBSTITUTE A

AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE
STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUTE A, entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

(1) In Article 14, page 3, between lines 32 and 33 by inserting the following language:

"SECTION 2. The executive office of health and human services shall submit a report to the chairpersons of the house and senate finance committees by November 1, 2011, to coincide with the filing of the state plan amendment, detailing the changes to the nursing home reimbursement rates."

(2) In Article 14, page 3, line 33, by deleting the numeral "2" and inserting in place thereof the numeral "3".

Respectfully submitted,

REPRESENTATIVE MELO

=====
LC02124/2
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Representative Naughton 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 Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Marcello, Martin, Mattiello, McCauley, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 0.

Article 14, as amended 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 Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 0.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
HOUSE OF REPRESENTATIVES

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

I, David Bennett, State Representative, District 20, 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: 11 H 5874 SUB A (Article 15)
2. (Nature of the potential conflict) I have the following interest in the matter:
Employee of Butler Hospital
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.

DAVID A. BENNETT
REPRESENTATIVE

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

Subscribed and sworn to under the penalties for perjury before me this 24th day of June, 2011.

MICHAEL EGAN
NOTARY PUBLIC

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

GORDON D. FOX
SPEAKER OF THE HOUSE OF REPRESENTATIVES

ARTICLE 15
RELATING TO HOSPITAL PAYMENT RATES

Representative Naughton moves passage of the article, seconded by Representatives Medina, Gallison and Keable.

Representative Naughton discusses the article.

By unanimous consent, Representative Naughton offers Representative Melo's amendment seconded by Representatives Gallison, McNamara, Kennedy, Valencia and Medina.

F L O O R A M E N D M E N T
TO
2011 -- H 5894 SUBSTITUTE A

**AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE
STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012**

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUTE A, entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

1. In Article 15, page 2, line 33, after the word "For", by inserting in place thereof the word "hospital".
2. In Article 15, page 3, line 1, after the word "For", by inserting in place thereof the word "hospital".
3. In Article 15, page 3, line 2, by deleting the word "payments", and by inserting in place thereof the word "claims".
4. In Article 15, page 3, line 2, after the word "for", by inserting in place thereof the word "hospital".
5. In Article 15, page 3, line 3, by deleting the word "payments", once, after the word "inpatient" and once, after the word "those", and by inserting in place thereof the word "claims".
6. In Article 15, page 8, line 11, after the word "and", by inserting the following language: "to recommend".

Respectfully submitted,

REPRESENTATIVE MELO

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LC02126/3
=====

Representatives Naughton discusses the amendment.

The motion to amend prevails on a roll call vote 71 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 71: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Marcello, Martin, Mattiello, McCauley, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 1: Representative McLaughlin.

By unanimous consent, Representative Azzinaro seconded by Representatives Guthrie, McLaughlin, Ehrhardt, Costa and Corvese offers a written motion to amend.

F L O O R A M E N D M E N T
TO
2011 -- H 5894 SUBSTITUTE A

**AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE
STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012**

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUTE A, entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

- (1) In Article 15, on page 3, by deleting all of the language beginning on line 25 and ending on page 6, line 33.
- (2) In Article 15, on page 7, line 22, be deleting the word "one" and by inserting in place thereof the language "Three (3)".
- (3) In Article 15, on page 7, line 22, by inserting after the word "Island" the following language: ", one of whom shall be the CEO of a community hospital which is not affiliated with a health care system".
- (4) In Article 15, on page 8, line 27, by deleting the second "and".
- (5) In Article 15, on page 8, line 29, after the word "recommendations" by deleting the period "." and by inserting the following language: "; and".
- (7) Evaluating and making recommendations concerning the appropriate dollar thresholds for requiring review under chapter 23-15. This evaluation shall consider, among other factors, the effects the thresholds have on: (i) The quality and effectiveness of health care services in the state; (ii) The availability, accessibility, efficiency, and affordability of health care services in the state; (iii) The financial operations and vitality of providers and payers of health care services in the state; and (iv) The effectiveness of state-wide health system planning and the determination of need process."

Respectfully submitted,

REPRESENTATIVE AZZINARO

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LC02126/2
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Representatives Azzinaro, Medina, Naughton, Tomasso, Tanzi, Mattiello, Morgan, Melo, and Chippendale discuss the amendment.

The motion to amend fails on a roll call vote 27 members voting in the affirmative and 42 members voting in the negative as follows:

YEAS - 27: Representatives Ajello, Azzinaro, Chippendale, Cimini, Corvese, Costa, DaSilva, Diaz, Dickinson, Ehrhardt, Flaherty, Gordon, Guthrie, Jacquard, Lima, McLaughlin, Morgan, Nunes, Reilly, Schadone, Serpa, Tanzi, Tomasso, Trillo, Walsh, Watson, Winfield.

NAYS - 42: The Honorable Speaker Fox and Representatives Baldelli-Hunt, Blazejewski, Brien, Carnevale, Edwards, Fellela, Ferri, Gallison, Handy, Hearn, Hull, Jackson, Johnston, Keable, Kennedy, Lally, MacBeth, Marcello, Martin, Mattiello, McNamara, Medina, Melo, Menard, Messier, Morrison, Naughton, Newberry, O'Grady, O'Neill, Petrarca, Phillips, Ruggiero, San Bento, Savage, Silva, Slater, Tarro, Ucci, Valencia, Williams.

Representative McNamara discusses the article as amended.

Article 15 is read and prevails, as amended, on a roll call vote 61 members voting in the affirmative and 9 members voting in the negative as follows:

YEAS - 61: The Honorable Speaker Fox and Representatives Ajello, Baldelli-Hunt, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Gallison, Gordon, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, MacBeth, Marcello, Martin, Mattiello, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Serpa, Silva, Slater, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Williams, Winfield.

NAYS - 9: Representatives Azzinaro, Corvese, Flaherty, Guthrie, Lima, McLaughlin, Schadone, Tanzi, Watson.

**ARTICLE 16
RELATING TO THE MEDICAID REFORM ACT**

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

Representative Naughton discusses the article.

By unanimous consent, Representative Naughton offers Representative Melo's amendment seconded by Representatives O'Neill, McNamara and Ferri.

**F L O O R A M E N D M E N T
T O
2011 -- H 5894 SUBSTITUTE A**

AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE
STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUTE A, entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

(1) In Article 16, page 3, lines 33 and 34 and on page 4, lines 1 through 5, by removing the underlining.

(2) In Article 16, page 5, line 1, by capitalizing the word "services".

(3) In Article 16, page 5, line 8, by deleting the word "Chairperson" and inserting in place thereof the word "Chairpersons".

(4) In Article 16, page 5, line 9, by deleting the word "Committee" and inserting in place thereof the word "Committees".

Respectfully submitted,

REPRESENTATIVE MELO

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LC02127/3
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Representative Naughton 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 Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 0.

Representative O'Neill and Naughton discuss the article as amended.

NOW PRESIDING

At 7:25 o'clock P.M. the Honorable Speaker Fox yields the rostrum to the Honorable Speaker Pro Tempore Coderre.

Representatives MacBeth and Cimini discuss the article as amended.

NOW PRESIDING

At 7:27 o'clock P.M. the Honorable Speaker Pro Tempore Coderre yields the rostrum to the Honorable Speaker Fox.

Article 16 is read and prevails, as amended, on a roll call vote 50 members voting in the affirmative and 20 members voting in the negative as follows:

YEAS - 50: The Honorable Speaker Fox and Representatives Azzinaro, Baldelli-Hunt, Brien, Chippendale, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Ferri, Flaherty, Gallison, Gordon, Hearn, Jackson, Jacquard, Johnston, Lally, MacBeth, Marcello, Martin, Mattiello, McNamara, Melo, Messier, Morgan, Naughton, Newberry, Nunes, O'Neill, Petrarca, Phillips, Reilly, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tarro, Tomasso, Trillo, Ucci, Watson, Williams, Winfield.

NAYS - 20: Representatives Ajello, Bennett, Blazejewski, Carnevale, Cimini, Fellela, Guthrie, Handy, Hull, Keable, Kennedy, Lima, Medina, Menard, Morrison, O'Grady, Ruggiero, Tanzi, Valencia, Walsh.

ARTICLE 17
RELATING TO DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES

Representative Naughton moves passage of the article, seconded by Representatives Martin, Gallison and Ucci.

Representatives Naughton and Macbeth discuss the article.

By unanimous consent, Representative Tanzi seconded by Representatives Walsh offers a written motion to amend.

F L O O R A M E N D M E N T
TO
2011 -- H 5894 SUBSTITUTE A

**AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE
STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012**

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUTE A, entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

In Article 17, page 3, line 19, by deleting the period after the word "section" and inserting in place thereof the following language:

"; provided, however, the fees and charges shall not exceed the actual cost of the CANTS check, and shall in no event be more than five dollars (\$5.00)."

Respectfully submitted,

REPRESENTATIVE TANZI

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LC02129/2
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Representatives Tanzi, Petrarca, MacBeth, Melo and Mattiello discuss the amendment.

Representative MacBeth offers an oral amendment on line 7. The Honorable Speaker rules the oral amendment is more substantive than allowed. Representative MacBeth requests to hold the amendment. Representative Melo objects.

The motion to amend fails on a roll call vote 13 members voting in the affirmative and 57 members voting in the negative as follows:

YEAS - 13: Representatives Bennett, Diaz, Dickinson, Guthrie, Hull, Jacquard, Lima, MacBeth, Menard, Palumbo, Phillips, Tanzi, Walsh.

NAYS - 57: The Honorable Speaker Fox and Representatives Azzinaro, Baldelli-Hunt, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Handy, Hearn, Jackson, Johnston, Keable, Kennedy, Lally, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tarro, Tomasso, Trillo, Ucci, Valencia, Watson, Williams, Winfield.

Representative McLaughlin discusses the article.

Article 17 is read and prevails on a roll call vote 69 members voting in the affirmative and 2 members voting in the negative as follows:

YEAS - 69: The Honorable Speaker Fox and Representatives Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Palumbo, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 2: Representatives MacBeth, Menard.

ARTICLE 18
RELATING TO HOSPITAL UNCOMPENSATED CARE

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

Representative Naughton discusses the article.

By unanimous consent, Representative Naughton offers Representative Melo's amendment, seconded by Representatives Dickinson, Valencia, Ferri, Gallison, Ehrhardt, Walsh, Tanzi, Azzinaro, Bennett, Reilly, Kennedy, Lally and Tomasso.

F L O O R A M E N D M E N T
TO
2011 -- H 5894 SUBSTITUTE A

AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE
STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUTE A, entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

1. In Article 18, page 3, line 22, by deleting the language "department of", and by inserting in place thereof the following language: "executive office of health and".

2. In Article 18, page 3, line 26, by deleting the word "department", and by inserting in place thereof the following language: "executive office of health and human services".

3. In Article 18, page 4, line 9, by deleting the language "department of", and by inserting in place thereof the following language: "executive office of health and".

4. In Article 18, page 4, between lines 30 and 31, by adding the following language:

"SECTION 3. Section 40-8.3-5 of the General Laws in Chapter 40-8.3 entitled "Uncompensated Care" is hereby amended to read as follows:

40-8.3-5. Hospital payments. -- Due to the high ratio of unqualified uncompensated care expenses to qualified uncompensated care expenses, the department of human services is hereby authorized and directed to pay by September 1, 2010 from revenues derived from taxes imposed in accordance with section 44-17-1: (1) acute care hospitals in Washington County the amount of five hundred thousand dollars (\$500,000) to South County Hospital, and seven hundred and fifty thousand dollars (\$750,000) to The Westerly Hospital; (2) any acute care hospital in Kent County the amount of eight hundred thousand dollars (\$800,000); and (3) Miriam Hospital the amount of one million six hundred thousand dollars (\$1,600,000). The department of human services is authorized and directed to pay four million seven hundred fifty thousand dollars (\$4,750,000) during state fiscal year 2011 to the following hospitals: one million seven hundred seventy-eight thousand eight hundred forty-three dollars (\$1,778,843) to Kent Hospital; six hundred and forty-two thousand three hundred forty dollars (\$642,340) to Saint Joseph 's Hospital; one million one hundred thirty-one thousand, nine hundred twenty-nine dollars (\$1,131,929) to Miriam Hospital; four hundred thirty-eight thousand and four hundred eighty-two dollars (\$438,482) to South County Hospital; two hundred ninety seven thousand eight hundred and six dollars (\$297,806) to Westerly Hospital; one hundred thirty-three thousand and six hundred seventy-two dollars (\$133,672) to Newport Hospital; one hundred seventy thousand nine hundred and sixty-four dollars (\$170,964) to Butler Hospital; and one hundred fifty-five thousand and nine hundred sixty-three dollars (\$155,963) to Bradley Hospital of Rhode Island. The department of human services is authorized to pay five hundred thousand dollars (\$500,000) to South County Hospital and five hundred thousand dollars (\$500,000) to Westerly Hospital in state fiscal year 2012."

4. In Article 18, page 4, line 31, by deleting the numeral "3", and by inserting in place

thereof the numeral "4".

Respectfully submitted,

REPRESENTATIVE MELO

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LC02131/2
=====

Representatives Naughton, Menard, Trillo, Melo, Kennedy, Morrison, and MacBeth discuss the amendment.

The motion to amend prevails on a roll call vote 72 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 72: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Palumbo, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 1: Representative MacBeth.

Article 18 is read and prevails as amended, on a roll call vote 70 members voting in the affirmative and 3 members voting in the negative as follows:

YEAS - 70: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 3: Representatives MacBeth, Menard, Palumbo.

RECESS

At 7:52 o'clock P.M. the Honorable Speaker Fox declares the House to be in recess.

ORDER

At 9:17 o'clock P.M. the Honorable Speaker Fox calls the House to order.

ARTICLE 19
RELATING TO TAXES AND REVENUES

Representative Melo moves passage of the article, seconded by Representatives Ferri, Gallison, McLaughlin, and Jackson.

Representative Melo discusses the article.

By unanimous consent, Representative Melo seconded by Representatives Gallison and San Bento offers a written motion to amend.

F L O O R A M E N D M E N T
TO
2011 -- H 5894 SUBSTITUTE A

AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE
STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUTE A, entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

1. In Article 19, by deleting all of the language from page 34, line 12, through page 59, line 31 and inserting in place thereof the following language:

"SECTION 23. Section 44-18-7 of the General Laws in Chapter 44-18 entitled "Sales and Use Taxes - Liability and Computation" is hereby amended to read as follows:

44-18-7. Sales defined. -- "Sales" means and includes:

(1) Any transfer of title or possession, exchange, barter, lease, or rental, conditional or otherwise, in any manner or by any means of tangible personal property for a consideration. "Transfer of possession", "lease", or "rental" includes transactions found by the tax administrator to be in lieu of a transfer of title, exchange, or barter.

(2) The producing, fabricating, processing, printing, or imprinting of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the producing, fabricating, processing, printing, or imprinting.

(3) The furnishing and distributing of tangible personal property for a consideration by social, athletic, and similar clubs and fraternal organizations to their members or others.

(4) The furnishing, preparing, or serving for consideration of food, meals, or drinks, including any cover, minimum, entertainment, or other charge in connection therewith.

(5) A transaction whereby the possession of tangible personal property is transferred, but the seller retains the title as security for the payment of the price.

(6) Any withdrawal, except a withdrawal pursuant to a transaction in foreign or interstate commerce, of tangible personal property from the place where it is located for delivery to a point in this state for the purpose of the transfer of title or possession, exchange, barter, lease, or rental, conditional or otherwise, in any manner or by any means whatsoever, of the property for a consideration.

(7) A transfer for a consideration of the title or possession of tangible personal property, which has been produced, fabricated, or printed to the special order of the customer, or any

publication.

(8) The furnishing and distributing of electricity, natural gas, artificial gas, steam, refrigeration, and water.

(9) (i) The furnishing for consideration of intrastate, interstate and international telecommunications service sourced in this state in accordance with subsections 44-18.1(15) and (16) and all ancillary services, any maintenance services of telecommunication equipment other than as provided for in subdivision 44-18-12(b)(ii). For the purposes of chapters 18 and 19 of this title only, telecommunication service does not include service rendered using a prepaid telephone calling arrangement.

(ii) Notwithstanding the provisions of paragraph (i) of this subdivision, in accordance with the Mobile Telecommunications Sourcing Act (4 U.S.C. sections 116 -- 126), subject to the specific exemptions described in 4 U.S.C. section 116(c), and the exemptions provided in sections 44-18-8 and 44-18-12, mobile telecommunications services that are deemed to be provided by the customer's home service provider are subject to tax under this chapter if the customer's place of primary use is in this state regardless of where the mobile telecommunications services originate, terminate or pass through. Mobile telecommunications services provided to a customer, the charges for which are billed by or for the customer's home service provider, shall be deemed to be provided by the customer's home service provider.

(10) The furnishing of service for transmission of messages by telegraph, cable, or radio and the furnishing of community antenna television, subscription television, and cable television services.

(11) The rental of living quarters in any hotel, rooming house, or tourist camp.

(12) The transfer for consideration of prepaid telephone calling arrangements and the recharge of prepaid telephone calling arrangements sourced to this state in accordance with sections 44-18.1-11 and 44-18.1-15. "Prepaid telephone calling arrangement" means and includes prepaid calling service and prepaid wireless calling service.

(13) The furnishing of package tour and scenic and sightseeing transportation services as set forth in the 2007 North American Industrial Classification System codes 561520 and 487 provided that such services are conducted in the state, in whole or in part. Said services include all activities engaged in for other persons for a fee, retainer, commission, or other monetary charge, which activities involve the performance of a service as distinguished from selling property.

(14) The sale, storage, use or other consumption of over-the-counter drugs as defined in paragraph 44-18-7.1(h)(ii).

(15) The sale, storage, use or other consumption of prewritten computer software delivered electronically or by load and leave as defined in paragraph 44-18-7.1(v).

(16) The sale, storage, use or other consumption of medical marijuana as defined in section 21-28.6-3.

SECTION 24. Sections 44-18-8, 44-18-12, 44-18-15, 44-18-20, 44-18-21, 44-18-22, 44-18-23, 44-18-25 and 44-18-30 of the General Laws in Chapter 44-18 entitled "Sales and Use Taxes - Liability and Computation" are hereby amended to read as follows:

44-18-8. Retail sale or sale at retail defined. -- A "retail sale" or "sale at retail" means any sale, lease or rentals of tangible personal property, prewritten computer software delivered electronically or by load and leave, and/or package tour and scenic and sightseeing transportation services for any purpose other than resale, sublease or subrent in the regular course of business. The sale of tangible personal property to be used for purposes of rental in the regular course of business is considered to be a sale for resale. In regard to telecommunications service as defined in

section 44-18-7(9), retail sale does not include the purchase of telecommunications service by a telecommunications provider from another telecommunication provider for resale to the ultimate consumer; provided, that the purchaser submits to the seller a certificate attesting to the applicability of this exclusion, upon receipt of which the seller is relieved of any tax liability for the sale.

44-18-12. "Sale price" defined. -- (a) "Sales price" applies to the measure subject to sales tax and means the total amount of consideration, including cash, credit, property, and services, for which personal property or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for the following:

- (i) The seller's cost of the property sold;
- (ii) The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;
- (iii) Charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;
- (iv) Delivery charges, as defined in section 44-18-7.1(i); ~~or~~
- (v) Credit for any trade-in, as determined by state law; ;
- (vi) The amount charged for package tour and scenic and sightseeing transportation services; or

(b) "Sales price" shall not include:

- (i) Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a seller and taken by a purchaser on a sale;
- (ii) The amount charged for labor or services, except for package tours and scenic and sightseeing transportation services, rendered in installing or applying the property sold when the charge is separately stated by the retailer to the purchaser; provided that in transactions subject to the provisions of this chapter the retailer shall separately state such charge when requested by the purchaser and, further, the failure to separately state such charge when requested may be restrained in the same manner as other unlawful acts or practices prescribed in chapter 13.1 of title 6.

(iii) Interest, financing, and carrying charges from credit extended on the sale of personal property or services, if the amount is separately stated on the invoice, bill of sale or similar document given to the purchaser; and

(iv) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale or similar document given to the purchaser.

(v) Manufacturer rebates allowed on the sale of motor vehicles.

(c) "Sales price" shall include consideration received by the seller from third parties if:

(i) The seller actually receives consideration from a party other than the purchaser and the consideration is directly related to a price reduction or discount on the sale;

(ii) The seller has an obligation to pass the price reduction or discount through to the purchaser;

(iii) The amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and

(iv) One of the following criteria is met:

(A) The purchaser presents a coupon, certificate or other documentation to the seller to claim a price reduction or discount where the coupon, certificate or documentation is authorized, distributed or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate or documentation is presented;

(B) The purchaser identifies himself or herself to the seller as a member of a group or organization entitled to a price reduction or discount (a "preferred customer" card that is available to any patron does not constitute membership in such a group), or

(C) The price reduction or discount is identified as a third party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate or other documentation presented by the purchaser.

44-18-15. "Retailer" defined. -- (a) "Retailer" includes:

(1) Every person engaged in the business of making sales at retail, prewritten computer software delivered electronically or by load and leave, and/or package tour and scenic and sightseeing transportation services, including sales at auction of tangible personal property owned by the person or others.

(2) Every person making sales of tangible personal property, prewritten computer software delivered electronically or by load and leave, and/or package tour and scenic and sightseeing transportation services, through an independent contractor or other representative, if the retailer enters into an agreement with a resident of this state, under which the resident, for a commission or other consideration, directly or indirectly refers potential customers, whether by a link on an Internet website or otherwise, to the retailer, provided the cumulative gross receipts from sales by the retailer to customers in the state who are referred to the retailer by all residents with this type of an agreement with the retailer, is in excess of five thousand dollars (\$5,000) during the preceding four (4) quarterly periods ending on the last day of March, June, September and December. Such retailer shall be presumed to be soliciting business through such independent contractor or other representative, which presumption may be rebutted by proof that the resident with whom the retailer has an agreement did not engage in any solicitation in the state on behalf of the retailer that would satisfy the nexus requirement of the United States Constitution during such four (4) quarterly periods.

(3) Every person engaged in the business of making sales for storage, use, or other consumption, or the business of making sales at auction of tangible personal property, prewritten computer software delivered electronically or by load and leave, and/or package tour and scenic and sightseeing transportation services, owned by the person or others for storage, use, or other consumption.

(4) A person conducting a horse race meeting with respect to horses, which are claimed during the meeting.

(5) Every person engaged in the business of renting any living quarters in any hotel, rooming house, or tourist camp.

(6) Every person maintaining a business within or outside of this state who engages in the regular or systematic solicitation of sales of tangible personal property, prewritten computer software delivered electronically or by load and leave, and/or package tour and scenic and sightseeing transportation services, in this state by means of:

(i) Advertising in newspapers, magazines, and other periodicals published in this state, sold over the counter in this state or sold by subscription to residents of this state, billboards located in this state, airborne advertising messages produced or transported in the airspace above this state, display cards and posters on common carriers or any other means of public conveyance incorporated or operated primarily in this state, brochures, catalogs, circulars, coupons, pamphlets, samples, and similar advertising material mailed to, or distributed within this state to residents of this state;

(ii) Telephone;

(iii) Computer assisted shopping networks; and

(iv) Television, radio or any other electronic media, which is intended to be broadcast to consumers located in this state.

(b) When the tax administrator determines that it is necessary for the proper administration of chapters 18 and 19 of this title to regard any salespersons, representatives, truckers, peddlers, or canvassers as the agents of the dealers, distributors, supervisors, employers, or persons under whom they operate or from whom they obtain the tangible personal property sold by them, irrespective of whether they are making sales on their own behalf or on behalf of the dealers, distributors, supervisors, or employers, the tax administrator may so regard them and may regard the dealers, distributors, supervisors, or employers as retailers for purposes of chapters 18 and 19 of this title.

44-18-20. Use tax imposed. -- (a) An excise tax is imposed on the storage, use, or other consumption in this state of tangible personal property, or prewritten computer software delivered electronically or by load and leave, and/or package tour and scenic and sightseeing transportation services, including a motor vehicle, a boat, an airplane, or a trailer, purchased from any retailer at the rate of six percent (6%) of the sale price of the property.

(b) An excise tax is imposed on the storage, use, or other consumption in this state of a motor vehicle, a boat, an airplane, or a trailer purchased from other than a licensed motor vehicle dealer or other than a retailer of boats, airplanes, or trailers respectively, at the rate of six percent (6%) of the sale price of the motor vehicle, boat, airplane, or trailer.

(c) The word "trailer" as used in this section and in section 44-18-21 means and includes those defined in section 31-1-5(a) -- (e) and also includes boat trailers, camping trailers, house trailers, and mobile homes.

(d) Notwithstanding the provisions contained in this section and in section 44-18-21 relating to the imposition of a use tax and liability for this tax on certain casual sales, no tax is payable in any casual sale:

(1) When the transferee or purchaser is the spouse, mother, father, brother, sister, or child of the transferor or seller;

(2) When the transfer or sale is made in connection with the organization, reorganization, dissolution, or partial liquidation of a business entity; provided:

(i) The last taxable sale, transfer, or use of the article being transferred or sold was subjected to a tax imposed by this chapter;

(ii) The transferee is the business entity referred to or is a stockholder, owner, member, or partner; and

(iii) Any gain or loss to the transferor is not recognized for income tax purposes under the provisions of the federal income tax law and treasury regulations and rulings issued thereunder;

(3) When the sale or transfer is of a trailer, other than a camping trailer, of the type ordinarily used for residential purposes and commonly known as a house trailer or as a mobile home; or

(4) When the transferee or purchaser is exempt under the provisions of section 44-18-30 or other general law of this state or special act of the general assembly of this state.

(e) The term "casual" means a sale made by a person other than a retailer; provided, that in the case of a sale of a motor vehicle, the term means a sale made by a person other than a licensed motor vehicle dealer or an auctioneer at an auction sale. In no case is the tax imposed under the provisions of subsections (a) and (b) of this section on the storage, use, or other consumption in this state of a used motor vehicle less than the product obtained by multiplying the amount of the

retail dollar value at the time of purchase of the motor vehicle by the applicable tax rate; provided, that where the amount of the sale price exceeds the amount of the retail dollar value, the tax is based on the sale price. The tax administrator shall use as his or her guide the retail dollar value as shown in the current issue of any nationally recognized used vehicle guide for appraisal purposes in this state. On request within thirty (30) days by the taxpayer after payment of the tax, if the tax administrator determines that the retail dollar value as stated in this subsection is inequitable or unreasonable, he or she shall, after affording the taxpayer reasonable opportunity to be heard, re-determine the tax.

(f) Every person making more than five (5) retail sales of tangible personal property or prewritten computer software delivered electronically or by load and leave, and/or package tour and scenic and sightseeing transportation services during any twelve (12) month period, including sales made in the capacity of assignee for the benefit of creditors or receiver or trustee in bankruptcy, is considered a retailer within the provisions of this chapter.

(g) (1) "Casual sale" includes a sale of tangible personal property not held or used by a seller in the course of activities for which the seller is required to hold a seller's permit or permits or would be required to hold a seller's permit or permits if the activities were conducted in this state; provided, that the sale is not one of a series of sales sufficient in number, scope, and character (more than five (5) in any twelve (12) month period) to constitute an activity for which the seller is required to hold a seller's permit or would be required to hold a seller's permit if the activity were conducted in this state.

(2) Casual sales also include sales made at bazaars, fairs, picnics, or similar events by nonprofit organizations, which are organized for charitable, educational, civic, religious, social, recreational, fraternal, or literary purposes during two (2) events not to exceed a total of six (6) days duration each calendar year. Each event requires the issuance of a permit by the division of taxation. Where sales are made at events by a vendor, which holds a sales tax permit and is not a nonprofit organization, the sales are in the regular course of business and are not exempt as casual sales.

(h) The use tax imposed under this section for the period commencing July 1, 1990 is at the rate of seven percent (7%). In recognition of the work being performed by the Streamlined Sales and Use Tax Governing Board, upon any federal law which requires remote sellers to collect and remit taxes, effective the first (1st) day of the first (1st) state fiscal quarter following the change, the rate imposed under section 44-18-18 shall be six and one-half percent (6.5%).

44-18-21. Liability for use tax. -- (a) Every person storing, using, or consuming in this state tangible personal property, including a motor vehicle, boat, airplane, or trailer, purchased from a retailer, and a motor vehicle, boat, airplane, or trailer, purchased from other than a licensed motor vehicle dealer or other than a retailer of boats, airplanes, or trailers respectively; or storing, using or consuming specified prewritten computer software delivered electronically or by load and leave, and/or package tour and scenic and sightseeing transportation services is liable for the use tax. The person's liability is not extinguished until the tax has been paid to this state, except that a receipt from a retailer engaging in business in this state or from a retailer who is authorized by the tax administrator to collect the tax under rules and regulations that he or she may prescribe, given to the purchaser pursuant to the provisions of section 44-18-22, is sufficient to relieve the purchaser from further liability for the tax to which the receipt refers.

(b) Each person before obtaining an original or transferral registration for any article or commodity in this state, which article or commodity is required to be licensed or registered in the state, shall furnish satisfactory evidence to the tax administrator that any tax due under this chapter

with reference to the article or commodity has been paid, and for the purpose of effecting compliance, the tax administrator, in addition to any other powers granted to him or her, may invoke the provisions of section 31-3-4 in the case of a motor vehicle. The tax administrator, when he or she deems it to be for the convenience of the general public, may authorize any agency of the state concerned with the licensing or registering of these articles or commodities to collect the use tax on any articles or commodities which the purchaser is required by this chapter to pay before receiving an original or transferral registration. The general assembly shall annually appropriate a sum that it deems necessary to carry out the purposes of this section. Notwithstanding the provisions of sections 44-18-19, 44-18-22, and 44-18-24, the sales or use tax on any motor vehicle and/or recreational vehicle requiring registration by the administrator of the division of motor vehicles shall not be added by the retailer to the sale price or charge but shall be paid directly by the purchaser to the tax administrator, or his or her authorized deputy or agent as provided in this section.

(c) In cases involving total loss or destruction of a motor vehicle occurring within one hundred twenty (120) days from the date of purchase and upon which the purchaser has paid the use tax, the amount of the tax constitutes an overpayment. The amount of the overpayment may be credited against the amount of use tax on any subsequent vehicle which the owner acquires to replace the lost or destroyed vehicle or may be refunded, in whole or in part.

44-18-22. Collection of use tax by retailer. -- Every retailer engaging in business in this state and making sales of tangible personal property or prewritten computer software delivered electronically or by load and leave, for storage, use, or other consumption in this state, and/or providing package tour and scenic and sightseeing transportation services, not exempted under this chapter shall, at the time of making the sales, or if the storage, use, or other consumption of the tangible personal property, prewritten computer software delivered electronically or by load and leave, and/or providing package tour and scenic and sightseeing transportation services, is not then taxable under this chapter, at the time the storage, use, or other consumption becomes taxable, collect the tax from the purchaser and give to the purchaser a receipt in the manner and form prescribed by the tax administrator.

44-18-23. "Engaging in business" defined. -- As used in sections 44-18-21 and 44-18-22 the term "engaging in business in this state" means the selling or delivering in this state, or any activity in this state related to the selling or delivering in this state of tangible personal property or prewritten computer software delivered electronically or by load and leave for storage, use, or other consumption in this state, as well as providing package tour and scenic and sightseeing transportation services. This term includes, but is not limited to, the following acts or methods of transacting business:

(1) Maintaining, occupying, or using in this state permanently or temporarily, directly or indirectly or through a subsidiary, representative, or agent by whatever name called and whether or not qualified to do business in this state, any office, place of distribution, sales or sample room or place, warehouse or storage place, or other place of business;

(2) Having any subsidiary, representative, agent, salesperson, canvasser, or solicitor permanently or temporarily, and whether or not the subsidiary, representative, or agent is qualified to do business in this state, operate in this state for the purpose of selling, delivering, or the taking of orders for any tangible personal property, or prewritten computer software delivered electronically or by load and leave, and/or package tour and scenic and sightseeing transportation services;

(3) The regular or systematic solicitation of sales of tangible personal property, or

prewritten computer software delivered electronically or by load and leave, and/or package tour and scenic and sightseeing transportation services, in this state by means of:

(i) Advertising in newspapers, magazines, and other periodicals published in this state, sold over the counter in this state or sold by subscription to residents of this state, billboards located in this state, airborne advertising messages produced or transported in the air space above this state, display cards and posters on common carriers or any other means of public conveyance incorporated or operating primarily in this state, brochures, catalogs, circulars, coupons, pamphlets, samples, and similar advertising material mailed to, or distributed within this state to residents of this state;

(ii) Telephone;

(iii) Computer-assisted shopping networks; and

(iv) Television, radio or any other electronic media, which is intended to be broadcast to consumers located in this state.

44-18-25. Presumption that sale is for storage, use, or consumption -- Resale certificate. --

It is presumed that all gross receipts are subject to the sales tax, and that the use of all tangible personal property, or prewritten computer software delivered electronically or by load and leave, and/or package tour and scenic and sightseeing transportation services are ~~is~~ subject to the use tax, and that all tangible personal property, or prewritten computer software delivered electronically or by load and leave, and/or package tour and scenic and sightseeing transportation services sold or in processing or intended for delivery or delivered in this state is sold or delivered for storage, use, or other consumption in this state, until the contrary is established to the satisfaction of the tax administrator. The burden of proving the contrary is upon the person who makes the sale and the purchaser, unless the person who makes the sale takes from the purchaser a certificate to the effect that the purchase was for resale. The certificate shall contain any information and be in the form that the tax administrator may require.

44-18-30. Gross receipts exempt from sales and use taxes. -- There are exempted from the taxes imposed by this chapter the following gross receipts:

(1) Sales and uses beyond constitutional power of state. - From the sale and from the storage, use, or other consumption in this state of tangible personal property the gross receipts from the sale of which, or the storage, use, or other consumption of which, this state is prohibited from taxing under the Constitution of the United States or under the constitution of this state.

(2) Newspapers.

(i) From the sale and from the storage, use, or other consumption in this state of any newspaper.

(ii) "Newspaper" means an unbound publication printed on newsprint, which contains news, editorial comment, opinions, features, advertising matter, and other matters of public interest.

(iii) "Newspaper" does not include a magazine, handbill, circular, flyer, sales catalog, or similar item unless the item is printed for and distributed as a part of a newspaper.

(3) School meals. - From the sale and from the storage, use, or other consumption in this state of meals served by public, private, or parochial schools, school districts, colleges, universities, student organizations, and parent teacher associations to the students or teachers of a school, college, or university whether the meals are served by the educational institutions or by a food service or management entity under contract to the educational institutions.

(4) Containers.

(i) From the sale and from the storage, use, or other consumption in this state of:

(A) Non-returnable containers, including boxes, paper bags, and wrapping materials which are biodegradable and all bags and wrapping materials utilized in the medical and healing arts, when sold without the contents to persons who place the contents in the container and sell the contents with the container.

(B) Containers when sold with the contents if the sale price of the contents is not required to be included in the measure of the taxes imposed by this chapter.

(C) Returnable containers when sold with the contents in connection with a retail sale of the contents or when resold for refilling.

(ii) As used in this subdivision, the term "returnable containers" means containers of a kind customarily returned by the buyer of the contents for reuse. All other containers are "non-returnable containers."

(5) (i) Charitable, educational, and religious organizations. - From the sale to as in defined in this section, and from the storage, use, and other consumption in this state or any other state of the United States of America of tangible personal property by hospitals not operated for a profit, "educational institutions" as defined in subdivision (18) not operated for a profit, churches, orphanages, and other institutions or organizations operated exclusively for religious or charitable purposes, interest free loan associations not operated for profit, nonprofit organized sporting leagues and associations and bands for boys and girls under the age of nineteen (19) years, the following vocational student organizations that are state chapters of national vocational students organizations: Distributive Education Clubs of America, (DECA); Future Business Leaders of America, phi beta lambda (FBLA/PBL); Future Farmers of America (FFA); Future Homemakers of America/Home Economics Related Occupations (FHA/HERD); and Vocational Industrial Clubs of America (VICA), organized nonprofit golden age and senior citizens clubs for men and women, and parent teacher associations.

(ii) In the case of contracts entered into with the federal government, its agencies or instrumentalities, this state or any other state of the United States of America, its agencies, any city, town, district, or other political subdivision of the states, hospitals not operated for profit, educational institutions not operated for profit, churches, orphanages, and other institutions or organizations operated exclusively for religious or charitable purposes, the contractor may purchase such materials and supplies (materials and/or supplies are defined as those which are essential to the project) that are to be utilized in the construction of the projects being performed under the contracts without payment of the tax.

(iii) The contractor shall not charge any sales or use tax to any exempt agency, institution, or organization but shall in that instance provide his or her suppliers with certificates in the form as determined by the division of taxation showing the reason for exemption; and the contractor's records must substantiate the claim for exemption by showing the disposition of all property so purchased. If any property is then used for a nonexempt purpose, the contractor must pay the tax on the property used.

(6) Gasoline. - From the sale and from the storage, use, or other consumption in this state of: (i) gasoline and other products taxed under chapter 36 of title 31, and (ii) fuels used for the propulsion of airplanes.

(7) Purchase for manufacturing purposes.

(i) From the sale and from the storage, use, or other consumption in this state of computer software, tangible personal property, electricity, natural gas, artificial gas, steam, refrigeration, and water, when the property or service is purchased for the purpose of being manufactured into a finished product for resale, and becomes an ingredient, component, or integral part of the

manufactured, compounded, processed, assembled, or prepared product, or if the property or service is consumed in the process of manufacturing for resale computer software, tangible personal property, electricity, natural gas, artificial gas, steam, refrigeration, or water.

(ii) "Consumed" means destroyed, used up, or worn out to the degree or extent that the property cannot be repaired, reconditioned, or rendered fit for further manufacturing use.

(iii) "Consumed" includes mere obsolescence.

(iv) "Manufacturing" means and includes manufacturing, compounding, processing, assembling, preparing, or producing.

(v) "Process of manufacturing" means and includes all production operations performed in the producing or processing room, shop, or plant, insofar as the operations are a part of and connected with the manufacturing for resale of tangible personal property, electricity, natural gas, artificial gas, steam, refrigeration, or water and all production operations performed insofar as the operations are a part of and connected with the manufacturing for resale of computer software.

(vi) "Process of manufacturing" does not mean or include administration operations such as general office operations, accounting, collection, sales promotion, nor does it mean or include distribution operations which occur subsequent to production operations, such as handling, storing, selling, and transporting the manufactured products, even though the administration and distribution operations are performed by or in connection with a manufacturing business.

(8) State and political subdivisions. - From the sale to, and from the storage, use, or other consumption by, this state, any city, town, district, or other political subdivision of this state. Every redevelopment agency created pursuant to chapter 31 of title 45 is deemed to be a subdivision of the municipality where it is located.

(9) Food and food ingredients. - From the sale and storage, use, or other consumption in this state of food and food ingredients as defined in section 44-18-7.1(l).

For the purposes of this exemption "food and food ingredients" shall not include candy, soft drinks, dietary supplements, alcoholic beverages, tobacco, food sold through vending machines or prepared food (as those terms are defined in section 44-18-7.1, unless the prepared food is:

(i) Sold by a seller whose primary NAICS classification is manufacturing in sector 311, except sub-sector 3118 (bakeries);

(ii) Sold in an unheated state by weight or volume as a single item;

(iii) Bakery items, including bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies, tortillas; and

is not sold with utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws.

(10) Medicines, drugs and durable medical equipment. - From the sale and from the storage, use, or other consumption in this state, of;

(i) "Drugs" as defined in section 44-18-7.1(h)(i), sold on prescriptions, medical oxygen, and insulin whether or not sold on prescription, ~~and over the counter drugs as defined in section 44-18-7.1(h)(ii)~~. For purposes of this exemption ~~over the counter~~ drugs shall not include over-the-counter drugs and grooming and hygiene products as defined in section 44-18-7.1(h)(iii).

(ii) Durable medical equipment as defined in section 44-18-7.1(k) for home use only, including, but not limited to, syringe infusers, ambulatory drug delivery pumps, hospital beds, convalescent chairs, and chair lifts. Supplies used in connection with syringe infusers and ambulatory drug delivery pumps which are sold on prescription to individuals to be used by the m to dispense or administer prescription drugs, and related ancillary dressings and supplies used to

dispense or administer prescription drugs shall also be exempt from tax.

(11) Prosthetic devices and mobility enhancing equipment. - From the sale and from the storage, use, or other consumption in this state, of prosthetic devices as defined in section 44-18-7.1(t), sold on prescription, including but not limited to, artificial limbs, dentures, spectacles and eyeglasses, and artificial eyes; artificial hearing devices and hearing aids, whether or not sold on prescription and mobility enhancing equipment as defined in section 44-18-7.1(p) including wheelchairs, crutches and canes.

(12) Coffins, caskets, and burial garments. - From the sale and from the storage, use, or other consumption in this state of coffins or caskets, and shrouds or other burial garments which are ordinarily sold by a funeral director as part of the business of funeral directing.

(13) Motor vehicles sold to nonresidents.

(i) From the sale, subsequent to June 30, 1958, of a motor vehicle to a bona fide nonresident of this state who does not register the motor vehicle in this state, whether the sale or delivery of the motor vehicle is made in this state or at the place of residence of the nonresident. A motor vehicle sold to a bona fide nonresident whose state of residence does not allow a like exemption to its nonresidents is not exempt from the tax imposed under section 44-18-20. In that event the bona fide nonresident pays a tax to Rhode Island on the sale at a rate equal to the rate that would be imposed in his or her state of residence not to exceed the rate that would have been imposed under section 44-18-20. Notwithstanding any other provisions of law, a licensed motor vehicle dealer shall add and collect the tax required under this subdivision and remit the tax to the tax administrator under the provisions of chapters 18 and 19 of this title. When a Rhode Island licensed motor vehicle dealer is required to add and collect the sales and use tax on the sale of a motor vehicle to a bona fide nonresident as provided in this section, the dealer in computing the tax takes into consideration the law of the state of the nonresident as it relates to the trade-in of motor vehicles.

(ii) The tax administrator, in addition to the provisions of sections 44-19-27 and 44-19-28, may require any licensed motor vehicle dealer to keep records of sales to bona fide nonresidents as the tax administrator deems reasonably necessary to substantiate the exemption provided in this subdivision, including the affidavit of a licensed motor vehicle dealer that the purchaser of the motor vehicle was the holder of, and had in his or her possession a valid out of state motor vehicle registration or a valid out of state driver's license.

(iii) Any nonresident who registers a motor vehicle in this state within ninety (90) days of the date of its sale to him or her is deemed to have purchased the motor vehicle for use, storage, or other consumption in this state, and is subject to, and liable for the use tax imposed under the provisions of section 44-18-20.

(14) Sales in public buildings by blind people. - From the sale and from the storage, use, or other consumption in all public buildings in this state of all products or wares by any person licensed under section 40-9-11.1.

(15) Air and water pollution control facilities. - From the sale, storage, use, or other consumption in this state of tangible personal property or supplies acquired for incorporation into or used and consumed in the operation of a facility, the primary purpose of which is to aid in the control of the pollution or contamination of the waters or air of the state, as defined in chapter 12 of title 46 and chapter 25 of title 23, respectively, and which has been certified as approved for that purpose by the director of environmental management. The director of environmental management may certify to a portion of the tangible personal property or supplies acquired for incorporation into those facilities or used and consumed in the operation of those facilities to the

extent that that portion has as its primary purpose the control of the pollution or contamination of the waters or air of this state. As used in this subdivision, "facility" means any land, facility, device, building, machinery, or equipment.

(16) Camps. - From the rental charged for living quarters, or sleeping or housekeeping accommodations at camps or retreat houses operated by religious, charitable, educational, or other organizations and associations mentioned in subdivision (5), or by privately owned and operated summer camps for children.

(17) Certain institutions. - From the rental charged for living or sleeping quarters in an institution licensed by the state for the hospitalization, custodial, or nursing care of human beings.

(18) Educational institutions. - From the rental charged by any educational institution for living quarters, or sleeping or housekeeping accommodations or other rooms or accommodations to any student or teacher necessitated by attendance at an educational institution. "Educational institution" as used in this section means an institution of learning not operated for profit which is empowered to confer diplomas, educational, literary, or academic degrees, which has a regular faculty, curriculum, and organized body of pupils or students in attendance throughout the usual school year, which keeps and furnishes to students and others records required and accepted for entrance to schools of secondary, collegiate, or graduate rank, no part of the net earnings of which inures to the benefit of any individual.

(19) Motor vehicle and adaptive equipment for persons with disabilities.

(i) From the sale of: (A) special adaptations, (B) the component parts of the special adaptations, or (C) a specially adapted motor vehicle; provided, that the owner furnishes to the tax administrator an affidavit of a licensed physician to the effect that the specially adapted motor vehicle is necessary to transport a family member with a disability or where the vehicle has been specially adapted to meet the specific needs of the person with a disability. This exemption applies to not more than one motor vehicle owned and registered for personal, noncommercial use.

(ii) For the purpose of this subsection the term "special adaptations" includes, but is not limited to: wheelchair lifts; wheelchair carriers; wheelchair ramps; wheelchair securements; hand controls; steering devices; extensions, relocations, and crossovers of operator controls; power-assisted controls; raised tops or dropped floors; raised entry doors; or alternative signaling devices to auditory signals.

(iii) From the sale of: (a) special adaptations, (b) the component parts of the special adaptations, for a "wheelchair accessible taxicab" as defined in section 39-14-1 and/or a "wheelchair accessible public motor vehicle" as defined in section 39-14.1-1.

(iv) For the purpose of this subdivision the exemption for a "specially adapted motor vehicle" means a use tax credit not to exceed the amount of use tax that would otherwise be due on the motor vehicle, exclusive of any adaptations. The use tax credit is equal to the cost of the special adaptations, including installation.

(20) Heating fuels. - From the sale and from the storage, use, or other consumption in this state of every type of fuel used in the heating of homes and residential premises.

(21) Electricity and gas. - From the sale and from the storage, use, or other consumption in this state of electricity and gas furnished for domestic use by occupants of residential premises.

(22) Manufacturing machinery and equipment.

(i) From the sale and from the storage, use, or other consumption in this state of tools, dies, and molds, and machinery and equipment (including replacement parts), and related items to the extent used in an industrial plant in connection with the actual manufacture, conversion, or processing of tangible personal property, or to the extent used in connection with the actual

manufacture, conversion or processing of computer software as that term is utilized in industry numbers 7371, 7372, and 7373 in the standard industrial classification manual prepared by the technical committee on industrial classification, office of statistical standards, executive office of the president, United States bureau of the budget, as revised from time to time, to be sold, or that machinery and equipment used in the furnishing of power to an industrial manufacturing plant. For the purposes of this subdivision, "industrial plant" means a factory at a fixed location primarily engaged in the manufacture, conversion, or processing of tangible personal property to be sold in the regular course of business;

(ii) Machinery and equipment and related items are not deemed to be used in connection with the actual manufacture, conversion, or processing of tangible personal property, or in connection with the actual manufacture, conversion or processing of computer software as that term is utilized in industry numbers 7371, 7372, and 7373 in the standard industrial classification manual prepared by the technical committee on industrial classification, office of statistical standards, executive office of the president, United States bureau of the budget, as revised from time to time, to be sold to the extent the property is used in administration or distribution operations;

(iii) Machinery and equipment and related items used in connection with the actual manufacture, conversion, or processing of any computer software or any tangible personal property which is not to be sold and which would be exempt under subdivision (7) or this subdivision if purchased from a vendor or machinery and equipment and related items used during any manufacturing, converting or processing function is exempt under this subdivision even if that operation, function, or purpose is not an integral or essential part of a continuous production flow or manufacturing process;

(iv) Where a portion of a group of portable or mobile machinery is used in connection with the actual manufacture, conversion, or processing of computer software or tangible personal property to be sold, as previously defined, that portion, if otherwise qualifying, is exempt under this subdivision even though the machinery in that group is used interchangeably and not otherwise identifiable as to use.

(23) Trade-in value of motor vehicles. - From the sale and from the storage, use, or other consumption in this state of so much of the purchase price paid for a new or used automobile as is allocated for a trade-in allowance on the automobile of the buyer given in trade to the seller ~~or of the proceeds applicable only to the motor vehicle as are received from an insurance claim as a result of a stolen or damaged motor vehicle, or of the proceeds applicable only to the automobile as are received from the manufacturer of automobiles for the repurchase of the automobile whether the repurchase was voluntary or not towards the purchase of a new or used automobile by the buyer; provided, that the proceeds from an insurance claim or repurchase is in lieu of the benefit prescribed in section 44-18-21 for the total loss or destruction of the automobile; and provided, further, that the tax has not been reimbursed as part of the insurance claim or repurchase.~~ For the purpose of this subdivision, the word "automobile" means a private passenger automobile not used for hire and does not refer to any other type of motor vehicle.

(24) Precious metal bullion.

(i) From the sale and from the storage, use, or other consumption in this state of precious metal bullion, substantially equivalent to a transaction in securities or commodities.

(ii) For purposes of this subdivision, "precious metal bullion" means any elementary precious metal which has been put through a process of smelting or refining, including, but not limited to, gold, silver, platinum, rhodium, and chromium, and which is in a state or condition that

its value depends upon its content and not upon its form.

(iii) The term does not include fabricated precious metal which has been processed or manufactured for some one or more specific and customary industrial, professional, or artistic uses.

(25) Commercial vessels. - From sales made to a commercial ship, barge, or other vessel of fifty (50) tons burden or over, primarily engaged in interstate or foreign commerce, and from the repair, alteration, or conversion of the vessels, and from the sale of property purchased for the use of the vessels including provisions, supplies, and material for the maintenance and/or repair of the vessels.

(26) Commercial fishing vessels. - From the sale and from the storage, use, or other consumption in this state of vessels and other water craft which are in excess of five (5) net tons and which are used exclusively for "commercial fishing", as defined in this subdivision, and from the repair, alteration, or conversion of those vessels and other watercraft, and from the sale of property purchased for the use of those vessels and other watercraft including provisions, supplies, and material for the maintenance and/or repair of the vessels and other watercraft and the boats nets, cables, tackle, and other fishing equipment appurtenant to or used in connection with the commercial fishing of the vessels and other watercraft. "Commercial fishing" means the taking or the attempting to take any fish, shellfish, crustacea, or bait species with the intent of disposing of them for profit or by sale, barter, trade, or in commercial channels. The term does not include subsistence fishing, i.e., the taking for personal use and not for sale or barter; or sport fishing; but shall include vessels and other watercraft with a Rhode Island party and charter boat license issued by the department of environmental management pursuant to section 20-2-27.1 which meet the following criteria: (i) the operator must have a current U.S.C.G. license to carry passengers for hire; (ii) U.S.C.G. vessel documentation in the coast wide fishery trade; (iii) U.S.C.G. vessel documentation as to proof of Rhode Island home port status or a Rhode Island boat registration to prove Rhode Island home port status; (iv) the vessel must be used as a commercial passenger carrying fishing vessel to carry passengers for fishing. The vessel must be able to demonstrate that at least fifty percent (50%) of its annual gross income derives from charters or provides documentation of a minimum of one hundred (100) charter trips annually; (v) the vessel must have a valid Rhode Island party and charter boat license. The tax administrator shall implement the provisions of this subdivision by promulgating rules and regulations relating thereto.

(27) Clothing and footwear. - From the sales of articles of clothing, including footwear, intended to be worn or carried on or about the human body. For the purposes of this section, "clothing or footwear" does not include clothing accessories or equipment or special clothing or footwear primarily designed for athletic activity or protective use as these terms are defined in section 44-18-7.1(f).

(28) Water for residential use. - From the sale and from the storage, use, or other consumption in this state of water furnished for domestic use by occupants of residential premises.

(29) Bibles. - [Unconstitutional; see *Ahlburn v. Clark*, 728 A.2d 449 (R.I. 1999); see Notes to Decisions.] From the sale and from the storage, use, or other consumption in the state of any canonized scriptures of any tax-exempt nonprofit religious organization including, but not limited to, the Old Testament and the New Testament versions.

(30) Boats.

(i) From the sale of a boat or vessel to a bona fide nonresident of this state who does not register the boat or vessel in this state, or document the boat or vessel with the United States government at a home port within the state, whether the sale or delivery of the boat or vessel is

made in this state or elsewhere; provided, that the nonresident transports the boat within thirty (30) days after delivery by the seller outside the state for use thereafter solely outside the state.

(ii) The tax administrator, in addition to the provisions of sections 44-19-17 and 44-19-28, may require the seller of the boat or vessel to keep records of the sales to bona fide nonresidents as the tax administrator deems reasonably necessary to substantiate the exemption provided in this subdivision, including the affidavit of the seller that the buyer represented himself or herself to be a bona fide nonresident of this state and of the buyer that he or she is a nonresident of this state.

(31) Youth activities equipment. - From the sale, storage, use, or other consumption in this state of items for not more than twenty dollars (\$20.00) each by nonprofit Rhode Island eleemosynary organizations, for the purposes of youth activities which the organization is formed to sponsor and support; and by accredited elementary and secondary schools for the purposes of the schools or of organized activities of the enrolled students.

(32) Farm equipment. - From the sale and from the storage or use of machinery and equipment used directly for commercial farming and agricultural production; including, but not limited to, tractors, ploughs, harrows, spreaders, seeders, milking machines, silage conveyors, balers, bulk milk storage tanks, trucks with farm plates, mowers, combines, irrigation equipment, greenhouses and greenhouse coverings, graders and packaging machines, tools and supplies and other farming equipment, including replacement parts, appurtenant to or used in connection with commercial farming and tools and supplies used in the repair and maintenance of farming equipment. "Commercial farming" means the keeping or boarding of five (5) or more horses or the production within this state of agricultural products, including, but not limited to, field or orchard crops, livestock, dairy, and poultry, or their products, where the keeping, boarding, or production provides at least two thousand five hundred dollars (\$2,500) in annual gross sales to the operator, whether an individual, a group, a partnership, or a corporation for exemptions issued prior to July 1, 2002; for exemptions issued or renewed after July 1, 2002, there shall be two (2) levels. Level I shall be based on proof of annual gross sales from commercial farming of at least twenty-five hundred dollars (\$2,500) and shall be valid for purchases subject to the exemption provided in this subdivision except for motor vehicles with an excise tax value of five thousand dollars (\$5,000) or greater; Level II shall be based on proof of annual gross sales from commercial farming of at least ten thousand dollars (\$10,000) or greater and shall be valid for purchases subject to the exemption provided in this subdivision including motor vehicles with an excise tax value of five thousand dollars (\$5,000) or greater. For the initial issuance of the exemptions, proof of the requisite amount of annual gross sales from commercial farming shall be required for the prior year; for any renewal of an exemption granted in accordance with this subdivision at either Level I or Level II, proof of gross annual sales from commercial farming at the requisite amount shall be required for each of the prior two (2) years. Certificates of exemption issued or renewed after July 1, 2002, shall clearly indicate the level of the exemption and be valid for four (4) years after the date of issue. This exemption applies even if the same equipment is used for ancillary uses, or is temporarily used for a non-farming or a non-agricultural purpose, but shall not apply to motor vehicles acquired after July 1, 2002, unless the vehicle is a farm vehicle as defined pursuant to section 31-1-8 and is eligible for registration displaying farm plates as provided for in section 31-3-31.

(33) Compressed air. - From the sale and from the storage, use, or other consumption in the state of compressed air.

(34) Flags. - From the sale and from the storage, consumption, or other use in this state of United States, Rhode Island or POW-MIA flags.

(35) Motor vehicle and adaptive equipment to certain veterans. - From the sale of a motor vehicle and adaptive equipment to and for the use of a veteran with a service-connected loss of or the loss of use of a leg, foot, hand, or arm, or any veteran who is a double amputee, whether service connected or not. The motor vehicle must be purchased by and especially equipped for use by the qualifying veteran. Certificate of exemption or refunds of taxes paid is granted under rules or regulations that the tax administrator may prescribe.

(36) Textbooks. - From the sale and from the storage, use, or other consumption in this state of textbooks by an "educational institution" as defined in subdivision (18) of this section and as well as any educational institution within the purview of section 16-63-9(4) and used textbooks by any purveyor.

(37) Tangible personal property and supplies used in on-site hazardous waste recycling, reuse, or treatment. - From the sale, storage, use, or other consumption in this state of tangible personal property or supplies used or consumed in the operation of equipment, the exclusive function of which is the recycling, reuse, or recovery of materials (other than precious metals, as defined in subdivision (24)(ii) of this section) from the treatment of "hazardous wastes", as defined in section 23-19.1-4, where the "hazardous wastes" are generated in Rhode Island solely by the same taxpayer and where the personal property is located at, in, or adjacent to a generating facility of the taxpayer in Rhode Island. The taxpayer shall procure an order from the director of the department of environmental management certifying that the equipment and/or supplies as used, or consumed, qualify for the exemption under this subdivision. If any information relating to secret processes or methods of manufacture, production, or treatment is disclosed to the department of environmental management only to procure an order, and is a "trade secret" as defined in section 28-21-10(b), it is not open to public inspection or publicly disclosed unless disclosure is required under chapter 21 of title 28 or chapter 24.4 of title 23.

(38) Promotional and product literature of boat manufacturers. - From the sale and from the storage, use, or other consumption of promotional and product literature of boat manufacturers shipped to points outside of Rhode Island which either: (i) accompany the product which is sold, (ii) are shipped in bulk to out of state dealers for use in the sale of the product, or (iii) are mailed to customers at no charge.

(39) Food items paid for by food stamps. - From the sale and from the storage, use, or other consumption in this state of eligible food items payment for which is properly made to the retailer in the form of U.S. government food stamps issued in accordance with the Food Stamp Act of 1977, 7 U.S.C. section 2011 et seq.

(40) Transportation charges. - From the sale or hiring of motor carriers as defined in section 39-12-2(1) to haul goods, when the contract or hiring cost is charged by a motor freight tariff filed with the Rhode Island public utilities commission on the number of miles driven or by the number of hours spent on the job.

(41) Trade-in value of boats. - From the sale and from the storage, use, or other consumption in this state of so much of the purchase price paid for a new or used boat as is allocated for a trade-in allowance on the boat of the buyer given in trade to the seller or of the proceeds applicable only to the boat as are received from an insurance claim as a result of a stolen or damaged boat, towards the purchase of a new or used boat by the buyer.

(42) Equipment used for research and development. - From the sale and from the storage, use, or other consumption of equipment to the extent used for research and development purposes by a qualifying firm. For the purposes of this subdivision, "qualifying firm" means a business for which the use of research and development equipment is an integral part of its operation, and

"equipment" means scientific equipment, computers, software, and related items.

(43) Coins. - From the sale and from the other consumption in this state of coins having numismatic or investment value.

(44) Farm structure construction materials. - Lumber, hardware and other materials used in the new construction of farm structures, including production facilities such as, but not limited to, farrowing sheds, free stall and stanchion barns, milking parlors, silos, poultry barns, laying houses, fruit and vegetable storages, rooting cellars, propagation rooms, greenhouses, packing rooms, machinery storage, seasonal farm worker housing, certified farm markets, bunker and trench silos, feed storage sheds, and any other structures used in connection with commercial farming.

(45) Telecommunications carrier access service. - Carrier access service or telecommunications service when purchased by a telecommunications company from another telecommunications company to facilitate the provision of telecommunications service.

(46) Boats or vessels brought into the state exclusively for winter storage, maintenance, repair or sale. - Notwithstanding the provisions of sections 44-18-10, 44-18-11, 44-18-20, the tax imposed by section 44-18-20 is not applicable for the period commencing on the first day of October in any year to and including the 30th day of April next succeeding with respect to the use of any boat or vessel within this state exclusively for purposes of: (i) delivery of the vessel to a facility in this state for storage, including dry storage and storage in water by means of apparatus preventing ice damage to the hull, maintenance, or repair; (ii) the actual process of storage, maintenance, or repair of the boat or vessel; or (iii) storage for the purpose of selling the boat or vessel.

(47) Jewelry display product. - From the sale and from the storage, use, or other consumption in this state of tangible personal property used to display any jewelry product; provided, that title to the jewelry display product is transferred by the jewelry manufacturer or seller and that the jewelry display product is shipped out of state for use solely outside the state and is not returned to the jewelry manufacturer or seller.

(48) Boats or vessels generally. - Notwithstanding the provisions of this chapter, the tax imposed by sections 44-18-20 and 44-18-18 shall not apply with respect to the sale and to the storage, use, or other consumption in this state of any new or used boat. The exemption provided for in this subdivision does not apply after October 1, 1993, unless prior to October 1, 1993, the federal ten percent (10%) surcharge on luxury boats is repealed.

(49) Banks and Regulated investment companies interstate toll-free calls. - Notwithstanding the provisions of this chapter, the tax imposed by this chapter does not apply to the furnishing of interstate and international, toll-free terminating telecommunication service that is used directly and exclusively by or for the benefit of an eligible company as defined in this subdivision; provided, that an eligible company employs on average during the calendar year no less than five hundred (500) "full-time equivalent employees", as that term is defined in section 42-64.5-2. For purposes of this section, an "eligible company" means a "regulated investment company" as that term is defined in the Internal Revenue Code of 1986, 26 U.S.C. section 1 et seq., or a corporation to the extent the service is provided, directly or indirectly, to or on behalf of a regulated investment company, an employee benefit plan, a retirement plan or a pension plan or a state chartered bank.

(50) Mobile and manufactured homes generally. - From the sale and from the storage, use, or other consumption in this state of mobile and/or manufactured homes as defined and subject to taxation pursuant to the provisions of chapter 44 of title 31.

(51) Manufacturing business reconstruction materials.

(i) From the sale and from the storage, use or other consumption in this state of lumber, hardware, and other building materials used in the reconstruction of a manufacturing business facility which suffers a disaster, as defined in this subdivision, in this state. "Disaster" means any occurrence, natural or otherwise, which results in the destruction of sixty percent (60%) or more of an operating manufacturing business facility within this state. "Disaster" does not include any damage resulting from the willful act of the owner of the manufacturing business facility.

(ii) Manufacturing business facility includes, but is not limited to, the structures housing the production and administrative facilities.

(iii) In the event a manufacturer has more than one manufacturing site in this state, the sixty percent (60%) provision applies to the damages suffered at that one site.

(iv) To the extent that the costs of the reconstruction materials are reimbursed by insurance, this exemption does not apply.

(52) Tangible personal property and supplies used in the processing or preparation of floral products and floral arrangements. - From the sale, storage, use, or other consumption in this state of tangible personal property or supplies purchased by florists, garden centers, or other like producers or vendors of flowers, plants, floral products, and natural and artificial floral arrangements which are ultimately sold with flowers, plants, floral products, and natural and artificial floral arrangements or are otherwise used in the decoration, fabrication, creation, processing, or preparation of flowers, plants, floral products, or natural and artificial floral arrangements, including descriptive labels, stickers, and cards affixed to the flower, plant, floral product or arrangement, artificial flowers, spray materials, floral paint and tint, plant shine, flower food, insecticide and fertilizers.

(53) Horse food products. - From the sale and from the storage, use, or other consumption in this state of horse food products purchased by a person engaged in the business of the boarding of horses.

(54) Non-motorized recreational vehicles sold to nonresidents.

(i) From the sale, subsequent to June 30, 2003, of a non-motorized recreational vehicle to a bona fide nonresident of this state who does not register the non-motorized recreational vehicle in this state, whether the sale or delivery of the non-motorized recreational vehicle is made in this state or at the place of residence of the nonresident; provided, that a non-motorized recreational vehicle sold to a bona fide nonresident whose state of residence does not allow a like exemption to its nonresidents is not exempt from the tax imposed under section 44-18-20; provided, further, that in that event the bona fide nonresident pays a tax to Rhode Island on the sale at a rate equal to the rate that would be imposed in his or her state of residence not to exceed the rate that would have been imposed under section 44-18-20. Notwithstanding any other provisions of law, a licensed non-motorized recreational vehicle dealer shall add and collect the tax required under this subdivision and remit the tax to the tax administrator under the provisions of chapters 18 and 19 of this title. Provided, that when a Rhode Island licensed non-motorized recreational vehicle dealer is required to add and collect the sales and use tax on the sale of a non-motorized recreational vehicle to a bona fide nonresident as provided in this section, the dealer in computing the tax takes into consideration the law of the state of the nonresident as it relates to the trade-in of motor vehicles.

(ii) The tax administrator, in addition to the provisions of sections 44-19-27 and 44-19-28, may require any licensed non-motorized recreational vehicle dealer to keep records of sales to bona fide nonresidents as the tax administrator deems reasonably necessary to substantiate the

exemption provided in this subdivision, including the affidavit of a licensed non-motorized recreational vehicle dealer that the purchaser of the non-motorized recreational vehicle was the holder of, and had in his or her possession a valid out-of-state non-motorized recreational vehicle registration or a valid out-of-state driver's license.

(iii) Any nonresident who registers a non-motorized recreational vehicle in this state within ninety (90) days of the date of its sale to him or her is deemed to have purchased the non-motorized recreational vehicle for use, storage, or other consumption in this state, and is subject to, and liable for the use tax imposed under the provisions of section 44-18-20.

(iv) "Non-motorized recreational vehicle" means any portable dwelling designed and constructed to be used as a temporary dwelling for travel, camping, recreational, and vacation use which is eligible to be registered for highway use, including, but not limited to, "pick-up coaches" or "pick-up campers," "travel trailers," and "tent trailers" as those terms are defined in chapter 1 of title 31.

(55) Sprinkler and fire alarm systems in existing buildings. - From the sale in this state of sprinkler and fire alarm systems, emergency lighting and alarm systems, and from the sale of the materials necessary and attendant to the installation of those systems, that are required in buildings and occupancies existing therein in July 2003, in order to comply with any additional requirements for such buildings arising directly from the enactment of the Comprehensive Fire Safety Act of 2003, and that are not required by any other provision of law or ordinance or regulation adopted pursuant to that Act. The exemption provided in this subdivision shall expire on December 31, 2008.

(56) Aircraft. - Notwithstanding the provisions of this chapter, the tax imposed by sections 44-18-18 and 44-18-20 shall not apply with respect to the sale and to the storage, use, or other consumption in this state of any new or used aircraft or aircraft parts.

(57) Renewable energy products. - Notwithstanding any other provisions of Rhode Island general laws the following products shall also be exempt from sales tax: solar photovoltaic modules or panels, or any module or panel that generates electricity from light; solar thermal collectors, including, but not limited to, those manufactured with flat glass plates, extruded plastic, sheet metal, and/or evacuated tubes; geothermal heat pumps, including both water-to-water and water-to-air type pumps; wind turbines; towers used to mount wind turbines if specified by or sold by a wind turbine manufacturer; DC to AC inverters that interconnect with utility power lines; manufactured mounting racks and ballast pans for solar collector, module or panel installation. Not to include materials that could be fabricated into such racks; monitoring and control equipment, if specified or supplied by a manufacturer of solar thermal, solar photovoltaic, geothermal, or wind energy systems or if required by law or regulation for such systems but not to include pumps, fans or plumbing or electrical fixtures unless shipped from the manufacturer affixed to, or an integral part of, another item specified on this list; and solar storage tanks that are part of a solar domestic hot water system or a solar space heating system. If the tank comes with an external heat exchanger it shall also be tax exempt, but a standard hot water tank is not exempt from state sales tax.

(58) Returned property. - The amount charged for property returned by customers upon rescission of the contract of sale when the entire amount exclusive of handling charges paid for the property is refunded in either cash or credit, and where the property is returned within one hundred twenty (120) days from the date of delivery.

(59) Dietary Supplements. - From the sale and from the storage, use or other consumption of dietary supplements as defined in section 44-18-7.1(1)(v), sold on prescriptions.

(60) Blood. - From the sale and from the storage, use or other consumption of human blood.

~~(61) Prewritten computer software delivered electronically. - From the sale and from the storage, use or other consumption of prewritten computer software delivered electronically or by load and leave.~~

~~(62)~~(61) Agricultural products for human consumption. - From the sale and from the storage, use or other consumption of livestock and poultry of the kinds of products of which ordinarily constitute food for human consumption and of livestock of the kind the products of which ordinarily constitute fibers for human use.

~~(63)~~(62) Diesel emission control technology. - From the sale and use of diesel retrofit technology that is required by section 31-47.3-4 of the general laws.

SECTION 25. Section 44-19-7 of the General Laws in Chapter 44-19 entitled "Sales and Use Taxes - Enforcement and Collection" is hereby amended to read as follows:

44-19-7. Registration of retailers. -- Every retailer selling tangible personal property or prewritten computer software delivered electronically or by load and leave for storage, use, or other consumption in this state and/or package tour and scenic and sightseeing transportation services or renting living quarters in any hotel, rooming house, or tourist camp in this state must register with the tax administrator and give the name and address of all agents operating in this state, the location of all distribution or sales houses or offices, or of any hotel, rooming house, or tourist camp or other places of business in this state, and other information that the tax administrator may require."

Respectfully submitted,

REPRESENTATIVE MELO

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LC02133/13
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Representatives Melo, Watson, Lima, McLaughlin, Menard, MacBeth, Chippendale, Gordon, Tomasso, Phillips, Martin, Baldelli-Hunt, and Petrarca discuss the amendment.

The motion to amend prevails on a roll call vote 66 members voting in the affirmative and 2 members voting in the negative as follows:

YEAS - 66: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Gallison, Gordon, Guthrie, Handy, Hearn, Jackson, Johnston, Keable, Kennedy, Lally, Lima, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 2: Representatives Costa, MacBeth.

By unanimous consent, Representative Chippendale, seconded by Representatives Newberry and Trillo offers a written motion to amend.

**F L O O R A M E N D M E N T
T O
2 0 1 1 - - H 5 8 9 4 S U B S T I T U T E A**

**AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE
STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012**

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUTE A, entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

(1) In Article 19, page 46, lines 28 and 29, by restoring the stricken language ", and over the counter drugs as defined in section 44-18-7.1(h)(ii)".

(2) In Article 19, page 46, lines 29 and 30, by deleting the underlined language "over-the-counter drugs and".

(3) By adding thereto the following new Article:

"ARTICLE _____

BUDGET REDUCTION

SECTION 1. The amount appropriated in the state budget for the fiscal year ending June 30, 2012 for department operating budgets, and for grants shall be reduced by a percentage applied equally to all appropriations sufficient to accomplish a total budget reduction of eight million, six hundred and fifteen thousand dollars (\$8,615,000).

SECTION 2. This Article shall take effect July 1, 2011."

Respectfully submitted,

REPRESENTATIVE CHIPPENDALE

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LC02133/3
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Representatives Chippendale, Melo, and Newberry discuss the amendment.

The motion to amend fails on a roll call vote 21 members voting in the affirmative and 45 members voting in the negative as follows:

YEAS - 21: Representatives Chippendale, Costa, Ehrhardt, Gordon, Guthrie, Keable, MacBeth, McLaughlin, Menard, Messier, Morgan, Morrison, Newberry, Nunes, O'Grady, Petrarca, Reilly, Ruggiero, Schadone, Trillo.

NAYS - 45: The Honorable Speaker Fox and Representatives Ajello, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Cimini, Corvese, DaSilva, DeSimone, Diaz, Dickinson, Edwards, Fellela, Ferri, Gallison, Handy, Hearn, Hull, Jackson, Johnston, Kennedy, Lally, Marcello, Martin, Mattiello, McNamara, Medina, Melo, Naughton, O'Neill, Phillips, San Bento, Savage, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Ucci, Valencia, Walsh, Williams.

By unanimous consent, Representative Trillo, seconded by Representatives Newberry, Chippendale, and Morgan, offers a written motion to amend.

F L O O R A M E N D M E N T
T O
2011 -- H 5894 SUBSTITUTE A

AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE
STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUTE A, entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

1. In Article 19, by deleting any revenue and fee increases wherever it appears.
2. In Articles 1 and 18, by reducing the amount appropriated to hospitals for uncompensated care by an amount sufficient to offset the loss of revenue pursuant to section 1.

Respectfully submitted,

REPRESENTATIVE TRILLO

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LC02133/8
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Representatives Trillo, Melo, Kennedy, Lima, Phillips, and Morgan discuss the amendment.

The motion to amend fails on a roll call vote 7 members voting in the affirmative and 60 members voting in the negative as follows:

YEAS - 7: Representatives Chippendale, Costa, Gordon, Morgan, Newberry, Reilly, Trillo.

NAYS - 60: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Cimini, Coderre, Corvese, DaSilva, DeSimone, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Gallison, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, MacBeth, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Melo, Menard, Messier, Morrison, Naughton, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Ucci, Valencia, Walsh, Williams.

Representative MacBeth, Melo, McLaughlin, and Lima discuss the article, as amended.

Article 19, as amended, is read and prevail son a roll call vote 54 members voting in the affirmative and 17 members voting in the negative as follows:

YEAS - 54: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Cimini, Coderre, Corvese, DaSilva, DeSimone, Diaz, Dickinson, Edwards, Fellela, Ferri, Gallison, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Marcello, Martin, Mattiello, McCauley, McNamara, Medina, Melo, Messier, Morrison, Naughton, O'Grady, O'Neill, Petrarca, Ruggiero, San Bento, Savage, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Ucci, Valencia, Walsh, Williams.

NAYS - 17: Representatives Chippendale, Costa, Ehrhardt, Gordon, Guthrie, Lima, MacBeth, McLaughlin, Menard, Morgan, Newberry, Nunes, Phillips, Reilly, Schadone, Trillo, Watson.

ARTICLE 20
RELATING TO CORRECTIONS

Representative Jackson moves passage of the article, seconded by Representatives Bennett, Gallison, and Valencia.

Representatives McNamara, Melo, Fellela, Jackson, Johnston, Trillo, Phillips, Costa, and DaSilva discuss the article.

Representative Trillo questions if Article 20 is out of order. The Honorable Speaker rules it does not violate any rule.

Article 20 is read and prevails on a roll call vote 43 members voting in the affirmative and 26 members voting in the negative as follows:

YEAS - 43: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Bennett, Blazejewski, Brien, Carnevale, Cimini, Coderre, DeSimone, Dickinson, Ehrhardt, Fellela, Ferri, Gallison, Handy, Hearn, Jackson, Kennedy, Lally, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Morgan, Naughton, O'Neill, Petrarca, Reilly, Savage, Silva, Slater, Tanzi, Tarro, Tomasso, Ucci, Valencia, Walsh, Watson, Winfield.

NAYS - 26: Representatives Baldelli-Hunt, Chippendale, Corvese, Costa, DaSilva, Diaz, Edwards, Gordon, Guthrie, Hull, Jacquard, Johnston, Keable, Lima, MacBeth, Marcello, Menard, Messier, Morrison, Newberry, Nunes, O'Grady, Phillips, Ruggiero, Schadone, Trillo.

ARTICLE 21
RELATING TO RETIREE HEALTH CARE TRUST FUND

Representative Melo moves passage of the article, seconded by Representatives Gallison, Ferri, and Hearn.

Representative Melo discusses the article.

Article 21 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 Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, DeSimone, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San

Bento, Savage, Schadone, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 0.

**ARTICLE 22
RELATING TO REGISTRATION FEES**

Representative Melo moves passage of the article, seconded by Representatives Gallison.

Representative Melo discusses the article.

By unanimous consent, Representative Melo, seconded by Representative Gallison, offers a written motion to amend.

**F L O O R A M E N D M E N T
T O
2011 -- H 5894 SUBSTITUTE A**

**AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE
STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012**

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUTE A, entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

(1) In Article 22, page 1, line 2, by deleting the Article title "RELATING TO REGISTRATION FEES", and by inserting in place thereof the Article title "RELATING TO TRANSPORTATION FUNDING".

(2) In Article 22, page 2, lines 6-7, by deleting the language " , but does not mean the planning or construction of new highways, roads, or bridges".

(3) In Article 22, page 2, line 24, after the language "June 30, 2016", by inserting the following language: "and each year thereafter".

(4) In Article 22, page 2, line 31, after the language "2016", by inserting the following language: "and each year thereafter".

(5) In Article 22, page 3, line 2, after the language "June 30, 2016", by inserting the following language: "and each year thereafter".

(6) In Article 22, page 3, line 14, after the word "process", by inserting the following language: "to provide the state match for federal transportation funds, in place of borrowing,".

Respectfully submitted,

REPRESENTATIVE MELO

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LC02139/5
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Representative Melo 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 Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, DeSimone, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Gallison, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 0.

Representatives O'Grady, Newberry, Melo, Morgan, Handy, and Watson discuss the article, as amended.

Article 22 is read and prevails, as amended, on a roll call vote 61 members voting in the affirmative and 8 members voting in the negative as follows:

YEAS - 61: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Chippendale, Cimini, Coderre, Corvese, DaSilva, DeSimone, Diaz, Dickinson, Edwards, Fellela, Ferri, Gallison, Guthrie, Handy, Hearn, Hull, Jackson, Johnston, Keable, Kennedy, Lally, Lima, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Messier, Morrison, Naughton, Newberry, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Ucci, Valencia, Walsh, Williams, Winfield.

NAYS - 8: Representatives Costa, Ehrhardt, Jacquard, MacBeth, Menard, Nunes, Trillo, Watson.

**ARTICLE 23
RELATING TO HUMAN SERVICES**

Representative Naughton moves passage of the article, seconded by Representative Gallison

Representative Naughton discusses the article.

By unanimous consent, Representative Naughton, seconded by Representatives Gallison, Ferri, and Valencia, offers a written motion to amend.

**F L O O R A M E N D M E N T
T O
2011 -- H 5894 SUBSTITUTE A
AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE
STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012**

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUTE A, entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

(1) In Article 23, page 18, between lines 5 and 6, by inserting the following new language:

"SECTION 4. Sections 42-66.2-2, 42-66.2-4, 42-66.2-5, 42-66.2-6 and 42-66.2-7 of the General Laws in Chapter 42-66.2 entitled "Pharmaceutical Assistance to the Elderly Act" are hereby amended to read as follows:

42-66.2-2. Program established. -- There is established a program for pharmaceutical assistance to the elderly. The intent of the This program is to be the payer of last resort and is limited to eligible persons and eligible drugs.

42-66.2-4. Amount of payment. -- (a) The state shall pay the percentage rate of the maximum allowable amount per prescription as formulated in the contract, as of the date of purchase of the drug, between the contractor and participating pharmacies in accordance with the income eligibility and co-payment shares reimburse the consumer up to the percentage rate of the maximum allowable amount per prescription as set forth in section 42-66.2-5 as of the date of purchase of the drug, in accordance with the income eligibility and co-payment shares set forth in section 42-66.2-5. The rebates generated pursuant to section 42-66.2-10 shall be used to offset the state's payment. The pharmacy shall collect from the consumer the percentage rate of the maximum allowable amount per prescription as formulated in the contract, as of the date of purchase of the eligible drug or additional drug, between the contractor and participating pharmacies in accordance with the income eligibility and co-payment shares set forth in section 42-66.2-5.

(b) Reimbursement payment will be made to consumers no less than quarterly.

(c) The director is authorized and directed to promulgate rules relating to the process by which consumers submit claims for reimbursement including what documentation must be provided by the consumer.

42-66.2-5. Persons eligible. -- (a) Persons eligible for assistance under the provisions of this chapter include any resident of the state who is at least sixty-five (65) years of age or at least fifty-five (55) years of age and receiving social security disability benefits. State and consumer co-payment shares for these persons shall be determined as follows:

(1) For unmarried persons or married persons living separate and apart whose income for the calendar year immediately preceding the year in which assistance is sought is:

(i) Less than nineteen thousand three hundred forty-one dollars (\$19,341) the state shall provide reimbursement such that the consumer shall pay no more than forty percent (40%) pay sixty percent (60%) of the cost of the prescriptions and the consumer shall pay forty percent (40%) of the cost of the prescriptions.

(ii) More than nineteen thousand three hundred forty-one dollars (\$19,341) and less than, twenty-four thousand two hundred and eighty dollars (\$24,280) the state shall provide reimbursement such that pay thirty percent (30%) of the cost of the prescriptions and the consumer shall pay no more than seventy percent (70%) of the cost of the prescriptions; and

(iii) More than twenty-four thousand two hundred and eighty dollars (\$24,280) and less than forty-two thousand four hundred and ninety-three dollars (\$42,493), the state shall provide reimbursement such that pay fifteen percent (15%) of the cost of prescriptions and the consumer shall pay no more than eighty-five percent (85%) of the cost of prescriptions.

(2) For married persons whose income for the calendar year immediately preceding the

year in which assistance is sought hereunder when combined with any income of the person's spouse in the same year is:

(i) Twenty-four thousand one hundred and seventy-nine dollars (\$24,179) or less, the state shall ~~pay sixty percent (60%) of the cost of the prescriptions and~~ provide reimbursement such that the consumer shall pay no more than forty percent (40%) of the cost of the prescriptions;

(ii) More than twenty-four thousand one hundred and seventy-nine dollars (\$24,179) and less than thirty thousand three hundred and fifty-two dollars (\$30,352), the state shall ~~pay thirty percent (30%) of the cost of the prescriptions and~~ provide reimbursement such that the consumer shall pay no more than seventy percent (70%) of the cost of prescriptions; and

(iii) More than thirty thousand three hundred and fifty-two dollars (\$30,352) and less than forty-eight thousand five hundred and sixty-three dollars (\$48,563), the state shall ~~pay fifteen percent (15%) of the cost of prescriptions and~~ provide reimbursement such that the consumer shall pay no more than eighty-five percent (85%) of the cost of prescriptions.

(3) Eligibility may also be determined by using income data for the ninety (90) days prior to application for benefits and projecting that income on an annual basis. The income levels shall not include those sums of money expended for medical and pharmaceutical that exceed three percent (3%) of the applicant's annual income or three percent (3%) of the applicant's preceding ninety (90) day income computed on an annual basis.

(4) For persons on social security disability benefits who are: (i) unmarried or married and living separate and apart with income for the calendar year immediately preceding the year in which assistance is sought that is less than forty-two thousand four hundred and ninety-three dollars (\$42,493); or (ii) married with income that is less than forty-eight thousand five hundred and sixty-three dollars (\$48,563) the state shall ~~pay fifteen percent (15%) of the cost of prescriptions and~~ provide reimbursement such that the consumer shall pay no more than eighty-five percent (85%) of the cost.

(b) On July 1 of each year, the maximum amount of allowable income for both unmarried and married residents set forth in subsection (a) shall be increased by a percentage equal to the percentage of the cost of living adjustment provided for social security recipients.

~~(e) No person whose prescription drug expenses are paid or reimbursable, either in whole or in part, by any other plan of assistance or insurance is eligible for assistance under this section, until the person's prescription drug coverage for a specific covered prescription medication is exhausted or the specific prescription medication is not covered by the plan during a benefit year, and as provided in subsection (d).~~

~~(d)(c) The fact that some of a person's prescription drug expenses are paid or reimbursable either in whole or in part, under the provisions of the federal Medicare program shall not disqualify that person, if he or she is otherwise eligible, to receive assistance under this chapter, provided that if the federal share equals or exceeds sixty percent (60%) of the cost the state shall make no payment. In those cases, the state shall pay the eligible percentage of the cost of those prescriptions for qualified drugs for which no payment or reimbursement is made by the federal government.~~

~~(e) Eligibility for receipt of any other benefit under any other provisions of the Rhode Island general laws as a result of eligibility for the pharmaceutical assistance program authorized under this section shall be limited to those persons whose income qualify them for a sixty percent (60%) state co-payment share of the cost of prescriptions.~~

~~(d)~~ For all additional drugs, the consumer shall pay one hundred percent (100%) of the cost of prescriptions as set forth in section 42-66.2-4.

~~(g)~~(e) To promote coordination of benefits between the pharmaceutical assistance program created under this chapter and the Medicare Part D prescription drug program created in the federal Medicare Prescription Drug, Improvement and Modernization Act of 2003, RIPAE enrollees must apply for and enroll in the Medicare Part D prescription drug program.

42-66.2-6. Responsibilities of department of elderly affairs. -- (a) Determination of eligibility. - The department shall adopt regulations relating to the determination of eligibility of prospective consumers and the determination and elimination of program abuse. The department has the power to declare ineligible any consumer who abuses or misuses the established prescription plan. The department has the power to investigate cases of suspected provider or consumer fraud.

~~(b) Rebates for expenses prohibited.~~ — (1) A system of rebates or reimbursements to the consumer for pharmaceutical expenses shall be prohibited.

~~(2) Subdivision (1) shall not be interpreted to exclude other consumers not participating in the pharmaceutical assistance to the elderly program from receiving financial offers or redeemable coupons that are available to only those who have paid for the service or product through direct cash payment, insurance premiums, or cost sharing with an employer.~~

~~(e)~~(b) Program criteria. - The program includes the following criteria:

~~(1) Collection of the co-payment by pharmacies is mandatory;~~

~~(2)~~(1) Senior citizens participating in the program are not required to maintain records of each transaction ~~but shall sign a receipt for eligible and additional drugs; as specified by the director in accordance with subsection 42-66.2-4(c);~~

~~(3) (i) A system of rebates or reimbursements to the consumer for pharmaceutical expenses is prohibited;~~

~~(ii) This subdivision shall not be interpreted to exclude other consumers from receiving financial offers or redeemable coupons that are available to only those who have paid for the service or product through direct cash payment, insurance premiums, or cost sharing with an employer.~~

~~(4)~~(2) Prescription benefits for any single prescription may be dispensed in the amounts authorized by the physician, and agreed to by the consumer, up to a maximum of a one hundred (100) day supply or two hundred (200) doses, whichever is less and/or a one hundred (100) day supply or one quart of liquid, whichever is less; provided, however, that disposable insulin syringes are dispensed in a quantity of one hundred (100);

~~(5)~~(3) Experimental drugs are excluded from the program;

~~(6)~~(4) A system of mail order delivery for prescriptions is allowed under this program; and

~~(7)~~(5) Eligible and additional drugs must be dispensed within one year of the original prescription order.

~~(d) The director shall issue an eligibility card containing a program ID number and the time period for which the card is valid.~~

~~(e)~~(c) The director shall provide a mechanism, within the department, to handle all public inquiries concerning the program.

~~(f)~~(d) The director shall establish a process, in accordance with the Administrative Procedures Act, chapter 35 of this title, to provide an appeals hearing on the determination of eligibility.

~~(g)~~(e) The director shall forward to the contractor a list of all eligible consumers.

~~(h)~~(f) Expenditures for multiple sclerosis drugs shall not exceed thirty thousand dollars (\$30,000).

(g) Generic drug substitution is mandatory when there is an available generic drug equivalent.

42-66.2-7. Contract. -- (a) The director is authorized ~~and shall~~ to enter into a contract with the contractor for the effective administrative support of this program.

(b) A competitive bid and contract award shall occur in accordance with the state Medicaid authority's competitive bid process and cycle."

(2) In Article 23, page 18, between lines 5 and 6, by deleting the language "SECTION 4" and inserting in place thereof the following language: "SECTION 5".

Respectfully submitted,

REPRESENTATIVE MELO

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LC02140/4
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Representative Naughton discusses the amendment.

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 Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Costa, DaSilva, DeSimone, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, O'Grady, O'Neill, Palumbo, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS – 1: Representative MacBeth.

Representative Tomasso discusses the act as amended.

Article 23 is read and prevails, as amended, on a roll call vote 60 members voting in the affirmative and 8 members voting in the negative as follows:

YEAS - 60: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Bennett, Blazejewski, Brien, Carnevale, Cimini, Coderre, Corvese, DaSilva, DeSimone, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Gallison, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, Marcello, Martin, Mattiello, McNamara, Medina, Melo, Messier, Morgan, Naughton, Newberry, O'Grady, O'Neill, Petrarca, Phillips, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 8: Representatives Costa, MacBeth, McLaughlin, Menard, Morrison, Palumbo, Reilly, Trillo.

RECONSIDERATION

Representative Melo moves to reconsider Article 23 seconded by Representative Naughton and other members of the House.

The motion to reconsider 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 Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, DeSimone, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Palumbo, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 0.

By unanimous consent, Representative Melo, seconded by Representative Naughton moves to reconsider amendment LC 02140/4. The motion to reconsider the amendment 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 Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Gallison, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Messier, Morgan, Naughton, Newberry, Nunes, O'Grady, O'Neill, Palumbo, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 5: Representatives Gordon, MacBeth, Menard, Morrison, Trillo.

Representative Melo moves an oral motion to amend the amendment on page 4, line 29, by removing the word "not", seconded by Representative Naughton.

Representatives Menard discusses the reconsideration.

The oral motion to amend the amendment 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 Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton,

Newberry, Nunes, O'Grady, O'Neill, Palumbo, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 2: Representatives MacBeth, Trillo.

The amendment as amended 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 Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Cimini, Coderre, Corvese, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Gallison, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Messier, Morgan, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 7: Representatives Costa, Gordon, MacBeth, Menard, Morrison, Palumbo, Trillo.

Article 23 as amended prevails on a roll call vote 63 members voting in the affirmative and 6 members voting in the negative as follows:

YEAS - 63: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Gallison, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Messier, Morgan, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 6: Representatives Gordon, MacBeth, Menard, Morrison, Palumbo, Trillo.

ARTICLE 24 RELATING TO JOB TRAINING FUNDS

Representative Jackson moves passage of the article, seconded by Representatives San Bento, Gallison, and Keable.

Representative Jackson discusses the article.

Article 24 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 Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, DeSimone, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Gallison, Gordon, Guthrie, Handy,

Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 0

NEW ARTICLES

By unanimous consent, Representative Melo seconded by Representatives Valencia, Dickinson, Carnevale, Menard, O'Grady, San Bento, Johnston, Gallison, Ucci, Petrarca, Savage, and Messier offers a written motion to amend.

FLOOR AMENDMENT TO 2011 -- H 5894 SUBSTITUTE A

AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUTE A, entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

By adding thereto the following new Article:

"ARTICLE _____

RELATING TO AUTHORIZING STATE-OPERATED CASINO GAMING AT TWIN RIVER SUBJECT TO STATEWIDE AND LOCAL VOTER APPROVAL

SECTION 1. Section 42-61.2-1 of the General Laws in Chapter 42-61.2 entitled "Video Lottery Terminal" is hereby amended to read as follows:

42-61.2-1. Definitions. [Effective June 30, 2009.] -- For the purpose of this chapter, the following words shall mean:

(1) "Central communication system" means a system approved by the lottery division, linking all video lottery machines at a licensee location to provide auditing program information and any other information determined by the lottery. In addition, the central communications system must provide all computer hardware and related software necessary for the establishment and implementation of a comprehensive system as required by the division. The central communications licensee may provide a maximum of fifty percent (50%) of the video lottery terminals.

(2) "Licensed video lottery retailer" means a pari-mutuel licensee specifically licensed by the director subject to the approval of the division to become a licensed video lottery retailer.

(3) "Net terminal income" means currency placed into a video lottery terminal less credits redeemed for cash by players.

(4) "Pari-mutuel licensee" means an entity licensed and authorized to conduct:

- (i) Dog racing, pursuant to chapter 3.1 of title 41; and/or
- (ii) Jai-alai games, pursuant to chapter 7 of title 41.

(5) "Technology provider" means any individual, partnership, corporation, or association that designs, manufactures, installs, operates, distributes or supplies video lottery machines or associated equipment for the sale or use in this state.

(6) "Video lottery games" means lottery games played on video lottery terminals controlled by the lottery division.

(7) "Video lottery terminal" means any electronic computerized video game machine that, upon the insertion of cash, is available to play a video game authorized by the lottery division, and which uses a video display and microprocessors in which, by chance, the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens.

(8) "Casino gaming" means any and all table and casino-style games played with cards, dice or equipment, for money, credit, or any representative of value; including, but not limited to roulette, blackjack, big six, craps, poker, baccarat, pai gow, any banking or percentage game, or any other game of device included within the definition of Class III gaming as that term is defined in Section 2703(8) of Title 25 of the United States Code and which is approved by the state through the division of state lottery.

SECTION 2. Chapter 42-61.2 of the General Laws entitled "Video Lottery Terminal" is hereby amended by adding thereto the following section:

42-61.2-2.1. State authorized to operate casino gaming. -- (a) State-operated casino gaming shall be authorized at the facility of the licensed video lottery terminal retailer known as "Twin River" located in the town of Lincoln; provided, that the requirements of Article VI, Section 22 of the Rhode Island Constitution are met with respect to said facility at the general election next held after enactment of this section.

(1) With respect to the "Twin River" facility, the authorization of this section 2.1 shall be effective upon: (i) The certification by the secretary of state that the qualified voters of the state have approved the expansion of gambling at such facility to include casino gaming; and (ii) The certification by the board of canvassers of the town of Lincoln that qualified electors of the town of Lincoln have approved the expansion of gambling at such facility to include casino gaming.

(b) The general assembly finds that:

(1) The operation of casino gaming at Twin River will play a critical role in the economy of the state and enhance state and local revenues;

(2) Pursuant to Article VI, Section 15 of the Rhode Island Constitution and the specific powers, authorities and safeguards set forth in subsection (c) herein in connection with the operation of casino gaming, the state shall have full operational control over the specified location at which casino gaming shall be conducted;

(3) It is in the best interest of the state to have the authorization to operate casino gaming as specified at Twin River; and

(4) It is in the best interest of the state to conduct an extensive analysis and evaluation of competitive casino gaming operations and thereafter for the general assembly to enact comprehensive legislation during the 2012 legislative session to determine the terms and conditions pursuant to which casino gaming would be operated in the state if it is authorized as set forth herein.

(c) Notwithstanding the provisions of any other law and pursuant to Article VI, Section 15 of the Rhode Island Constitution, the state is authorized to operate, conduct and control casino gaming at Twin River, subject to subsection (a) above. In furtherance thereof, the state, through the division of state lottery and/or the department of business regulation, shall have full

operational control to operate the foregoing facility, the authority to make all decisions about all aspects of the functioning of the business enterprise, including, without limitation, the power and authority to:

(1) Determine the number, type, placement and arrangement of casino gaming games, tables and sites within the facility;

(2) Establish with respect to casino gaming one or more systems for linking, tracking, deposit and reporting of receipts, audits, annual reports, prohibitive conduct and other such matters determined from time to time;

(3) Collect all receipts from casino gaming, require that Twin River collect casino gaming gross receipts in trust for the state through the division of state lottery, deposit such receipts into an account or accounts of its choice, allocate such receipts according to law, and otherwise maintain custody and control over all casino gaming receipts and funds;

(4) Hold and exercise sufficient powers over Twin River's accounting and finances to allow for adequate oversight and verification of the financial aspects of casino gaming at the facility, including, without limitation:

(i) The right to require Twin River to maintain an annual balance sheet, profit and loss statement, and any other necessary information or reports; and

(ii) The authority and power to conduct periodic compliance or special or focused audits of the information or reports provided, as well as the premises with the facility containing records of casino gaming or in which the business of Twin River's casino gaming operations are conducted;

(5) Monitor all casino gaming operations and have the power to terminate or suspend any casino gaming activities in the event of an integrity concern or other threat to the public trust, and in furtherance thereof, require the licensed video lottery retailer to provide a specified area or areas from which to conduct such monitoring activities;

(6) Define and limit the rules of play and odds of authorized casino gaming games, including, without limitation, the minimum and maximum wagers for each casino gaming game;

(7) Have approval rights over matters relating to the employment of individuals to be involved, directly or indirectly, with the operation of casino gaming at Twin River;

(8) Establish compulsive gambling treatment programs;

(9) Promulgate, or propose for promulgation, any legislative, interpretive and procedural rules necessary for the successful implementation, administration and enforcement of this chapter; and

(10) Hold all other powers necessary and proper to fully effectively execute and administer the provisions of this chapter for its purpose of allowing the state to operate a casino gaming facility through a licensed video lottery retailer hosting said casino gaming on behalf of the State of Rhode Island.

(d) Subject to subsection (a) above, the state, through the division of state lottery and/or the department of business regulation, may expand Twin River existing video lottery license issued, or issue Twin River a new casino gaming license, to permit casino gaming to the extent authorized by this act.

(e) Subject to subsection (a) above, all rules and regulations shall be promulgated by the state, through the division of state lottery and the department of business regulation, in accordance with the authority conferred upon the general assembly pursuant to Article VI, Section 15 of the Rhode Island Constitution. In accord therewith, subject to subsection (a) above, the state, through the division of state lottery and/or the department of business regulation, shall have authority to issue such regulations as it deems appropriate pertaining to control, operation and management of

casino gaming as specifically set forth in subsections (b) and (c) herein.

SECTION 3. Nothing in this act shall abrogate or diminish the powers of the state, through the division of state lottery and/or the department of business regulation, to conduct and control video lottery terminals pursuant to chapter 42-61.2 of the general laws.

SECTION 4. Pursuant to Article VI, Section 22 of the Rhode Island Constitution, the following question shall be submitted by the secretary of state to the qualified electors of the state at the next statewide general election, and the secretary of state shall certify the election results:

“Shall an act be approved which would authorize the facility known as “Twin River” in the town of Lincoln to add state-operated casino gaming, such as table games, to the types of gambling it offers?”

SECTION 5. Pursuant to Article VI, Section 22 of the Rhode Island Constitution, the following question shall be submitted by the local board of canvassers to the qualified electors of the town of Lincoln at the next statewide general election, and the results thereof shall be certified to the secretary of state:

“Shall an act be approved which would authorize the facility known as “Twin River” in the town of Lincoln to add state-operated casino gaming, such as table games, to the types of gambling it offers?”

SECTION 6. Purpose. The purpose of Sections 7 through 10 of this act is to help strengthen the commercial health of the Twin River facility and the Newport Grand facility and protect for the people of Rhode Island the public's share of revenues generated at the Twin River and Newport Grand facilities.

SECTION 7. Unless otherwise amended by this Act, the terms, conditions, provisions, and definitions of Chapter 322 and 323 of the Public Laws of 2005 and Chapter 16 of the Public Laws of 2010 are hereby incorporated herein by reference and shall remain in full force and effect.

SECTION 8. Authorized Procurement of Second Amendment to the Master Video Lottery Terminal Contract.

(a) Notwithstanding any provision of the general or public laws or regulations adopted thereunder to the contrary, the division of state lottery is hereby expressly authorized and empowered, to enter into with Twin River and Newport Grand a Second Amendment to the Twin River Master Contract and to the Newport Grand Master Contract, for the following purposes and containing the following terms and conditions, all of which shall be set forth in more particular detail in the Second Amendment:

(i) To provide that the requirements of Part A, Section 4(a)(ii) as to Twin River and Part B, Section 4(a)(ii) as to Newport Grand be amended to add the following provision thereto: The Division is authorized, in addition to the Promotional Points Program established in Part A, Section 4(a)(ii) and Part B, Section 4(a)(ii), to approve an additional amount of Promotional Points not to exceed seven hundred fifty thousand dollars (\$750,000) per facility pursuant to the same terms and conditions authorized by Chapter 16 of the Public Laws of 2010.

(ii) To provide that the requirements of the following subsection found in Chapter 16 of the Public Laws of 2010, Part B, Section 4(a)(iii)(2) be stricken and removed from the First Amendment to Master Video Terminal Contract, to wit: and (2) the division shall not owe any amount pursuant to said section 4(a)(iii) in any given marketing year unless, pursuant to subsection 42-61.2-7(a), the state has received net terminal income for such marketing year in an amount equal to or exceeding the amount of net terminal income the state received for the state's fiscal year 2010. The requirements so stricken shall allow the Marketing Program and payments due thereunder to be in effect for fiscal year 2011 pursuant to the terms and conditions set forth in

said section.

(c) All other terms and conditions contained in the First Amendment to Master Video Lottery Terminal Contract shall remain in full force and effect.

SECTION 9. Section 42-61.2-7 of the General Laws in Chapter 42-61.2 entitled "Video Lottery Terminal" is hereby amended to read as follows:

42-61.2-7. Division of revenue. [Effective June 30, 2009 and expires June 30, 2011.] -- (a) Notwithstanding the provisions of section 42-61-15, the allocation of net terminal income derived from video lottery games is as follows:

(1) For deposit in the general fund and to the state lottery division fund for administrative purposes: Net terminal income not otherwise disbursed in accordance with subdivisions (a)(2) -- (a)(6) herein;

(i) Except for the fiscal year ending June 30, 2008, nineteen one hundredths of one percent (0.19%) up to a maximum of twenty million dollars (\$20,000,000) shall be equally allocated to the distressed communities as defined in section 45-13-12 provided that no eligible community shall receive more than twenty-five percent (25%) of that community's currently enacted municipal budget as its share under this specific subsection. Distributions made under this specific subsection are supplemental to all other distributions made under any portion of general laws section 45-13-12. For the fiscal year ending June 30, 2008 distributions by community shall be identical to the distributions made in the fiscal year ending June 30, 2007 and shall be made from general appropriations. For the fiscal year ending June 30, 2009, the total state distribution shall be the same total amount distributed in the fiscal year ending June 30, 2008 and shall be made from general appropriations. For the fiscal year ending June 30, 2010, the total state distribution shall be the same total amount distributed in the fiscal year ending June 30, 2009 and shall be made from general appropriations, provided however that \$784,458 of the total appropriation shall be distributed equally to each qualifying distressed community.

(ii) Five one hundredths of one percent (0.05%) up to a maximum of five million dollars (\$5,000,000) shall be appropriated to property tax relief to fully fund the provisions of section 44-33-2.1. The maximum credit defined in subdivision 44-33-9(2) shall increase to the maximum amount to the nearest five dollar (\$5.00) increment within the allocation until a maximum credit of five hundred dollars (\$500) is obtained. In no event shall the exemption in any fiscal year be less than the prior fiscal year.

(iii) One and twenty-two one hundredths of one percent (1.22%) to fund section 44-34.1-1, entitled "Motor Vehicle and Trailer Excise Tax Elimination Act of 1998", to the maximum amount to the nearest two hundred fifty dollar (\$250) increment within the allocation. In no event shall the exemption in any fiscal year be less than the prior fiscal year.

(iv) Except for the fiscal year ending June 30, 2008, ten one hundredths of one percent (0.10%) to a maximum of ten million dollars (\$10,000,000) for supplemental distribution to communities not included in paragraph (a)(1)(i) above distributed proportionately on the basis of general revenue sharing distributed for that fiscal year. For the fiscal year ending June 30, 2008 distributions by community shall be identical to the distributions made in the fiscal year ending June 30, 2007 and shall be made from general appropriations. For the fiscal year ending June 30, 2009, no funding shall be disbursed. For the fiscal year ending June 30, 2010 and thereafter, funding shall be determined by appropriation.

(2) To the licensed video lottery retailer:

(a) (i) Prior to the effective date of the NGJA Master Contract, Newport Jai Ali twenty-six percent (26%) minus three hundred eighty four thousand nine hundred ninety-six dollars

(\$384,996);

(ii) On and after the effective date of the NGJA Master Contract, to the licensed video lottery retailer who is a party to the NGJA Master Contract, all sums due and payable under said Master Contract minus three hundred eighty four thousand nine hundred ninety-six dollars (\$384,996).

(b) (i) Prior to the effective date of the UTGR Master Contract, to the present licensed video lottery retailer at Lincoln Park which is not a party to the UTGR Master Contract, twenty-eight and eighty-five one hundredths percent (28.85%) minus seven hundred sixty-seven thousand six hundred eighty-seven dollars (\$767,687);

(ii) On and after the effective date of the UTGR Master Contract, to the licensed video lottery retailer who is a party to the UTGR Master Contract, all sums due and payable under said Master Contract minus seven hundred sixty-seven thousand six hundred eighty-seven dollars (\$767,687).

(3) (i) To the technology providers who are not a party to the GTECH Master Contract as set forth and referenced in Public Law 2003, Chapter 32, seven percent (7%) of the net terminal income of the provider's terminals; in addition thereto, technology providers who provide premium or licensed proprietary content or those games that have unique characteristics such as 3D graphics, unique math/game play features or merchandising elements to video lottery terminals may receive incremental compensation, either in the form of a daily fee or as an increased percentage, if all of the following criteria are met:

(A) A licensed video lottery retailer has requested the placement of premium or licensed proprietary content at its licensed video lottery facility;

(B) The division of lottery has determined in its sole discretion that the request is likely to increase net terminal income or is otherwise important to preserve or enhance the competitiveness of the licensed video lottery retailer;

(C) After approval of the request by the division of lottery, the total number of premium or licensed propriety content video lottery terminals does not exceed ten percent (10%) of the total number of video lottery terminals authorized at the respective licensed video lottery retailer; and

(D) All incremental costs are shared between the division and the respective licensed video lottery retailer based upon their proportionate allocation of net terminal income. The division of lottery is hereby authorized to amend agreements with the licensed video lottery retailers, or the technology providers, as applicable, to effect the intent herein.

(ii) To contractors who are a party to the Master Contract as set forth and referenced in Public Law 2003, Chapter 32, all sums due and payable under said Master Contract;

(iii) Notwithstanding paragraphs (i) and (ii) above, there shall be subtracted proportionately from the payments to technology providers the sum of six hundred twenty-eight thousand seven hundred thirty-seven dollars (\$628,737);

(4) To the city of Newport one and one hundredth percent (1.01%) of net terminal income of authorized machines at Newport Grand except that effective November 9, 2009, the allocation shall be one and two tenths percent (1.2%) of net terminal income of authorized machines at Newport Grand for each week the facility operates video lottery games on a twenty-four (24) hour basis for all eligible hours authorized and to the town of Lincoln one and twenty-six hundredths percent (1.26%) of net terminal income of authorized machines at Lincoln Park except that effective November 9, 2009, the allocation shall be one and forty-five hundredths percent (1.45%) of net terminal income of authorized machines at Lincoln Park for each week the facility operates video lottery games on a twenty-four (24) hour basis for all eligible hours authorized;

(5) To the Narragansett Indian Tribe, seventeen hundredths of one percent (0.17%) of net terminal income of authorized machines at Lincoln Park up to a maximum of ten million dollars (\$10,000,000) per year, which shall be paid to the Narragansett Indian Tribe for the account of a Tribal Development Fund to be used for the purpose of encouraging and promoting: home ownership and improvement, elderly housing, adult vocational training; health and social services; childcare; natural resource protection; and economic development consistent with state law. Provided, however, such distribution shall terminate upon the opening of any gaming facility in which the Narragansett Indians are entitled to any payments or other incentives; and provided further, any monies distributed hereunder shall not be used for, or spent on previously contracted debts; and

(6) Unclaimed prizes and credits shall remit to the general fund of the state;

(7) Payments into the state's general fund specified in subdivisions (a)(1) and (a)(6) shall be made on an estimated monthly basis. Payment shall be made on the tenth day following the close of the month except for the last month when payment shall be on the last business day.

(b) Notwithstanding the above, the amounts payable by the Division to UTGR related to the Marketing Program shall be paid on a frequency agreed by the Division, but no less frequently than annually.

(c) Notwithstanding anything in this chapter 61.2 of this title 42 to the contrary, the Director is authorized to fund the Marketing Program as described above in regard to the First Amendment to the UTGR Master Contract.

(d) Notwithstanding the above, the amounts payable by the Division to Newport Grand related to the Marketing Program shall be paid on a frequency agreed by the Division, but no less frequently than annually.

(e) Notwithstanding anything in this chapter 61.2 of this title 42 to the contrary, the Director is authorized to fund the Marketing Program as described above in regard to the First Amendment to the Newport Grand Master Contract.

42-61.2-7. Division of revenue. [Effective June 30, 2011.] -- (a) Notwithstanding the provisions of section 42-61-15, the allocation of net terminal income derived from video lottery games is as follows:

(1) For deposit in the general fund and to the state lottery division fund for administrative purposes: Net terminal income not otherwise disbursed in accordance with subdivisions (a)(2) -- (a)(6) herein;

(i) Except for the fiscal year ending June 30, 2008, nineteen one hundredths of one percent (0.19%) up to a maximum of twenty million dollars (\$20,000,000) shall be equally allocated to the distressed communities as defined in section 45-13-12 provided that no eligible community shall receive more than twenty-five percent (25%) of that community's currently enacted municipal budget as its share under this specific subsection. Distributions made under this specific subsection are supplemental to all other distributions made under any portion of general laws section 45-13-12. For the fiscal year ending June 30, 2008 distributions by community shall be identical to the distributions made in the fiscal year ending June 30, 2007 and shall be made from general appropriations. For the fiscal year ending June 30, 2009, the total state distribution shall be the same total amount distributed in the fiscal year ending June 30, 2008 and shall be made from general appropriations. For the fiscal year ending June 30, 2010, the total state distribution shall be the same total amount distributed in the fiscal year ending June 30, 2009 and shall be made from general appropriations, provided however that \$784,458 of the total appropriation shall be distributed equally to each qualifying distressed community.

(ii) Five one hundredths of one percent (0.05%) up to a maximum of five million dollars (\$5,000,000) shall be appropriated to property tax relief to fully fund the provisions of section 44-33-2.1. The maximum credit defined in subdivision 44-33-9(2) shall increase to the maximum amount to the nearest five dollar (\$5.00) increment within the allocation until a maximum credit of five hundred dollars (\$500) is obtained. In no event shall the exemption in any fiscal year be less than the prior fiscal year.

(iii) One and twenty-two one hundredths of one percent (1.22%) to fund section 44-34.1-1, entitled "Motor Vehicle and Trailer Excise Tax Elimination Act of 1998", to the maximum amount to the nearest two hundred fifty dollar (\$250) increment within the allocation. In no event shall the exemption in any fiscal year be less than the prior fiscal year.

(iv) Except for the fiscal year ending June 30, 2008, ten one hundredths of one percent (0.10%) to a maximum of ten million dollars (\$10,000,000) for supplemental distribution to communities not included in paragraph (a)(1)(i) above distributed proportionately on the basis of general revenue sharing distributed for that fiscal year. For the fiscal year ending June 30, 2008 distributions by community shall be identical to the distributions made in the fiscal year ending June 30, 2007 and shall be made from general appropriations. For the fiscal year ending June 30, 2009, no funding shall be disbursed. For the fiscal year ending June 30, 2010 and thereafter, funding shall be determined by appropriation.

(2) To the licensed video lottery retailer:

(a) (i) Prior to the effective date of the NGJA Master Contract, Newport Jai Ali twenty-six percent (26%) minus three hundred eighty four thousand nine hundred ninety-six dollars (\$384,996);

(ii) On and after the effective date of the NGJA Master Contract, to the licensed video lottery retailer who is a party to the NGJA Master Contract, all sums due and payable under said Master Contract minus three hundred eighty four thousand nine hundred ninety-six dollars (\$384,996).

(b) (i) Prior to the effective date of the UTGR Master Contract, to the present licensed video lottery retailer at Lincoln Park which is not a party to the UTGR Master Contract, twenty-eight and eighty-five one hundredths percent (28.85%) minus seven hundred sixty-seven thousand six hundred eighty-seven dollars (\$767,687);

(ii) On and after the effective date of the UTGR Master Contract, to the licensed video lottery retailer who is a party to the UTGR Master Contract, all sums due and payable under said Master Contract minus seven hundred sixty-seven thousand six hundred eighty-seven dollars (\$767,687).

(3) (i) To the technology providers who are not a party to the GTECH Master Contract as set forth and referenced in Public Law 2003, Chapter 32, seven percent (7%) of the net terminal income of the provider's terminals; in addition thereto, technology providers who provide premium or licensed proprietary content or those games that have unique characteristics such as 3D graphics, unique math/game play features or merchandising elements to video lottery terminals may receive incremental compensation, either in the form of a daily fee or as an increased percentage, if all of the following criteria are met:

(A) A licensed video lottery retailer has requested the placement of premium or licensed proprietary content at its licensed video lottery facility;

(B) The division of lottery has determined in its sole discretion that the request is likely to increase net terminal income or is otherwise important to preserve or enhance the competitiveness of the licensed video lottery retailer;

(C) After approval of the request by the division of lottery, the total number of premium or licensed propriety content video lottery terminals does not exceed ten percent (10%) of the total number of video lottery terminals authorized at the respective licensed video lottery retailer; and

(D) All incremental costs are shared between the division and the respective licensed video lottery retailer based upon their proportionate allocation of net terminal income. The division of lottery is hereby authorized to amend agreements with the licensed video lottery retailers, or the technology providers, as applicable, to effect the intent herein.

(ii) To contractors who are a party to the Master Contract as set forth and referenced in Public Law 2003, Chapter 32, all sums due and payable under said Master Contract;

(iii) Notwithstanding paragraphs (i) and (ii) above, there shall be subtracted proportionately from the payments to technology providers the sum of six hundred twenty-eight thousand seven hundred thirty-seven dollars (\$628,737);

(4) To the city of Newport one and one hundredth percent (1.01%) of net terminal income of authorized machines at Newport Grand except that effective November 9, 2009 until June 30, 2012, the allocation shall be one and two tenths percent (1.2%) of net terminal income of authorized machines at Newport Grand for each week the facility operates video lottery games on a twenty-four (24) hour basis for all eligible hours authorized and to the town of Lincoln one and twenty-six hundredths percent (1.26%) of net terminal income of authorized machines at Lincoln Park except that effective November 9, 2009 until June 30, 2012, the allocation shall be one and forty-five hundredths percent (1.45%) of net terminal income of authorized machines at Lincoln Park for each week the facility operates video lottery games on a twenty-four (24) hour basis for all eligible hours authorized; and

(5) To the Narragansett Indian Tribe, seventeen hundredths of one percent (0.17%) of net terminal income of authorized machines at Lincoln Park up to a maximum of ten million dollars (\$10,000,000) per year, which shall be paid to the Narragansett Indian Tribe for the account of a Tribal Development Fund to be used for the purpose of encouraging and promoting: home ownership and improvement, elderly housing, adult vocational training; health and social services; childcare; natural resource protection; and economic development consistent with state law. Provided, however, such distribution shall terminate upon the opening of any gaming facility in which the Narragansett Indians are entitled to any payments or other incentives; and provided further, any monies distributed hereunder shall not be used for, or spent on previously contracted debts; and

(6) Unclaimed prizes and credits shall remit to the general fund of the state; and

(7) Payments into the state's general fund specified in subdivisions (a)(1) and (a)(6) shall be made on an estimated monthly basis. Payment shall be made on the tenth day following the close of the month except for the last month when payment shall be on the last business day.

(b) Notwithstanding the above, the amounts payable by the Division to UTGR related to the Marketing Program shall be paid on a frequency agreed by the Division, but no less frequently than annually.

(c) Notwithstanding anything in this chapter 61.2 of this title 42 to the contrary, the Director is authorized to fund the Marketing Program as described above in regard to the First Amendment to the UTGR Master Contract.

(d) Notwithstanding the above, the amounts payable by the Division to Newport Grand related to the Marketing Program shall be paid on a frequency agreed by the Division, but no less frequently than annually.

(e) Notwithstanding anything in this chapter 61.2 of this title 42 to the contrary, the

Director is authorized to fund the Marketing Program as described above in regard to the First Amendment to the Newport Grand Master Contract.

SECTION 11. This Article shall take effect upon passage.”

Respectfully submitted,

REPRESENTATIVE MELO

=====
LC02105/26
=====

Representatives Melo and Newberry discuss the article.

Representative Carnevale rises on a point of order for Representative Newberry to speak germane to the new article

The Honorable Speaker rules for Representative Newberry to speak germane to the new article.

Representatives Newberry, Petrarca, Menard, Trillo, Chippendale, Melo, San Bento, Marcello, Baldelli-Hunt, Morgan, Palumbo, Martin, Mattiello, Lima, and Jackson continue to discuss the new article.

The New Article prevails on a roll call vote 62 members voting in the affirmative and 9 members voting in the negative as follows:

YEAS - 62: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Cimini, Coderre, Corvese, Costa, DaSilva, DeSimone, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Gallison, Guthrie, Handy, Hull, Jackson, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Mattiello, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Nunes, O'Grady, O'Neill, Palumbo, Petrarca, Phillips, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Watson, Williams, Winfield.

NAYS - 9: Representatives Chippendale, Gordon, Hearn, Jacquard, Marcello, Newberry, Reilly, Ruggiero, Walsh.

By unanimous consent, Representative Melo, seconded by Representatives Ferri and Hearn, offers a written motion to amend.

**F L O O R A M E N D M E N T
T O**

2011 -- H 5894 SUBSTITUTE A

**AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE
STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012**

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUTE A, entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

By adding thereto the following new Article:

“ARTICLE _____

RELATING TO PUBLIC PROPERTY AND WORKS

SECTION 1. Chapter 37-7 of the General Laws entitled "Management and Disposal of Property" is hereby amended by adding thereto the following section:

37-7-15. Sale of state-owned land, buildings and improvements thereon and other real property. – (a) Total annual proceeds from the sale of any land and the buildings and improvements thereon, and other real property title to which is vested in the State of Rhode Island or title to which will be vested in the state upon completion of any condemnation or other proceedings, shall be transferred to and made available for the purposes outlined in section 42-11-2.5 of the general laws, unless otherwise prohibited by federal law.

(b) Provided, however, this shall not include proceeds from the sale of any land and the buildings and improvements thereon that will be created by the relocation of interstate route 195 which is sometimes collectively referred to as the “I-195 Surplus Land” which land is identified in the “Rhode Island Interstate 195 Relocation Surplus Land: Redevelopment and market Analysis” prepared by CKS Architecture & Urban Design dated 2009, and such term means those certain tracts or parcels of land situated in the city of Providence, county of Providence, State of Rhode Island, delineated on that certain plan of land captioned “Improvements to Interstate Route 195, Providence, Rhode Island, Proposed Development Parcel Plans 1 through 10, Scale: 1”=20’, May 2010, Bryant Associates, Inc., Engineers-Surveyors-Construction Managers, Lincoln, Rhode Island, Maguire Group, Inc., Architects/Engineers/Planners, Providence, Rhode Island.”

SECTION 2. Chapter 42-11 of the General Laws entitled "Department of Administration" is hereby amended by adding thereto the following section:

42-11-2.5. Information technology investment fund. – (a) All sums from the sale of any land and the buildings and improvements thereon, and other real property title to which is vested in the state except as provided in subsection 37-7-15(b) shall be transferred to an Information Technology Investment Fund restricted receipt account that is hereby established. This fund shall consist of such sums from the sale of any land and the buildings and improvements thereon, and other real property title to which is vested in the state except as provided in subsection 37-7-15(b). This fund may also consist of such sums as the state may from time to time appropriate, as well as money received from the disposal of information technology equipment, loan, interest and service charge payments from benefiting state agencies, as well as interest earnings, money received from the federal government, gifts, bequest, donations, or to otherwise from any public or private source. Any such funds shall be exempt from the indirect cost recovery provisions of section 35-4-27.

(b) This fund shall be used for the purpose of acquiring information technology improvements, including, but not limited to, hardware, software, consulting services, and ongoing maintenance and upgrade contracts for state departments and agencies.

(c) The division of information technology of the Rhode Island department of administration shall adopt rules and regulations consistent with the purposes of this chapter and chapter 35 of title 42, in order to provide for the orderly and equitable disbursement of funds from the revolving loan fund.

SECTION 3. This act shall take effect upon passage.”

Respectfully submitted,
REPRESENTATIVE MELO

YEAR ENDING JUNE 30, 2012", as follows:

By adding thereto the following new Article:

"ARTICLE _____

RELATING TO NEIGHBORHOOD OPPORTUNITIES PROGRAM

SECTION 1. Sections 44-11-1, 44-11-2, 44-11-4, 44-11-4.1, 44-11-11, 44-11-14.7 and 44-11-43 of the General Laws in Chapter 44-11 entitled "Business Corporation Tax" are hereby amended to read as follows:

44-11-1. Definitions. -- For the purpose of this chapter:

(1) "Common ownership" means more than fifty percent (50%) of the voting control of each member of the group is directly or indirectly owned by a common owner or owners, either corporate or non-corporate, whether or not owner or owners are members of the combined group.

~~(4)~~ (2) "Captive REIT" means a corporation, trust or association:

(a) (i) That is considered a real estate investment trust for the taxable year under section 856 of the Internal Revenue Code;

(ii) That is not regularly traded on an established securities market; and

(iii) More than fifty percent (50%) of the voting power or value of the beneficial interests or shares of which at any time during the last half of the taxable year, is owned or controlled, directly or indirectly, by a single entity that is subject to the provisions of Subchapter C of Chapter 1 of the Internal Revenue Code; and

(b) "Captive REIT" does not include:

(i) A corporation, trust or association more than fifty percent (50%) of the voting power or value of the beneficial interests or shares of which, at any time during which the corporation, trust or association satisfies item (1)(iii) of this subsection, is owned or controlled, directly or indirectly, by:

(A) A real estate investment trust other than a real estate investment trust described in item (i) of this subsection; or

(B) A person exempt from taxation under § 501(a) of the Internal Revenue Code; or

(C) A listed Australian Property Trust; and

(ii) Subject to regulations that the tax administrator adopts, a real estate investment trust that is intended to become regularly traded on an established securities market and that satisfies the requirements of § 865(A)(5) and (6) of the Internal Revenue Code by reason of § 856(h)(2) of the Internal Revenue Code; and

(c) For purposes of this section, the constructive ownership rules prescribed under § 318(a) of the Internal Revenue Code, as modified by § 856(d)(5) of the Internal Revenue Code, shall apply in determining the ownership of stock, assets or net profits of any person.

~~(2)~~ (3) "Corporation" means every corporation, joint-stock company, or association, wherever incorporated, a real estate investment trust, a regulated investment company, a personal holding company registered under the Federal Investment Company Act of 1940, 15 U.S.C. § 80a-1 et seq., and also a trustee or trustees conducting a business where interest or ownership is evidenced by certificates or other written instruments, deriving any income from sources within this state or engaging in any activities or transactions within this state for the purpose of profit or gain, whether or not an office or place of business is maintained in this state, or whether or not the income, activities, or transactions are connected with intrastate, interstate, or foreign commerce, except:

(i) State banks, mutual savings banks, federal savings banks, trust companies, national banking associations, building and loan associations, credit unions, and loan and investment

companies;

(ii) Public service corporations included in chapter 13 of this title, except as otherwise provided in § 44-13-2.2;

(iii) Insurance and surety companies;

(iv) Corporations specified in § 7-6-4, incorporated hospitals, schools, colleges, and other institutions of learning not organized for business purposes and not doing business for profit and no part of the net earnings of which inures to the benefit of any private stockholder or individual, whether incorporated under any general law of this state or by any special act of the general assembly of this state;

(v) Fraternal beneficiary societies as set forth in § 27-25-1;

(vi) Any corporation expressly exempt from taxation by charter;

(vii) Corporations which together with all corporations under direct or indirect common ownership that satisfies the other requirements of this paragraph employ not less than five (5) full-time equivalent employees in the state; which maintain an office in the state; and activities within the state which are confined to the maintenance and management of their intangible investments or of the intangible investments of corporations or business trusts registered as investment companies under the Investment Company Act of 1940, 15 U.S.C. § 80a-1 et seq., and the collection and distribution of the income from those investments or from tangible property physically located outside the state. For purposes of this paragraph, "intangible investments" includes, without limitation, investments in stocks, bonds, notes, and other debt obligations, including debt obligations of affiliated corporations, patents, patent applications, trademarks, trade names, copyrights, and similar types of intangible assets.

~~(3)~~(4) "Fiscal year" means an accounting period of twelve (12) months ending on the last day of any month other than December.

(5) "Limited liability company" means an entity that is organized and existing under the laws of this state pursuant to chapter 16 of title 7.

(6) "Limited liability partnership" means an entity that is organized and existing under the laws of this state pursuant to chapter 12 of title 7.

(7) "Limited partnership" means an entity that is organized and existing under the laws of this state pursuant to chapter 13 of title 7.

(8) "Member" means a corporation included in a unitary business.

~~(4)~~(9) "Place of business" means a regular place of business, which, in turn, means any bona fide office, other than a statutory office, factory, warehouse, or other space which is regularly used by the taxpayer in carrying on its business. Where, as a regular course of business, property of the taxpayer is stored by it in a public warehouse until it is shipped to customers, the warehouse is considered a regular place of business of the taxpayer and, where as a regular course of business, raw material or partially furnished goods of a taxpayer are delivered to an independent contractor to be converted, processed, finished, or improved and the finished goods remain in the possession of the independent contractor until shipped to customers, the plant of the independent contractor is considered a regular place of business of the taxpayer. The mere consignment of goods by the taxpayer to an independent factor outside this state for sale at the consignee's discretion does not constitute the taxpayer as having a regular place of business outside this state.

(10) "Rhode Island gross receipts" means the taxpayer's total receipts as defined under §44-11-14(a)(2).

(11) "S-Corporation" means a small business corporation having an election in effect under subchapter S, 26 U.S.C. § 1361 et seq.

(5)(12) "Taxable year" means the calendar year or the fiscal year ending during the calendar year upon the basis of which the net income is computed under this chapter. "Taxable year" means, in the case of a return made for a fractional part of a year under the provisions of this chapter or under regulations prescribed by the tax administrator, the period for which the return is made.

(6)(13) "Taxpayer" means and includes any corporation and affiliated group subject to the provisions of this chapter.

(14) "Unitary business" means the activities of a group of two (2) or more corporations under common ownership that are sufficiently interdependent, integrated or interrelated through their activities so as to provide mutual benefit and produce a significant sharing or exchange of value among them or a significant flow of value between the separate parts. The term unitary business shall be construed to the broadest extent permitted under the United States Constitution.

(15) "United States" means the fifty (50) states of the United States, the District of Columbia, the United States' territories and possessions.

44-11-2. Imposition of tax. -- (a) Each corporation shall annually pay to the state a tax equal to nine percent (9%) of net income, as defined in § 44-11-11, qualified in § 44-11-12, and apportioned to this state as provided in §§ 44-11-13 – 44-11-15, for the taxable year. For tax years beginning on or after January 1, 2012 each corporation shall annually pay to the state a tax equal to eight and one-half percent (8.5%) of net income, as defined in § 44-11-11, qualified in § 44-11-12, and apportioned to this state as provided in §§ 44-11-13 – 44-11-15, for the taxable year. For tax years beginning on or after January 1, 2013 each corporation shall annually pay to the state a tax equal to eight percent (8%) of net income, as defined in § 44-11-11, qualified in § 44-11-12, and apportioned to this state as provided in §§ 44-11-13 – 44-11-15, for the taxable year. For tax years beginning on or after January 1, 2014 each corporation shall annually pay to the state a tax equal to seven and one-half percent (7.5%) of net income, as defined in § 44-11-11, qualified in § 44-11-12, and apportioned to this state as provided in §§ 44-11-13 – 44-11-15, for the taxable year.

(b) A corporation shall pay the amount of any tax as computed in accordance with subsection (a) of this section after deducting from "net income," as used in this section, fifty percent (50%) of the excess of capital gains over capital losses realized during the taxable year, if for the taxable year:

(1) The corporation is engaged in buying, selling, dealing in, or holding securities on its own behalf and not as a broker, underwriter, or distributor;

(2) Its gross receipts derived from these activities during the taxable year amounted to at least ninety percent (90%) of its total gross receipts derived from all of its activities during the year. "Gross receipts" means all receipts, whether in the form of money, credits, or other valuable consideration, received during the taxable year in connection with the conduct of the taxpayer's activities.

(c) A corporation shall not pay the amount of the tax computed on the basis of its net income under subsection (a) of this section, but shall annually pay to the state a tax equal to ten cents (\$.10) for each one hundred dollars (\$100) of gross income for the taxable year or a tax of one hundred dollars (\$100), whichever tax shall be the greater, if for the taxable year the corporation is either a "personal holding company" registered under the federal Investment Company Act of 1940, 15 U.S.C. § 80a-1 et seq., "regulated investment company", or a "real estate investment trust" as defined in the federal income tax law applicable to the taxable year. "Gross income" means gross income as defined in the federal income tax law applicable to the

taxable year, plus:

- (1) Any interest not included in the federal gross income; minus
- (2) Interest on obligations of the United States or its possessions, and other interest exempt from taxation by this state; and minus
- (3) Fifty percent (50%) of the excess of capital gains over capital losses realized during the taxable year.

(d) ~~A small business corporation having an election in effect under subchapter S, 26 U.S.C. § 1361 et seq., shall not be subject to the Rhode Island income tax on corporations~~ An S-Corporation shall only be subject to the minimum tax imposed under §44-11-2(e), except that the corporation shall be subject to the provisions of subsection (a), to the extent of the income that is subjected to federal tax under subchapter S.

(2) The shareholders of the corporation who are residents of Rhode Island shall include in their income their proportionate share of the corporation's federal taxable income.

(3) [Deleted by P.L. 2004, ch. 595, art. 29, § 1.]

(4) [Deleted by P.L. 2004, ch. 595, art. 29, § 1.]

(e) Minimum tax. (1) For tax years beginning before January 1, 2012 the, The tax imposed upon any corporation under this section shall not be less than five hundred dollars (\$500).

(2) For tax years beginning on or after January 1, 2012, the minimum tax imposed upon any corporation, except an S-Corporation, shall be based on Rhode Island gross receipts and shall be determined according to the following schedule:

<u>Rhode Island Gross Receipts</u>	<u>Minimum Tax</u>
<u>Not more than \$1,000,000</u>	<u>\$500</u>
<u>\$1,000,000 but not more than \$2,500,000</u>	<u>\$1,000</u>
<u>\$2,500,000 but not more than \$5,000,000</u>	<u>\$1,500</u>
<u>\$5,000,000 or more</u>	<u>\$2,000</u>

(3) For tax years beginning on or after January 1, 2012 the minimum tax imposed upon any S-Corporation, limited liability company, limited liability partnership and limited partnership shall be based on Rhode Island gross receipts and shall be determined according to the following schedule:

<u>Rhode Island Gross Receipts</u>	<u>Minimum Tax</u>
<u>Not more than \$1,000,000</u>	<u>\$250</u>
<u>\$1,000,000 but not more than \$2,500,000</u>	<u>\$1,000</u>
<u>\$2,500,000 but not more than \$5,000,000</u>	<u>\$1,500</u>
<u>\$5,000,000 or more</u>	<u>\$2,000</u>

44-11-4. Returns of affiliated groups of corporations. -- For tax years beginning before January 1, 2012 an ~~A~~ affiliated group of corporations may file a consolidated return for the taxable year in lieu of separate returns; provided, that all the corporations which constitute the affiliated group at any time during the period for which the return is made and which are subject to taxation under this chapter shall consent to the making of the consolidated return. The tax administrator may prescribe rules and regulations as he or she may deem necessary in order that the tax liability of any affiliated group of corporations making a consolidated return and of each corporation in the group, liable to taxation under this chapter, both during and after the period of affiliation, may be determined, computed, assessed, collected, and adjusted in a manner as clearly to reflect the net income and the corporate excess and to prevent avoidance of tax liability.

44-11-4.1. Combined reporting. -- (a) Effective for tax years beginning on or after January 1, 2012, a corporation which is part of an unitary business must file a report for the combined

group containing the combined net income of the combined group and any other information the tax administrator may require. The use of a combined report does not disregard the separate identities of the members of the combined group. Each member of the combined group is responsible for tax based on its taxable income or loss apportioned or allocated to this state.

(b) The combined reporting requirement required pursuant to this section shall not include any persons that engage in activities enumerated in § 44-13-4, 44-14-3, 44-14-4 or 44-17-1, whether within or outside this state. Neither the income or loss nor the apportionment factors of such a person shall be included, directly or indirectly, in the combined report.

(c) The tax administrator shall prescribe rules and regulations as he or she may deem necessary in order that the tax liability of any unitary business making a combined report may be determined, computed, assessed, collected, and adjusted in a manner as clearly to reflect the net income and to prevent avoidance of tax liability.

44-11-4.2. Water's edge election. --

(a) Election. – Members of a combined group may elect to disregard the income and apportionment factors of a member of the combined group that is a foreign corporation that conducts eighty percent (80%) or more of its business activity outside the United States. A water's edge election must be filed in writing with the tax administrator. Such an election shall be effective for the taxable year in which it is filed and for the following ten (10) taxable years. The election will be automatically extended at the end of the ten (10) year period unless notice is given in writing to the tax administrator of intent not to renew. The notice of intent not to renew must be made before the end of the last two (2) years of the election period.

(b) Withdrawal of Election. – An election may be withdrawn only upon written request to and approval from the tax administrator. If the tax administrator grants a withdrawal of election, the tax administrator must impose reasonable conditions as he or she deems necessary to prevent the evasion of tax or to clearly reflect income for the election period prior to or after the withdrawal. A water's edge election, once terminated by either a notice of withdrawal or a failure to renew, may not be renewed for a minimum of three (3) years.

44-11-11. "Net income" defined. -- (a) "Net income" means, for any taxable year and for any corporate taxpayer, the taxable income of the taxpayer for that taxable year under the laws of the United States, plus:

- (i) Any interest not included in the taxable income;
- (ii) Any specific exemptions;
- ~~(iii) For a captive REIT, an amount equal to the amount of the dividends paid deduction allowed under the Internal Revenue Code for the taxable year;~~
- ~~(iv)~~(iii) The tax imposed by this chapter; and minus
- ~~(v) Any deductions required to be added back to net income under the provisions of paragraph (f) of this section,~~
- ~~(vi)~~(iv) Interest on obligations of the United States or its possessions, and other interest exempt from taxation by this state; and
- ~~(vii)~~(v) The federal net operating loss deduction.

(2) All binding federal elections made by or on behalf of the taxpayer applicable either directly or indirectly to the determination of taxable income shall be binding on the taxpayer except where this chapter or its attendant regulations specifically modify or provide otherwise. Rhode Island taxable income shall not include the "gross-up of dividends" required by the federal Internal Revenue Code to be taken into taxable income in connection with the taxpayer's election of the foreign tax credit.

(b) A net operating loss deduction shall be allowed which shall be the same as the net operating loss deduction allowed under 26 U.S.C. § 172, except that:

(1) Any net operating loss included in determining the deduction shall be adjusted to reflect the inclusions and exclusions from entire net income required by subsection (a) of this section and § 44-11-11.1;

(2) The deduction shall not include any net operating loss sustained during any taxable year in which the taxpayer was not subject to the tax imposed by this chapter; and

(3) The deduction shall not exceed the deduction for the taxable year allowable under 26 U.S.C. § 172; provided, that the deduction for a taxable year may not be carried back to any other taxable year for Rhode Island purposes but shall only be allowable on a carry forward basis for the five (5) succeeding taxable years.

(c) "Domestic international sales corporations" (referred to as DISCs), for the purposes of this chapter, will be treated as they are under federal income tax law and shall not pay the amount of the tax computed under § 44-11-2(a). Any income to shareholders of DISCs is to be treated in the same manner as it is treated under federal income tax law as it exists on December 31, 1984.

(d) A corporation which qualifies as a "foreign sales corporation" (FSC) under the provisions of subchapter N, 26 U.S.C. § 861 et seq., and which has in effect for the entire taxable year a valid election under federal law to be treated as a FSC, shall not pay the amount of the tax computed under § 44-11-2(a). Any income to shareholders of FSCs is to be treated in the same manner as it is treated under federal income tax law as it exists on January 1, 1985.

~~(e) As used in this section:~~

~~(1) "Affiliated group" has the same meaning as in § 1504 of the Internal Revenue Code.~~

~~(2) "Intangible expenses and costs" includes: (A) expenses, losses and costs for, related to, or in connection directly or indirectly with the direct or indirect acquisition, use, maintenance or management, ownership, sale, exchange, or any other disposition of intangible property to the extent such amounts are allowed as deductions or costs in determining taxable income before operating loss deduction and special deductions for the taxable year under the Internal Revenue Code; (B) losses related to or incurred in connection directly or indirectly with factoring transactions or discounting transactions; (C) royalty, patent, technical and copyright fees; (D) licensing fees; and (E) other similar expenses and costs.~~

~~(3) "Intangible property" means patents, patent applications, trade names, trademarks, service marks, copyrights and similar types of intangible assets.~~

~~(4) "Interest expenses and costs" means amounts directly or indirectly allowed as deductions under § 163 of the Internal Revenue Code for purposes of determining taxable income under the Internal Revenue Code to the extent such expenses and costs are directly or indirectly for, related to, or in connection with the direct or indirect acquisition, maintenance, management, ownership, sale, exchange or disposition of intangible property.~~

~~(5) "Related member" means a person that, with respect to the taxpayer during all or any portion of the taxable year, is a related entity, as defined in this subsection, a component member as defined in § 1563(b) of the Internal Revenue Code, or is a person to or from whom there is attribution of stock ownership in accordance with § 1563(e) of the Internal Revenue Code.~~

~~(6) "Related entity" means: (A) a stockholder who is an individual, or a member of the stockholder's family enumerated in § 318 of the Internal Revenue Code, if the stockholder and the members of the stockholder's family own directly, indirectly, beneficially or constructively, in the aggregate, at least fifty percent (50%) of the value of the taxpayer's outstanding stock; (B) a stockholder, or a stockholder's partnership, limited liability company, estate, trust or corporation,~~

~~if the stockholder and the stockholder's partnership, limited liability companies, estates, trusts and corporations own directly, indirectly, beneficially or constructively, in the aggregate, at least fifty percent (50%) of the value of the taxpayer's outstanding stock; or (C) a corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of section 318 of the Internal Revenue Code, if the taxpayer owns, directly, indirectly, beneficially or constructively, at least fifty percent (50%) of the value of the corporation's outstanding stock. The attribution rules on § 318 of the Internal Revenue Code shall apply for purposes of determining whether the ownership requirements of this subdivision have been met.~~

~~(f) For purposes of computing its net income under this section, a corporation shall add back otherwise deductible interest expenses and costs and intangible expenses and costs directly or indirectly paid, accrued or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with, one or more related members.~~

~~(1) The adjustments required in subsection (f) of this section shall not apply if the corporation establishes by clear and convincing evidence that the adjustments are unreasonable, as determined by the tax administrator or the corporation and the tax administrator agree in writing to the application or use of an alternative method of apportionment under § 44-11-15. Nothing in this subsection shall be construed to the limit or negate the tax administrator's authority to otherwise enter into agreements and compromises otherwise allowed by law.~~

~~(2) The adjustments required in subsection (f) of this section shall not apply to such portion of interest expenses and costs and intangible expenses and costs that the corporation can establish by the preponderance of the evidence meets both of the following: (A) the related member during the same income year directly or indirectly paid, accrued or incurred such portion to a person who is not a related member; and (B) the transaction giving rise to the interest expenses and costs or the intangible expenses and costs between the corporation and the related member did not have as a significant purpose the avoidance of any portion of the tax due under chapter 44-11.~~

~~(3) The adjustments required in subsection (f) shall not apply if the corporation establishes by clear and convincing evidence, as determined by the tax administrator, that: (i) a principal purpose of the transaction giving rise to the payment of interest was not to avoid payment of taxes due under this chapter; (ii) the interest is paid pursuant to a contract that reflects an arm's length rate of interest and terms; and (iii) (A) the related member was subject to tax on its net income in this state or another state or possession of the United States or a foreign nation; (B) a measure of said tax included the interest received from the taxpayer; and (C) the effective rate of tax applied to the interest received by the related member is no less than the effective rate of tax applied to the taxpayer under this chapter minus 3 percentage points.~~

~~(4) Partial Adjustments. The add back required in subsection (f) shall not be required in part if a portion of the add back would be unreasonable. A portion of the add back will be considered unreasonable to the extent that the taxpayer establishes to the tax administrator by clear and convincing evidence that interest or intangible expense was paid, accrued or incurred to a related member that is taxed on the corresponding income by a state, U.S. possession or foreign jurisdiction. An adjustment to the add back will be allowed based on a factor determined by the apportioned tax rate of the related member in the other jurisdiction compared to the apportioned tax rate of the taxpayer in this state. A taxpayer that seeks to claim this adjustment must file a schedule that sets forth the information required by the tax administrator.~~

~~(g) Nothing in this section shall require a corporation to add to its net income more than once any amount of interest expenses and costs or intangible expenses and costs that the~~

corporation pays, accrues or incurs to a related member described in subsection (b) of this section.

~~(h) Any taxpayer required to make an adjustment required in subsection (f) for tax years beginning on or after January 1, 2008, is additionally required to report to the tax administrator, on forms required by him, the amount of any adjustments that would have been required if the law applied to tax years beginning on or after January 1, 2007.~~

~~(i) Nothing in this section shall be construed to limit or negate the tax administrator authority to make adjustments under § 44-11-15.~~

44-11-14.7. Apportionment of income of combined group. -- (a) Combined Group. – The apportionable income of a combined group's unitary business is determined by eliminating income, deductions, and losses from all transactions between the members of the combined group associated with the combined group's unitary business. The apportionable income of the combined group's unitary business is apportioned in accordance with § 44-11-14, including in the numerator the property, payroll, and sales in this state of all members of the combined group that are associated with the combined group's unitary business and including in the denominator the property, payroll, and sales of all members of the combined group that are associated with the combined group's unitary business. Members of a combined group may elect to determine the combined group's apportionable income pursuant to water's edge election under § 44-11-4.2.

(b) Member Share. – A member's share of the apportionable income of a combined group's unitary business apportioned to this state of which it is a member is the product of the following:

(1) The apportionable income of the combined group's unitary business apportionable to this state.

(2) The ratio of the member's state apportionment factors associated with the combined group's unitary business to the combined group's aggregate state apportionment factors associated with the combined group's unitary business.

44-11-43. Passive investment treatment. -- (a) Notwithstanding any amendments or revisions to, or the repeal of, § 44-11-1(1)(vii) 44-11-1(3)(vii), or any other law, or new legislative action that shall serve to repeal or limit the benefits conferred therein, the provisions of that statute as in effect on the date of passage of this section shall continue to be applicable until December 31, 2014, for a "qualifying business" that meets the requirements set forth herein.

(b) A "qualifying business" for the purposes of this chapter shall mean a business which meets the terms and conditions imposed by the board of directors of the Rhode Island economic development corporation and is designated as such upon a finding of fact that:

(1) The business has committed to relocate from outside the state to a Rhode Island location no less than an annual tax year average of two hundred and fifty (250) full-time employees with a combined payroll of no less than twelve million dollars (\$12,000,000) annually within twenty-eight (28) months following such designation; for the purposes of this section "full-time employee" means any employee of the qualified business who works a minimum of thirty (30) hours per week within the state;

(2) The business would not relocate such jobs to the state but for such a designation of a qualifying business; and

(3) The annual salary of each employee counted in subdivision (b)(1) shall be no less than twenty-five thousand dollars (\$25,000) per year, plus benefits typical to the industry.

(c) The division of taxation shall require annual reports from a qualified business, which shall include, but not be limited to, the number of individuals employed by the company within the state, the job descriptions, and the annual salaries. The division of taxation shall verify these annual reports and certify that they are correct. The certification shall be sent to the board of

directors of the economic development corporation, president of the senate, speaker of the house, the chairperson of the senate finance committee, the chairperson of the house finance committee, the senate fiscal advisor, and the house fiscal advisor. If the division of taxation finds that the qualified business no longer meets the criteria set forth in subdivision (b)(1) or (3), and if, sixty (60) days after receipt of written notice from the division of taxation describing such finding in detail, the business has reasonably cured the noticed violations, then such business will continue to receive the benefits offered under the provisions of subsection (f) as if such violation had not occurred, otherwise that business shall no longer be considered a qualified business and shall no longer be entitled to any further benefits under any agreement made under the provisions of subsection (f) and such provisions shall become null and void.

Notwithstanding the foregoing, upon a finding the violation was caused by natural disaster, acts of terrorism, acts of war, or other similar events reasonably beyond the control of the business, the division of taxation may extend the cure period hereunder for up to twelve months.

(d) The economic development corporation shall certify only one company pursuant to this section, and such certification shall be issued prior to August 31, 2004.

(e) The economic development corporation shall be authorized to enter into such agreements as it may deem necessary or prudent in order to memorialize and effect the intent of the provisions of this section. The terms of such agreements shall not extend beyond December 31, 2014. Any such agreement shall include provisions for recapture of some portion of lost tax revenue, if any, resulting from the conveyance of the benefits contemplated hereunder, if the division of taxation finds that the qualified business has failed to maintain its qualified status pursuant to subsection (c) above. Such recapture provisions shall be in place for the first five (5) years of the agreement, and shall require the recapture of the value of any tax revenue lost in the last tax year that the company was a qualified company. Such recapture shall only apply to tax revenue lost through the amendment or revision to, or the repeal of, ~~§ 44-11-1(1)(vii)~~ § 44-11-1(3)(vii), or any other law, or new legislative action that shall serve to repeal or limit the benefits conferred therein, and the subsequent avoidance of such newly imposed tax by the company through the function of this section. Calculation of any amount recaptured shall take into account other preferential tax treatments, credits, or other benefits in order to assure that the company is treated no less favorably under the recapture calculation than they would have been if they had not become a qualifying company under the provisions of this section. The corporation may, within the terms of the contract, include as a condition of default the failure to maintain employment criteria more rigorous than the criteria set forth in subdivision (b)(1) or (3); however, a default for violation of such higher contractual standards shall not necessitate a recapture of lost revenues as contemplated herein.

SECTION 2. Section 42-128-8 of the General Laws in Chapter 42-128 entitled "Rhode Island Housing Resources Act of 1998" is hereby amended to read as follows:

42-128-8. Powers and duties. -- In order to provide housing opportunities for all Rhode Islanders, to maintain the quality of housing in Rhode Island, and to coordinate and make effective the housing responsibilities of the agencies and subdivisions of the state, the commission shall have the following powers and duties:

(1) Policy, planning and coordination of state housing functions. - The commission shall have the power and duty:

(i) To prepare and adopt the state's plans for housing; provided, however, that this provision shall not be interpreted to contravene the prerogative of the state planning council to adopt a state guide plan for housing.

- (ii) To prepare, adopt, and issue the state's housing policy.
- (iii) To conduct research on and make reports regarding housing issues in the state.
- (iv) To advise the governor and general assembly on housing issues and to coordinate housing activities among government agencies and agencies created by state law or providing housing services under government programs.
- (2) Establish, implement, and monitor state performance measures and guidelines for housing programs. - The commission shall have the power and the duty:
 - (i) To promulgate performance measures and guidelines for housing programs conducted under state law.
 - (ii) To monitor and evaluate housing responsibilities established by state law, and to establish a process for annual reporting on the outcomes of the programs and investments of the state in housing for low and moderate income people.
 - (iii) To hear and resolve disputes pertaining to housing issues.
- (3) Administer the programs pertaining to housing resources that may be assigned by state law. - The commission shall have the power and duty to administer programs for housing, housing services, and community development, including, but not limited to, programs pertaining to:
 - (i) Abandoned properties and the remediation of blighting conditions.
 - (ii) Lead abatement and to manage a lead hazard abatement program in cooperation with the Rhode Island housing and mortgage finance corporation.
 - (iii) Services for the homeless.
 - (iv) Rental assistance.
 - (v) Community development.
 - (vi) Outreach, education and technical assistance services.
 - (vii) Assistance, including financial support, to non-profit organizations and community development corporations.
 - (viii) Tax credits that assist in the provision of housing or foster community development or that result in support to non-profit organizations performing functions to accomplish the purposes of this chapter.
 - (ix) The Supportive Services Program, the purpose of which is to help prevent and end homelessness among those who have experienced long-term homelessness and for whom certain services in addition to housing are essential. State funding for this program may leverage other resources for the purpose of providing supportive services. Services provided pursuant to this subsection may include, but not be limited to: assistance with budgeting and paying rent; access to employment; encouraging tenant involvement in facility management and policies; medication monitoring and management; daily living skills related to food, housekeeping and socialization; counseling to support self-identified goals; referrals to mainstream health, mental health and treatment programs; and conflict resolution.
- (x) The neighborhood opportunities program, the purpose of which shall be to address the housing and revitalization needs of the state's deteriorating neighborhoods. The neighborhood opportunities program shall provide financial assistance to implement the following three (3) components:
 - (A) The family affordable housing program, the purpose of which shall be to produce an additional supply of housing units at rents affordable to families working at or near minimum wage. State funding will leverage other resources for the production of housing, to create mixed income housing, and to revitalize neighborhoods through the rehabilitation of existing substandard units.

(B) The permanent supportive housing program, the purpose of which shall be to produce additional housing for disabled individuals to be coupled with services and case management to stabilize homeless individuals in permanent housing at affordable rents for persons receiving supplemental social security income (SSI).

(C) The neighborhood revitalization program, the purpose of which shall be to provide grants to local communities for renovation, demolition, and homeownership opportunities in neighborhoods designated for revitalization.

SECTION 3. There is hereby appropriated out of any money generated by the combined reporting requirements of Rhode Island general laws section 44-11-4.1, in an amount not to exceed the sum of seven million, five hundred thousand dollars (\$7,500,000) for the purpose of carrying out the provisions of this Article, and the state controller is hereby authorized to draw his orders upon the general treasurer for the payment of said sum, or so much thereof as may be from time to time required, upon receipt by him/her of properly authenticated vouchers.

SECTION 4. This Article shall take effect upon passage."

Respectfully submitted,

REPRESENTATIVE BLAZEJEWSKI

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LC02105/9
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Representatives Blazejewski, Melo, Reilly, Petrarca, Tanzi, Brien, Ehrhardt, O’Grady, Valencia, Lima, and Mattiello, discuss the new article.

The New Article fails on a roll call vote 15 members voting in the affirmative and 51 members voting in the negative as follows:

YEAS - 15: Representatives Bennett, Blazejewski, Cimini, DaSilva, Ferri, Guthrie, Handy, Hull, Lima, McLaughlin, Medina, Morrison, O’Grady, Slater, Tanzi.

NAYS - 51: The Honorable Speaker Fox and Representatives Azzinaro, Brien, Carnevale, Chippendale, Coderre, Corvese, Costa, DeSimone, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Gallison, Gordon, Hearn, Jackson, Johnston, Keable, Kennedy, Lally, MacBeth, Marcello, Martin, Mattiello, McNamara, Melo, Menard, Messier, Morgan, Naughton, Newberry, Nunes, O’Neill, Palumbo, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Serpa, Silva, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Winfield.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
HOUSE OF REPRESENTATIVES

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

I, Deb Ruggiero State Representative, District 74 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 LC02105/27

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

Work in Advertising, Bureaucratic Field

- 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.

DEBORAH RUGGEIRO
REPRESENTATIVE

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

Subscribed and sworn to under the penalties for perjury before me this 25 day of June 2011.

JOHN FLYNN
NOTARY PUBLIC

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

GORDON D. FOX
SPEAKER OF THE HOUSE OF REPRESENTATIVES

By unanimous consent, Representative Baldelli-Hunt 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
2011 -- H 5894 SUBSTITUTE A

AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUTE A, entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

By adding thereto the following new Article:

“ARTICLE _____

RELATING TO PUBLIC PROPERTY AND WORKS

SECTION 1. Chapter 37-2 of the General Laws entitled "State Purchases" is hereby amended by adding thereto the following section:

37-2-56.1. Consolidated advertising program. -- The advertising and/or media expenses for all state departments and/or quasi-public agencies or entities shall be administered by the department of administration. Quasi-public agencies or entities shall utilize and participate in state master price agreement contracts for the purchase of any advertising and/or media services. The department of administration shall assist quasi-public agencies or entities in facilitating the

negotiation and use of state master price agreement contracts for the purchase of advertising and/or media services. The savings realized from this consolidated advertising program through the use of state master price agreement contracts shall be directed into the general fund.

SECTION 2. This Article shall take effect upon passage.”

Respectfully submitted,

REPRESENTATIVE BALDELLI HUNT

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LC02105/27
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Representatives Baldelli-Hunt, Ucci, MacBeth, Ehrhardt, Dickinson, O’Neill, Morrison, and Mattiello discuss the amendment.

The New Article prevails on a roll call vote 61 members voting in the affirmative and 5 members voting in the negative as follows:

YEAS - 61: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Carnevale, Chippendale, Corvese, Costa, DaSilva, DeSimone, Diaz, Edwards, Fellela, Ferri, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O’Grady, O’Neill, Palumbo, Petrarca, Phillips, Reilly, San Bento, Savage, Serpa, Silva, Slater, Tarro, Tomasso, Trillo, Ucci, Valencia, Watson, Williams, Winfield.

NAYS - 5: Representatives Cimini, Dickinson, Ehrhardt, Tanzi, Walsh.

ARTICLE 25 RELATING TO EFFECTIVE DATE

Representative Melo moves passage of the article, seconded by Representative O’Neill.

Article 25 is read and prevails on a roll call vote 67 members voting in the affirmative and 2 members voting in the negative as follows:

YEAS - 67: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, DeSimone, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Gallison, Guthrie, Handy, Hearn, Hull, Jackson, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O’Grady, O’Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Williams, Winfield.

NAYS - 2: Representatives Gordon, Palumbo.

By unanimous consent, Representative Melo, seconded by Representatives Ucci, Valencia, Naughton offers a written motion to amend.

F L O O R A M E N D M E N T
TO
2011 -- H 5894 SUBSTITUTE A
AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE
STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012

Mr. Speaker:

I hereby move to amend 2011 -- H 5894 SUBSTITUTE A, entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012", as follows:

1. By renumbering "Article 25" to "Article 28".
2. By numbering the new article "RELATING TO AUTHORIZING STATE-OPERATED CASINO GAMING AT TWIN RIVER" LC 2105/26 "ARTICLE 25".
3. By numbering the new article "RELATING TO PUBLIC PROPERTY AND WORKS" LC 2105/25 "ARTICLE 26".
4. By numbering the new article "RELATING TO PUBLIC PROPERTY AND WORKS" LC 2105/27 "ARTICLE 27".
5. By deleting the index in its entirety and substituting in place thereof the following language:

"ARTICLE 1 RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY 2012
ARTICLE 2 RELATING TO MAKING SUPPLEMENTAL APPROPRIATIONS IN SUPPORT OF FY 2011
ARTICLE 3 RELATING TO HEALTH AND SAFETY-- RHODE ISLAND RESOURCE RECOVERY CORPORATION
ARTICLE 4 RELATING TO SECURITY-- UNEMPLOYMENT INSURANCE
ARTICLE 5 RELATING TO EDUCATION AID
ARTICLE 6 RELATING TO DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
ARTICLE 7 RELATING TO BORROWING IN ANTICIPATION OF RECEIPTS FROM TAXES
ARTICLE 8 RELATING TO LONGEVITY PAYMENTS
ARTICLE 9 RELATING TO GOVERNMENTAL ORGANIZATION
ARTICLE 10 RELATING TO THE DEPARTMENT OF EDUCATION
ARTICLE 11 RELATING TO THE CHILDREN'S HEALTH ACCOUNT
ARTICLE 12 RELATING TO MUNICIPAL ACCOUNTABILITY
ARTICLE 13 RELATING TO REGISTRATION OF MOTOR VEHICLES
ARTICLE 14 RELATING TO MEDICAL ASSISTANCE NURSING FACILITIES RATE REFORM
ARTICLE 15 RELATING TO HOSPITAL PAYMENT RATES
ARTICLE 16 RELATING TO THE MEDICAID REFORM ACT
ARTICLE 17 RELATING TO DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES
ARTICLE 18 RELATING TO HOSPITAL UNCOMPENSATED CARE
ARTICLE 19 RELATING TO TAXES AND REVENUES

ARTICLE 20 RELATING TO CORRECTIONS

ARTICLE 21 RELATING TO RETIREE HEALTH CARE TRUST FUND

ARTICLE 22 RELATING TO REGISTRATION FEES

ARTICLE 23 RELATING TO HUMAN SERVICES

ARTICLE 24 RELATING TO JOB TRAINING FUNDS

ARTICLE 25 RELATING TO AUTHORIZING STATE-OPERATED CASINO GAMING AT TWIN RIVER

ARTICLE 26 RELATING TO PUBLIC PROPERTY AND WORKS

ARTICLE 27 RELATING TO PUBLIC PROPERTY AND WORKS

ARTICLE 28 RELATING TO THE EFFECTIVE DATE”

Respectfully submitted,

REPRESENTATIVE MELO

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LC02105/28
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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 Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, DeSimone, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Williams, Winfield.

NAYS - 1: Representative Palumbo.

Representative Melo discusses the budget as amended.

Representative Melo moves passage of the budget as a whole, seconded by Representatives Mattiello, O'Neill, Coderre, Naughton, Brien, Ferri, Gallison, McLaughlin, Blazejewski, Dickinson, Valencia, Walsh, Handy, Tomasso, Medina, Martin, Carnevale, Hearn, Ruggiero, McNamara, Azzinaro, DaSilva, Jackson, Bennett and Lally.

Representatives Newberry and Ehrhardt discuss the budget, as amended.

The bill marked Substitute “A” is read and passed, as amended and the original bill indefinitely postponed, on a roll call vote, 60 members voting in the affirmative and 9 members voting in the negative as follows.

YEAS - 60: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Cimini, Coderre, Corvese, DaSilva, DeSimone, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Gallison, Handy, Hearn, Hull, Jackson, Johnston,

Keable, Kennedy, Lally, Lima, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Messier, Morgan, Morrison, Naughton, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Ucci, Valencia, Walsh, Williams, Winfield.

NAYS - 9: Representatives Chippendale, Costa, Gordon, Guthrie, MacBeth, Menard, Newberry, Palumbo, Trillo.

TRANSMITTAL

By unanimous consent, (11-H 5894 SUB A, as amended), on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

THANK YOU

Representative Melo extends thanks to the Finance Committee who worked hard on the budget and the fiscal staff: Liza Pinto, Chantale Sarrasin, John-Paul Verducci, Stephanie Perreault, Edward Cooney, Jr., Nobel Jeudy, Justin Benevides, Lori Fisette, Jodi Brock, Linda Haley, Diane Medeiros, Edie Flores, and Sharon Reynolds Ferland, Bob Carr, John Mansolillo, Steven Patriarca, Legislative Council and John O'Connor, Senator Dan DaPonte and his fiscal staff, and the Honorable Speaker Fox.

Representative Watson thanks the Speaker and Representative Melo.

ANNOUNCEMENTS

The Honorable Speaker Fox wishes Representative Messier a Happy Birthday on June 27th.

Representative McNamara announces that the Committee on Health, Education and Welfare will meet Monday, June 27th at 4:00 o'clock P.M., in Room 135 of the State House.

The Honorable Speaker announces that the Committee on Finance will meet Monday, June 27th at 4:00 o'clock P.M., in Room 35 of the State House.

The Honorable Speaker announces that the Committee on Municipal Government will meet Tuesday, June 28th at 2:30 o'clock P.M.

The Honorable Speaker announces that the Committee on Corporations will meet Tuesday, June 28th at 3:00 o'clock P.M.

GUESTS

Representative Costa welcomes Doris Issler, and Stephen DeNuccio to the House Chamber as guests.

Representative Gordon welcomes RI Correctional Officers, Tax Payers, and Republican Chairman's Caucus President to the House as guests.

Representative Diaz welcomes RI Correctional Officers and Officer Carrazco to the Chamber as guests.

ADJOURNMENT

At 1:37 o'clock A.M. on motion of Representative Mattiello seconded by Representative Newberry the House adjourns, on a voice vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE DEBORAH RUGGIERO

Lord, as we face the final issues of this session, help us to remember that our first responsibility is not to our own views no matter how deeply we may hold them, nor to the interests of special groups, but rather to all of the people of our great state. Amen.

APPENDIX

CALENDAR

IN ORDER FOR TUESDAY, JUNE 28, 2011:

1 2011-H 6258**BY O`Grady**

ENTITLED, JOINT RESOLUTION RESPECTFULLY REQUESTING THAT THE RHODE ISLAND DEPARTMENT OF ADMINISTRATION REPORT TO THE COMMITTEE ESTABLISHED BY RHODE ISLAND GENERAL LAWS SECTION 36-6-21.1 (2008) A RECOMMENDATION REGARDING INCENTIVES TO INCREASE BUS RIDERSHIP AND REDUCE VEHICLE MILES TRAVELED BY STATE EMPLOYEES COMMUTING TO WORK

Committee on Environment and Natural Resources recommends passage.

2 2011-H 6234**BY Jackson**

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT

Committee on Municipal Government recommends passage.

3 2011-H 6260**BY Tanzi**

ENTITLED, HOUSE RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION KNOWN AS THE PORT OF GALILEE TASK FORCE

Committee on Environment and Natural Resources recommends passage.

4 2011-H 5263 SUB A**BY Diaz**

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - COMPREHENSIVE RACIAL PROFILING PREVENTION ACT OF 2010

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

5 2011-H 5449 SUB A**BY Williams**

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - SAFETY BELT USE

Committee on Judiciary recommends indefinite postponement of the original bill and

passage of Substitute A.

6 2011-H 5331

BY Coderre E

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -
STATE ARCHIVES

Committee on Finance recommends passage.

7 2011-H 5633 SUB A

BY Walsh

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT
-- COMMISSION FOR HEALTH ADVOCACY AND EQUITY

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

8 2011-H 5799 SUB A

BY Handy

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -
INTERPRETERS FOR THE DEAF

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

9 2011-H 6274

BY Hearn

ENTITLED, JOINT RESOLUTION EXTENDING THE REPORTING AND
EXPIRATION DATES OF THE SPECIAL LEGISLATIVE
COMMISSION TO STUDY THE PURCHASE AND USE OF
TEXTBOOKS IN PUBLIC SCHOOLS

Committee on Health, Education & Welfare recommends passage.

10 2011-H 5458 SUB A

BY Edwards

ENTITLED, AN ACT RELATING TO ELECTIONS

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

11 2011-H 5693

BY Palumbo

ENTITLED, AN ACT RELATING TO FISH AND WILDLIFE - VIOLATIONS

Committee on Judiciary recommends passage.

12 2011-H 5802**BY Ruggiero****ENTITLED, AN ACT RELATING TO GENERAL ASSEMBLY - LOBBYING**

Committee on Judiciary recommends passage.

13 2011-H 5803**BY Carnevale****ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- ARREST**

Committee on Judiciary recommends passage.

14 2011-H 5380 SUB A**BY Winfield****ENTITLED, AN ACT RELATING TO TOWNS & CITIES -- RHODE ISLAND
COMPREHENSIVE PLANNING AND LAND USE ACT**

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

15 2011-H 5548 SUB A**BY Blazejewski****ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- LICENSES
GENERALLY**

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

16 2011-H 6100**BY McLaughlin****ENTITLED, AN ACT RELATING TO TAXATION - FIRE DISTRICTS
LOCATED IN CUMBERLAND**

Committee on Municipal Government recommends passage.

17 2011-H 6139**BY Newberry****ENTITLED, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT
OF LOCAL TAXES**

Committee on Municipal Government recommends passage.

18 2011-H 6266**BY Petrarca****ENTITLED, AN ACT RELATING TO THE GREENVILLE WATER DISTRICT**

Committee on Municipal Government recommends passage.

19 2011-H 6275

BY McNamara

ENTITLED, AN ACT RELATING TO TAXATION

Committee on Municipal Government recommends passage.

20 2011-H 6290

BY Gallison

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Ordered on the Calendar

21 2011-H 5969 SUB A

BY Keable

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS

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

22 2011-H 6218

BY Ruggiero

ENTITLED, AN ACT AUTHORIZING THE TOWN OF JAMESTOWN TO FINANCE THE COSTS OF CLOSURE OF THE TOWN LANDFILL AND TO ISSUE NOT MORE THAN \$1,000,000 BONDS AND NOTES THEREFOR

Committee on Finance recommends passage.

23 2011-H 6241 SUB A

BY Ehrhardt

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - MERCURY REDUCTION AND EDUCATION ACT

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

24 2011-H 5276 SUB A as amended

BY Naughton

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- PATIENT-CENTERED MEDICAL HOME ACT

Ordered on the Calendar

25 2011-H 6076 SUB A**BY Williams****ENTITLED,** AN ACT RELATING TO LABOR AND LABOR RELATIONS -
APPRENTICESHIP PROGRAMS IN TRADE AND INDUSTRY

Ordered on the Calendar

26 2011-H 6296**BY Ruggiero****ENTITLED,** JOINT RESOLUTION EXTENDING THE REPORTING DATE OF
THE SPECIAL LEGISLATIVE COMMISSION TO STUDY
POTENTIAL ECONOMIC OPPORTUNITIES IN THE DEVELOPMENT
OF PORT FACILITIES IN THE STATE OF RHODE ISLAND

Ordered on the Calendar

27 2011-S 770 SUB A as amended**BY Crowley****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENTCommittee on Corporations recommends indefinite postponement of the original bill
and passage of Substitute A as amended in concurrence.**28 2011-S 107 SUB A****BY O`Neill E****ENTITLED,** AN ACT RELATING TO INSURANCE -- AUTISM SPECTRUM
DISORDERSCommittee on Health, Education & Welfare recommends indefinite postponement of the
original bill and passage of Substitute A in concurrence.**29 2011-S 135****BY O`Neill E****ENTITLED,** JOINT RESOLUTION EXTENDING THE REPORTING AND
EXPIRATION DATES OF THE SPECIAL LEGISLATIVE
COMMISSION TO STUDY THE PURCHASE AND USE OF
TEXTBOOKS IN PUBLIC SCHOOLS

Committee on Health, Education & Welfare recommends passage in concurrence.

30 2011-S 302 SUB A**BY Walaska****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -
INTERPRETERS FOR THE DEAF

Committee on Health, Education & Welfare recommends indefinite postponement of the

original bill and passage of Substitute A in concurrence.

31 2011-S 471 SUB A as amended

BY Miller

ENTITLED, AN ACT RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND HOSPITALS - LICENSING OF FACILITIES AND PROGRAMS FOR PEOPLE WHO ARE MENTALLY ILL AND/OR DEVELOPMENTALLY DISABLED

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

32 2011-S 481 SUB A

BY Pichardo

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - COMMISSION FOR HEALTH ADVOCACY AND EQUITY

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

33 2011-S 732 SUB A as amended

BY Lanzi

ENTITLED, AN ACT RELATING TO EDUCATION -- SAFE SCHOOLS

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

34 2011-S 699

BY Ruggiero

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS - URINE AND BLOOD TESTS

Committee on Labor recommends passage in concurrence.

35 2011-S 790 SUB A

BY Metts

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- APPRENTICE PROGRAMS

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

36 2011-S 1014

BY O'Neill E

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS

Committee on Labor recommends passage in concurrence.

37 2011-S 21 SUB B

BY Tassoni

ENTITLED, AN ACT RELATING TO TOWNS & CITIES -- RHODE ISLAND
COMPREHENSIVE PLANNING AND LAND USE ACT

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

38 2011-S 171

BY DiPalma

ENTITLED, JOINT RESOLUTION CREATING A PERMANENT LEGISLATIVE
COMMISSION ON SHARED MUNICIPAL SERVICES

Committee on Municipal Government recommends passage in concurrence.

39 2011-S 536 SUB A

BY Lynch

ENTITLED, AN ACT HEALTH AND SAFETY - STATE BUILDING CODE -
NEW BUILDINGS AND STRUCTURES

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

40 2011-S 549

BY Lynch

ENTITLED, AN ACT RELATING TO TAXATION

Committee on Municipal Government recommends passage in concurrence.

41 2011-S 919

BY Maher

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY

Committee on Municipal Government recommends passage in concurrence.

42 2011-S 921

BY Maher

ENTITLED, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE
CHARTER OF THE TOWN OF WEST GREENWICH

Committee on Municipal Government recommends passage in concurrence.

43 2011-S 1032**BY Pichardo****ENTITLED,** AN ACT RELATING TO GENERAL ASSEMBLY - RENAMING THE RHODE ISLAND COLLEGE GREENHOUSE

Ordered on the Calendar

44 2011-S 772 SUB A as amended**BY Perry****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute A as amended in concurrence.

45 2011-S 1030**BY Nesselbush****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Ordered on the Calendar

46 2011-S 1069**BY Algieri****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Ordered on the Calendar

47 2011-S 1070**BY Sosnowski****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Ordered on the Calendar

48 2011-S 1022**BY Walaska****ENTITLED,** JOINT RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL LEGISLATIVE COMMISSION TO STUDY POTENTIAL ECONOMIC OPPORTUNITIES IN THE DEVELOPMENT OF PORT FACILITIES IN THE STATE OF RHODE ISLAND

Ordered on the Calendar

IN ORDER FOR WEDNESDAY, JUNE 29, 2011:**1. 2011-H 5465 SUB B****BY Kennedy****ENTITLED,** AN ACT RELATING TO INSURANCE - UNFAIR COMPETITION

AND PRACTICES

Ordered on the Calendar

2. **2011-H 5573 SUB B**

BY Kennedy

ENTITLED, AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE -
SECURED TRANSACTIONS

Ordered on the Calendar

3. **2011-H 5480**

BY Brien

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT
-- CORRECTIONS DEPARTMENT

Committee on Finance recommends passage.

4. **2011-H 6232**

BY Jackson

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
INDUSTRIAL--RECREATIONAL BUILDING AUTHORITY

Committee on Finance recommends passage.

5. **2011-H 6233 SUB A**

BY Brien

ENTITLED, JOINT RESOLUTION PROVIDING GENERAL ASSEMBLY
APPROVAL OF LEASE AGREEMENTS FOR LEASED OFFICE
AND OPERATING SPACE

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

6. **2011-H 6284**

BY O'Neill JP

ENTITLED, JOINT RESOLUTION MAKING AN APPROPRIATION TO PAY
CERTAIN CLAIMS

Committee on Finance recommends passage.

7. **2011-H 5173 SUB A**

BY Naughton

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- WOMEN'S
CARDIOVASCULAR SCREENING AND RISK REDUCTION
PILOT PROGRAM

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

8. 2011-H 5440 SUB A

BY Gallison

ENTITLED, AN ACT RELATING TO EDUCATION - SCHOOL AND YOUTH PROGRAMS CONCUSSION ACT

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

9. 2011-H 5626

BY Lally

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- CORRECTIONS DEPARTMENT

Committee on Health, Education & Welfare recommends passage.

10. 2011-H 5632

BY McNamara

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - DETERMINATION OF NEED FOR NEW HEALTH CARE EQUIPMENT AND NEW INSTITUTIONAL HEALTH SERVICES

Committee on Health, Education & Welfare recommends passage.

11. 2011-H 5638 SUB A

BY Marcello

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

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

12. 2011-H 5995 SUB A

BY Ferri

ENTITLED, AN ACT RELATING TO EDUCATION - FAMILY ENGAGEMENT ADVISORY COUNCIL

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

13. 2011-H 6108

BY Walsh

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- NEWBORN SCREENING PROGRAM

Committee on Health, Education & Welfare recommends passage.

14. **2011-S 132**

BY Picard

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - GAMBLING AND LOTTERIES - BINGO

Committee on Finance recommends passage in concurrence.

15. **2011-S 745**

BY Metts

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- CORRECTIONS DEPARTMENT

Committee on Finance recommends passage in concurrence.

16. **2011-S 858 as amended**

BY Felag

ENTITLED, AN ACT RELATING TO PUBLIC FINANCE - ESTABLISHING LOCAL GOVERNMENT INVESTMENT POOLS

Committee on Finance recommends passage as amended in concurrence.

17. **2011-S 859**

BY DiPalma

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- INDUSTRIAL--RECREATIONAL BUILDING AUTHORITY

Committee on Finance recommends passage in concurrence.

18. **2011-S 899 SUB A**

BY Perry

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

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

19. **2011-S 60 SUB A**

BY Crowley

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- WOMEN'S CARDIOVASCULAR SCREENING AND RISK REDUCTION PILOT PROGRAM

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

20. 2011-S 200**BY Sosnowski****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- NEWBORN SCREENING PROGRAM

Committee on Health, Education & Welfare recommends passage in concurrence.

21. 2011-S 203**BY Perry****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY - DETERMINATION OF NEED FOR NEW HEALTH CARE EQUIPMENT AND NEW INSTITUTIONAL HEALTH SERVICES

Committee on Health, Education & Welfare recommends passage in concurrence.

22. 2011-S 291 SUB A**BY Felag****ENTITLED,** AN ACT RELATING TO EDUCATION - SCHOOL AND YOUTH PROGRAMS CONCUSSION ACT

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

23. 2011-S 299 SUB A**BY Ottiano****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF BUSINESS REGULATION

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

24. 2011-S 478 SUB A as amended**BY Perry****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- VITAL RECORDS

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

25. 2011-S 677**BY McCaffrey****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- CORRECTIONS DEPARTMENT

Committee on Health, Education & Welfare recommends passage in concurrence.

26. 2011-S 720 SUB A

BY DeVall

ENTITLED, AN ACT RELATING TO EDUCATION - FAMILY ENGAGEMENT
ADVISORY COUNCIL

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

27. 2011-S 1067

BY Sosnowski

ENTITLED, JOINT RESOLUTION RECOGNIZING BLOCK ISLAND'S
MANISSEAN HISTORY ON JUNE 26, 2011

Ordered on the Calendar

Francis P. McCabe
Clerk of the House

Friday, June 24, 2011

APPENDIX

TRANSMITTED TO THE GOVERNOR

Senate Bill No. 105**BY** Ciccone, Tassoni, Picard, Goodwin**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- OPTOMETRISTS (would prohibit insurers from requiring optometrists to participate in a subsidiary's or third-party vision care plan as a condition for participation in the insurer's participating provider panel) {LC534/1}**Senate Bill No. 457** SUB A**BY** Goodwin**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - RENEWABLE ENERGY STANDARD (would raise the cap on net-metering, provide further definition to net-metering facilities and related crediting mechanisms, and would also provide incentives for municipal and other governmental authorities to invest in renewable generation facilities) {LC1746/2/A}**Senate Bill No. 461** SUB A (OHIC)**BY** Picard**ENTITLED**, AN ACT RELATING TO INSURANCE - SMALL EMPLOYER HEALTH INSURANCE AND EARLY RETIREES (would further expand the definition of "eligible employee" under the small employer health insurance act to include a former employee of an employer who retired before normal retirement age, as defined in the US Code) {LC1320/1/A}**Senate Bill No. 507** SUB A as amended (Business Regulation)**BY** Picard, Gallo**ENTITLED**, AN ACT RELATING TO FINANCIAL INSTITUTIONS (would eliminate the requirement that mortgage loan originators maintain a minimum net worth as well as a minimum surety bond to qualify for licensure in the state and would instead require maintenance of a surety bond) {LC1228/1/A}**Senate Bill No. 520** SUB A**BY** Miller, Bates**ENTITLED**, AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE - SECURED TRANSACTIONS (would update Article 9 (Secured Transactions) of the Rhode Island Uniform Commercial Code in accordance with suggestions of the National Conference of Commissioners on Uniform State Laws) {LC1546/4/A}**Senate Bill No. 741** SUB A (General Treasurer)**BY** Nesselbush**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE - CRIMINAL INJURIES COMPENSATION (would increase an award for emergency compensation from five thousand dollars (\$5,000) to ten thousand dollars (\$10,000) {LC2084/1/A}

Senate Bill No. 958 SUB A**BY** Fogarty P, Tassoni, Paiva Weed, Sosnowski, Bates**ENTITLED**, AN ACT RELATING TO FISH AND WILDLIFE -- MANAGEMENT OF AQUATIC INVASIVES SPECIES IN RHODE ISLAND WATERS (require the dem to prepare/submit a report to the gov./general assembly by 1/31/21 which would provide an assessment of the condition of lakes/ponds/invasive species, recommendations for improving the management of invasive species) {LC2621/1/A}**Senate Bill No. 824** (National Guard)**BY** Felag, Pichardo, DaPonte, DiPalma, Tassoni**ENTITLED**, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE - NATIONAL GUARD (would expand eligibility for the military family relief fund to active duty members of the military who live or entered the service from Rhode Island) {LC2437/1}**Senate Bill No. 999** as amended (Department of Environmental Mangagement)**BY** Sheehan, Sosnowski, Felag, Cote, O`Neill E**ENTITLED**, AN ACT RELATING TO FISH AND WILDLIFE -- COMMERCIAL FISHERIES (would provide that, except for shellfish, an unlicensed crew may assist in direct commercial operations for commercial fisheries as long as the crew is supervised by a properly licensed individual in command of a commercially declared vessel) {LC2748/1}