

State of Rhode Island and Providence Plantations

JOURNAL

-OF THE-

HOUSE OF REPRESENTATIVES

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

Volume 129, No. 53

Tuesday, May 28, 2002

Fifty-third Day

The House of Representatives meets at the State House in Providence, Tuesday, May 28, 2002, and is called to order at 2:26 o'clock P.M., by the Honorable John B. Harwood, Speaker.

The roll is called and a quorum is declared present with 95 members present and 5 members absent as follows:

PRESENT - 95: The Honorable Speaker Harwood and Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Amaral, Anderson, M., Anguilla, Barr, Benson, Bierman, Brien, S., Brien, T., Callahan, Caprio, Carroll, Carter, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Gorham, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lanzi, Levesque, Lewiss, Lima, Long, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Montanaro, Moran, Moura, Mumford, Munschy, Murphy, W.H., Naughton, Palangio, Picard, Pires, Pisaturo, Quick, Rabideau, Reilly, Rose, San Bento, Savage, Schadone, Scott, Shanley, Shavers, Sherlock, Simonian, Slater, Smith, Story, Sullivan, Tejada, Thompson, Trillo, Vieira, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT - 5: Representatives Anderson, S., Cambio, Hetherington, Murphy, W.J., Palumbo.

INVOCATION

The Honorable Speaker presents Representative Corvese, 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, May 23, 2002, is approved as printed.

ANNOUNCEMENTS

Representative S. Anderson will be unable to attend session from May 28 through May 30, 2002, due to a medical procedure that he had last week.

Also:

Representative Palumbo will be unable to attend session today, May 28, 2002, because he is ill.

REPORTS OF COMMITTEES TRANSFER OF BILLS

Representative Kennedy, for the Committee on Corporations, reports back the following measures, with recommendation of transfer to the Committee on Finance:

(02-H 8179) An Act relating to the Convention Center Authority.

Received and referred to the Committee on Finance.

(02-H 7820) An Act relating to waters and navigation - construction of port facilities.

Received and referred to the Committee on Finance.

COMMITTEE ON CORPORATIONS

Representative Kennedy, for the Committee on Corporations, reports back the following measures, with recommendation of passage:

(02-H 8128) An Act authorizing the town of Narragansett to finance the installation, expansion, construction, and improvement of (1) sewers and storm drains primarily located on a portion of assessor's plat Y-3 and serviced or to be serviced by the Scarborough Plant and (2) interceptors, pumping stations and sewage treatment and disposal facilities to service such sewers and storm drains and to impose assessments therefor under Chapter 1278 of the Public Laws of 1928, as amended and to issue not more than \$4,700,000 bonds and notes therefor.

Received and ordered to be placed on the Consent Calendar.

(02-H 7957) (Substitute "A") An Act relating to businesses and professions - hawkers and peddlers.

Received and ordered to be placed on the Consent Calendar.

(02-S 2547) An Act relating to taxation - property subject to taxation.

Received and ordered to be placed on the Consent Calendar.

JOINT COMMITTEE ON NAMING STATE CONSTRUCTIONS

"

Representative Lally, for the Joint Committee on Naming State Constructions, reports back the following measures, with recommendation of passage:

(02-H 7765) An Act relating to the Permanent Joint Committee on Naming All New Buildings, Bridges, Edifices and Other State Constructions.

Received and ordered to be placed on the Calendar.

(02-H 7927) An Act relating to Joint Committee on Naming All New Buildings, Bridges, Edifices and Other State Constructions.

Received and ordered to be placed on the Calendar.

(02-H 8011) An Act naming the State Pier in Newport at Washington Street in the City of Newport the "Louis Jagschitz State Pier".

Received and ordered to be placed on the Calendar.

(02-H 8067) An Act relating to the naming of Route 95 in Rhode Island.

Received and ordered to be placed on the Calendar.

(02-H 7810) An Act relating to the General Assembly.

Received and ordered to be placed on the Calendar.

COMMITTEE ON JUDICIARY

Representative Flaherty, for the Committee on Judiciary, reports back the following measures, with recommendation of passage:

(02-H 7120) An Act relating to property - Rhode Island Fair Housing Practices Act.

Received and ordered to be placed on the Calendar.

(02-H 7883) An Act relating to criminal offenses - weapons.

Received and ordered to be placed on the Calendar.

(02-H 8064) An Act relating to courts and civil procedure - procedure generally - levy and sale on execution.

Received and ordered to be placed on the Calendar.

(02-H 8147) An Act relating to criminal offenses - disorderly conduct.

Received and ordered to be placed on the Calendar.

(02-H 7112) (Substitute "A") An Act relating to fair housing practices act.

Received and ordered to be placed on the Calendar.

(02-H 7121) (Substitute "A") An Act relating to property - homestead exemption.

Received and ordered to be placed on the Calendar.

(02-S 2714) An Act relating to taxation - tax sales.

Received and ordered to be placed on the Calendar.

(02-S 2383) (Substitute "A") An Act relating to the District Court.

Received and ordered to be placed on the Calendar.

COMMUNICATION FROM THE SENATE

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

(02-S 3028) Joint Resolution congratulating Brother Edmond Precourt, FSC on his reappointment as Principal of the Prout School.

Representative Lally requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, in concurrence, on motion of Representative Lally, seconded by Representatives Gallison and Carter, and by unanimous consent, on a voice vote.

NEW BUSINESS

Representative Winfield introduces (02-H 8196) An Act relating to corporations, associations, and partnerships - Rhode Island Certified Capital Companies Act.

Read and referred to the Committee on Corporations.

Representative Almeida introduces (02-H 8197) House Resolution creating a special House commission to study the creation and benefits of a Permanent Oversight Commission for the Department of Corrections.

Read and referred to the Committee on Judiciary.

Representatives Quick and Kilmartin introduce (02-H 8198) An Act relating to the Little Compton Agricultural Conservancy Trust.

Representative Quick requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on motion of Representative Quick, seconded by Representatives Kilmartin and Trillo, on a roll call vote, 62 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 62: Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Anguilla, Barr, Benson, Bierman, Brien, S., Brien, T., Caprio, Carroll, Cerra, Coderre, Coelho, Coogan, Corvese, Dennigan, Faria, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Guthrie, Hogan, Iwuc, Kennedy, Kilmartin, Lally, Lanzi, Levesque, Lewiss, Maher, McNamara, Montanaro, Moran, Moura, Munsch, Murphy, W.H., Naughton, Palangio, Picard, Pisaturo, Quick, Rabideau, Reilly, Rose, San Bento, Schadone, Shavers, Sherlock, Story, Sullivan, Thompson, Trillo, Vieira, Voccola, Wasyluk, Williams, Winfield.

NAYS - 0.

RECESS

At 2:40 o'clock P.M., the Honorable Speaker declares the House to be in recess for a period of 25 minutes.

ORDER

At 3:09 o'clock P.M., the Honorable Speaker calls the House to order.

CALENDAR

Representatives Fox, Abdullah-Odiase, Caprio, Rabideau, Moura and Williams discuss the budget and its procedure. From the Calendar, as a Special Order of Business for today, is taken:

1. (02-H7732) (Substitute "A") An Act making appropriations for the support of the state for the fiscal year ending June 30, 2003.

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

Representative Fox moves passage of the act, seconded by Representative Martineau and several other members of the House.

ARTICLE 2

RELATING TO REFUNDING BOND AUTHORITY

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

The article is read and prevails, on a roll call vote, 91 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 91: The Honorable Speaker Harwood and Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Amaral, Anderson, M., Anguilla, Barr, Benson, Bierman, Brien, S., Brien, T., Caprio, Carroll, Carter, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, DeSimone, Faria, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Gorham, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lanzi, Levesque, Lewiss, Lima, Long, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Montanaro, Moran, Moura, Mumford, Munschy, Murphy, W.H., Naughton, Palangio, Picard, Pires, Pisaturo, Quick, Rabideau, Reilly, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Sherlock, Simonian, Slater, Smith, Story, Sullivan, Tejada, Thompson, Trillo, Vieira, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

ARTICLE 4

RELATING TO WORKERS' COMPENSATION

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

By unanimous consent, Representative Fox, seconded by Representatives Carter and Moura, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 7732) (Substitute "A")

Mr. Speaker:

I hereby move to amend (02-H 7732) (Substitute "A") entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2003," as follows:

By deleting Article 4, pages 1 through 5, in its entirety.

Respectfully submitted,

GORDON FOX
Representative, District 5

The motion to amend is read and prevails on a voice vote.

Representatives Pires and Fox discuss the article as amended. The article is read and prevails, as amended, on a roll call vote, 83 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 83: The Honorable Speaker Harwood and Representatives Abdullah-Odiase, Aiken, Almeida, Amaral, Anguilla, Barr, Benson, Brien, S., Brien, T., Caprio, Carter, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Crowley, Dennigan, DeSimone, Faria, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Gorham, Guthrie, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lanzi, Levesque, Lewiss, Lima, Long, Maher, Malik, Martineau, McCauley, McNamara, Menard, Montanaro, Moran, Moura, Mumford, Munschy, Murphy, W.H., Naughton, Picard, Pisaturo, Quick, Rabideau, Reilly, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Sherlock, Simonian, Slater, Smith, Story, Sullivan, Tejada, Thompson, Trillo, Vieira, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 1: Representative Anderson, M.

ARTICLE 5

RELATING TO BORROWING IN ANTICIPATION OF RECEIPTS FROM TAXES

Representative Fox moves passage of the article, seconded by Representatives Carter and San Bento.

The article is read and prevails, on a roll call vote, 90 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 90: The Honorable Speaker Harwood and Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Amaral, Anguilla, Barr, Benson, Bierman, Brien, S., Brien, T., Callahan, Caprio, Carroll, Carter, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Gorham, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lanzi, Levesque, Lewiss, Lima, Long, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Montanaro, Moran, Moura, Mumford, Munschy, Murphy, W.H., Naughton, Palangio, Picard, Pires, Pisaturo, Quick, Rabideau, Reilly, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Simonian, Smith, Story, Sullivan, Tejada, Thompson, Trillo, Vieira, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 1: Representative Anderson, M.

ARTICLE 7 RELATING TO STATE AID

Representative Giannini moves passage of the article, seconded by Representatives Fox and Dennigan.

Representatives Moura, Giannini, Gorham and Cicilline discuss the article.

By unanimous consent, Representative Pires, seconded by Representatives Barr and Caprio, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 7732) (Substitute "A")

Mr. Speaker:

I hereby move to amend (02-H 7732) (Substitute "A") entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2003," as follows:

ARTICLE 7

(1) On page 4, lines 25 through 28 by deleting the following language: "The amount of the annual grant payable to each municipality in any year in accordance with this section shall be reduced proportionately in the event that the total of the annual grants in any year exceeds the amount appropriated that year for the purposes of this section."

Respectfully submitted,

ANTONIO J. PIRES
Representative, District 79

Representatives Fox, Abdullah-Odiase, Pires and Lima discuss the amendment.

The motion to amend is read and fails of passage on a roll call vote, 15 members voting in the affirmative and 77 members voting in the negative as follows:

YEAS - 15: Representatives Abdullah-Odiase, Ajello, Caprio, Carroll, Cicilline, Kilmartin, Lanzi, Levesque, Palangio, Pires, Pisaturo, Simonian, Tejada, Vieira, Williamson.

NAYS - 77: The Honorable Speaker Harwood and Representatives Aiken, Almeida, Amaral, Anderson, M., Anguilla, Barr, Benson, Bierman, Brien, S., Brien, T., Callahan, Carter, Cerra, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Gorham, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Lally, Lewiss, Lima, Long, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Montanaro, Moran, Moura, Mumford, Munschy, Murphy, W.H., Naughton, Picard, Quick, Rabideau, Reilly, Rose, San Bento, Savage, Schadone, Scott, Shanley, Shavers, Sherlock, Slater, Smith, Story, Sullivan, Thompson, Trillo, Wasylyk, Watson, Williams, Winfield.

Representative Abdullah-Odiase requests to vote separately on page 3, line 29 to page 5, line 10.

The Honorable Speaker rules it is divisible.

Page 3, line 29 to page 5, line 10 prevails, on a roll call vote, 80 members voting in the affirmative and 9 members voting in the negative as follows:

YEAS - 80: The Honorable Speaker Harwood and Representatives Aiken, Ajello, Almeida, Amaral, Anguilla, Barr, Bierman, Brien, S., Brien, T., Callahan, Caprio, Carroll, Carter, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Fleury, Fox, Garvey, George, Giannini, Ginaitt, Gorham, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Knickle, Lally, Lewiss, Lima, Long, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Montanaro, Moran, Moura, Mumford, Munschy, Murphy, W.H., Naughton, Picard, Quick, Rabideau, Reilly, Rose, San Bento, Savage, Schadone, Scott, Shanley, Sherlock, Simonian, Slater, Smith, Story, Sullivan, Thompson, Trillo, Vieira, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 9: Representatives Abdullah-Odiase, Anderson, M., Cicilline, Kilmartin, Lanzi, Levesque, Palangio, Pires, Pisaturo.

The article is read and prevails, on a roll call vote, 84 members voting in the affirmative and 7 members voting in the negative as follows:

YEAS - 84: The Honorable Speaker Harwood and Representatives Aiken, Ajello, Almeida, Amaral,

Anguilla, Barr, Benson, Bierman, Brien, S., Brien, T., Callahan, Caprio, Carroll, Carter, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Gorham, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Knickle, Lally, Levesque, Lewiss, Lima, Long, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Moran, Moura, Mumford, Munschy, Murphy, W.H., Naughton, Picard, Rabideau, Reilly, Rose, San Bento, Savage, Schadone, Scott, Shanley, Sherlock, Simonian, Slater, Smith, Story, Sullivan, Thompson, Trillo, Vieira, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 7: Representatives Abdullah-Odiase, Anderson, M., Kilmartin, Lanzi, Palangio, Pires, Pisaturo.

ARTICLE 8

RELATING TO TOBACCO SETTLEMENT FINANCING CORPORATION ACT

Representative Fox moves passage of the article, seconded by Representatives Carter and Giannini.

By unanimous consent, Representative Fox, seconded by Representatives Carter and Giannini, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 7732) (Substitute "A")

Mr. Speaker:

I hereby move to amend (02-H 7732) (Substitute "A") entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2003," as follows:

(1) In Article 8, page 5, line 5 by deleting the language after the word "board".

(2) In Article 8, page 5, line 6 by deleting all language.

(3) In Article 8, page 5, line 5 by inserting the following language after the word "board":

"consisting of three (3) members, which shall constitute the governing body of the corporation, and which shall be comprised as follows: the Governor or his or her designee; the Speaker of the House or his or her designee; and the Senate Majority Leader or his or her designee until January 7, 2003 and the Senate President or his or her designee thereafter.

(b) Members shall receive no compensation for the performance of their duties.

(c) The board shall elect one of its members to serve as chairperson. Three (3) members shall constitute a

quorum and any action to be taken by the corporation under the provisions of this chapter may be authorized by resolution approved by at least two (2) of the members present and voting at any regular or special meeting at which a quorum is present, provided, however, that the affirmative vote of the Speaker of the House

or his or her designee and the Senate Majority Leader or his or her designee until January 7, 2003 and the Senate President or his or her designee thereafter shall be required.

(d) In addition to electing a chairperson, the board shall appoint a secretary and such additional officers as they shall deem appropriate.

(e) Any action taken by the corporation under the provisions of this chapter may be authorized by vote at any regular or special meeting, and the vote shall take effect immediately.

(f) Any action required by this chapter to be taken at a meeting of the board, or any action which may be taken at a meeting of the board or committee thereof to be ratified by the board, may be taken without a meeting if a consent in writing, setting forth the action so to be taken, shall be signed before or after that action by all of the board members, or all of the members of the committee, as the case may be.

(g) To the extent that administrative assistance is needed for the functions and operations of the board, the corporation may by contract or agreement obtain this assistance from the director of administration, the attorney general, and any successor officer at such cost to the corporation as shall be established by such contract or agreement. The board, however, shall remain responsible for, and provide oversight of, proper implementation of this chapter.

(h) Members of the board and persons acting on the corporation's behalf, while acting within the scope of their employment or agency, are not subject to personal liability resulting from carrying out the powers and duties conferred on them under this chapter.

(i) The state shall indemnify and hold harmless every past, present, or future board member, officer or employee of the corporation who is made a party to or is required to testify in any action, investigation, or other proceeding in connection with or arising out of the performance or alleged lack of performance of that person's duties on behalf of the corporation.

These persons shall be indemnified and held harmless, whether they are sued individually or in their capacities as board members, officers or employees of the corporation, for all expenses, legal fees and/or costs incurred by them during or resulting from the proceedings, and for any award or judgment arising out of their service to the corporation that is not paid by the corporation and is sought to be enforced against a person individually, as expenses, legal fees, costs, awards or judgments occur; provided, that neither the state nor the corporation shall indemnify any commissioner, officer, or employee:

(1) For acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law;

(2) For any transaction from which the member derived an improper personal benefit; or

(3) For any malicious act."

(4) In Article 8, page 7, delete lines 27 through 31.

(5) In Article 8, page 9, line 26 by inserting the following language after the word "senate": "until January 7, 2003 and the President of the Senate thereafter".

Respectfully submitted,

GORDON FOX
Representative, District 5

Representatives Watson, Fox, Abdullah-Odiase, Levesque, Gorham, Savage, Pires, Moura and Kilmartin discuss the amendment.

The motion to amend is read and prevails on a roll call vote, 55 members voting in the affirmative and 34 members voting in the negative as follows:

YEAS - 55: The Honorable Speaker Harwood and Representatives Aiken, Almeida, Barr, Brien, S., Brien, T., Carter, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Flaherty, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lowe, Malik, Martineau, McCauley, McNamara, Menard, Moran, Moura, Munschy, Naughton, Picard, Rose, San Bento, Schadone, Shanley, Shavers, Simonian, Slater, Sullivan, Thompson, Trillo, Williams, Winfield.

NAYS - 34: Representatives Abdullah-Odiase, Ajello, Amaral, Anderson, M., Anguilla, Benson, Bierman, Callahan, Carroll, Cicilline, Fleury, Gorham, Lanzi, Levesque, Lima, Long, Maher, Montanaro, Mumford, Murphy, W.H., Palangio, Pires, Pisaturo, Quick, Rabideau, Savage, Scott, Sherlock, Smith, Story, Tejada, Vieira, Watson, Williamson.

Representatives Cicilline, Fox, Picard, Levesque and Pires discuss the article as amended.

The article is read and prevails, as amended, on a roll call vote, 72 members voting in the affirmative and 21 members voting in the negative as follows:

YEAS - 72: The Honorable Speaker Harwood and Representatives Aiken, Ajello, Almeida, Anguilla, Barr, Benson, Brien, S., Brien, T., Carter, Cerra, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Flaherty, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Knickle, Lally, Lanzi, Levesque, Lewiss, Lima, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Montanaro, Moran, Moura, Mumford, Munschy, Murphy, W.H., Naughton, Picard, Pisaturo, Rose, San Bento, Schadone, Shanley, Shavers, Sherlock, Simonian, Slater, Smith, Sullivan, Thompson, Trillo, Vieira, Voccola, Wasylyk, Williams, Winfield.

NAYS - 21: Representatives Abdullah-Odiase, Amaral, Anderson, M., Bierman, Callahan, Caprio, Cicilline, Fleury, Gorham, Kilmartin, Long, Palangio, Pires, Quick, Rabideau, Reilly, Savage, Scott, Story, Watson, Williamson.

Representative Caprio requests the journal to reflect that if he had voted on the amendment to Article 8, he would have voted in the negative.

There is no objection.

ARTICLE 9 RELATING TO TAXATION - PERSONAL INCOME TAX

Representative Sherlock moves passage of the article, seconded by Representatives Costantino, San Bento and Fox.

The article is read and prevails, on a roll call vote, 94 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 94: The Honorable Speaker Harwood and Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Amaral, Anguilla, Barr, Benson, Bierman, Brien, S., Brien, T., Callahan, Caprio, Carroll, Carter, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Gorham, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lanzi, Levesque, Lewiss, Lima, Long, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Montanaro, Moran, Moura, Mumford, Munschy, Murphy, W.H., Naughton, Palangio, Picard, Pires, Pisaturo, Quick, Rabideau, Reilly, Rose, San Bento, Savage, Schadone, Scott, Shanley, Shavers, Sherlock, Simonian, Slater, Smith, Story, Sullivan, Tejada, Thompson, Trillo, Vieira, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 1: Representative Anderson, M.

ARTICLE 11 RELATING TO COMPENSATION OF BOARD MEMBERS

Representative Sherlock moves passage of the article, seconded by Representatives Levesque, Carter and Cicilline.

The article is read and prevails, on a roll call vote, 93 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 93: The Honorable Speaker Harwood and Representatives Aiken, Ajello, Almeida, Amaral, Anderson, M., Anguilla, Barr, Benson, Bierman, Brien, S., Brien, T., Callahan, Caprio, Carroll, Carter, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Gorham, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lanzi, Levesque, Lewiss, Lima, Long, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Montanaro, Moran, Moura, Mumford, Munschy, Murphy, W.H., Naughton, Palangio, Picard, Pires, Pisaturo, Quick, Rabideau, Reilly, Rose, San Bento, Savage, Schadone, Scott, Shanley, Shavers, Sherlock, Simonian, Slater, Smith, Story, Sullivan, Tejada, Thompson, Trillo, Vieira, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

Representative Abdullah-Odiase requests the journal to reflect that if she had voted on Article 11, she would have voted in the negative.

There is no objection.

**ARTICLE 13
RELATING TO FEES**

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

By unanimous consent, Representative Fox, seconded by Representatives Levesque and Crowley, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 7732) (Substitute "A")

Mr. Speaker:

I hereby move to amend (02-H 7732) (Substitute "A") entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2003," as follows:

1. In Article 13, page 25, lines 26, 27 and 28, by deleting all language from the words "A permit" to the words "per season", and inserting in place thereof the words "The permit will allow the person to harvest a daily bag and season limit as described in regulations promulgated by the director."
2. In Article 13, page 25, lines 29 and 30, be deleting the words "pheasant and related wildlife management, research and", and inserting in place thereof the words "stocking pheasants and wildlife".
3. In Article 13, by deleting Section 26 in its entirety, and substituting therefor the following:

"SECTION 26. Section 31-41.1-4 of the General Laws in Chapter 31-41.1 entitled "Adjudication of Traffic Offenses" is hereby amended to read as follows:

31-41.1-4. SCHEDULE OF VIOLATIONS. -- (a) The table below details the penalties for violations of the enumerated sections. However, those offenses for which punishments vary according to the severity of the offense, or which require the violator to perform a service, shall be heard and decided by the traffic tribunal or municipal court. The following violations may be handled administratively through the method prescribed in this chapter. This list is not exclusive, and jurisdiction may be conferred on the traffic

tribunal with regard to other violations:

VIOLATIONS SCHEDULE Section of Total General Laws Fine 8-8.2-2 DOT, DEM, or other agency and department violations \$50.00 \$75.00 31-3-12 Visibility of plates

50.00 75.00 31-10-32 Notice of change of address

50.00 75.00 31-15-9 One way highways

50.00 75.00 31-14-3 Condition requiring reduced speed

50.00 75.00 31-13-9 Flashing signals 50.00 75.00 31-16-5 Turn signal required

50.00 75.00 31-16-2 Manner of turning at intersection

50.00 75.00 31-21-4 Places where parking or stopping prohibited 50.00 75.00 31-15-6 Clearance for overtaking 50.00 75.00 31-25-10 Fastening of load and covering 50.00 31-24-1 Times when lights required

50.00 75.00 through 31-24-53 Safety lights required on food vending vehicles 31-15-4 Overtaking on left

50.00 75.00 31-15-5(a) Overtaking on right

50.00 75.00 31-16-6 Time of signaling turn

50.00 75.00 31-17-4 Obedience to stop signs

50.00 75.00 31-22-9 Throwing debris on highway snow removal

50.00 75.00 31-17-2 Vehicle turning left

50.00 75.00 31-23-15 Rear view mirror

50.00 75.00 31-10.1-4 No motorcycle helmet (operator)

50.00 60.00 31-10.1-6 No motorcycle helmet (passenger)

50.00 75.00 31-15-12 Following too closely

50.00 75.00 31-14-9 Below minimum speed

50.00 75.00 31-15-3 Operator left of center

50.00 75.00 31-15-7 Places where overtaking prohibited

50.00 75.00 31-13-4 Obedience to devices

- 50.00 75.00 31-38-3 No inspection sticker**
- 50.00 75.00 31-15-16 Use of emergency break-down lane for travel**
- 50.00 75.00 31-3-18 Display of plates**
- 50.00 75.00 31-19-20 Sale of new bicycles**
- 50.00 75.00 31-19-21 Sale of used bicycles**
- 50.00 75.00 31-27-2.3 Refusal to take preliminary breath test**
- 50.00 75.00 24-10-20 Park and ride lots**
- 50.00 75.00 24-10-17 Soliciting rides in motor vehicles**
- 50.00 40.00 24-10-18 Backing up prohibited**
- 50.00 75.00 31-3-32 Driving with expired registration**
- 50.00 75.00 31-3-34 Failure to notify division of change of address**
- 50.00 75.00 31-3-35 Notice of change of name**
- 50.00 75.00 31-3-40 Temporary plates - dealer issued**
- 50.00 75.00 31-4-3 Temporary registration - twenty (20) day bill of sale**
- 50.00 75.00 31-7-1 Operating on foreign registration**
- 50.00 31-8-1 Operating without evidence of registration**
- 50.00 31-10-10 Rules as to armed forces license**
- 50.00 75.00 31-10-30 Driving on expired license**
- 50.00 75.00 31-10.1-5 Motorcycle handlebar violation**
- 50.00 75.00 31-10.1-7 Inspection of motorcycle required**
- 50.00 75.00 31-12-12 Local motor vehicle ordinance**
- 50.00 75.00 31-13-6(3)(i) Eluding traffic light**
- 50.00 75.00 31-13-11 Injury to signs or devices**

- 50.00 75.00 31-14-1 Reasonable and prudent speed**
- 50.00 75.00 31-14-12 Speed limit on bridges and structures**
- 50.00 75.00 31-15-1 Leaving lane of travel**
- 50.00 75.00 31-15-2 Slow traffic to right**
- 50.00 75.00 31-15-8 No passing zone**
- 50.00 75.00 31-15-10 Rotary traffic islands**
- 50.00 75.00 31-15-11 Laned roadway violation**
- 50.00 75.00 31-15-12.1 Entering intersection**
- 50.00 75.00 31-15-13 Crossing center section of divided highway**
- 50.00 75.00 31-15-14 Entering or leaving limited access roadways**
- 50.00 75.00 31-16-1 Care in starting from stop**
- 50.00 75.00 31-16-4 U turn where prohibited**
- 50.00 75.00 31-16-7 Failure to give stop signal**
- 50.00 75.00 31-16-8 Method of giving signals**
- 50.00 75.00 31-17-1 Failure to yield right of way**
- 50.00 75.00 31-17-3 Yield right of way (intersection)**
- 50.00 75.00 31-17-5 Entering from private road or driveway**
- 50.00 75.00 31-17-8 Vehicle within right of way, rotary**
- 50.00 75.00 31-18-3 Right of way in crosswalks**
- 50.00 75.00 31-18-5 Crossing other than at crosswalks**
- 50.00 75.00 31-18-8 Due care by drivers**
- 50.00 75.00 31-18-12 Hitchhiking**
- 50.00 75.00 31-20-2 Driving through railroad gate**

50.00 75.00 31-20-9 Obedience to stop sign

50.00 75.00 31-21-14 Opening of vehicle doors

50.00 45.00 31-22-2 Improper backing up

50.00 75.00 31-22-4 Overloading vehicle

50.00 75.00 31-22-5 Violation of safety zone

50.00 75.00 31-22-6 Coasting

50.00 75.00 31-22-7 Following fire apparatus

50.00 75.00 31-22-8 Crossing fire hose

50.00 75.00 31-22-11.5 Improper use of school bus - not to exceed \$500 for each day of improper use 31-22-22(b) No child restraint

50.00 75.00 31-22-22(c) Child restraint/seat belt but not in back seat

50.00 75.00 31-22-22(e) No seat belt - passenger

50.00 75.00 31-22-22(f) No seat belt operator

50.00 75.00 31-22-23(a)(2) Tow trucks - proper identification

50.00 275.00 31-22-24 Operation of interior lights

50.00 75.00 31-22-28 Transporting animals

50.00 31-23-1(b) (d)(2) U.S. department of transportation motor carrier safety rules and regulations

50.00 125.00 31-23-4 Brake equipment required

50.00 75.00 31-23-8 Horn required

50.00 75.00 31-23-10 Sirens prohibited

50.00 75.00 31-23-13 Muffler required

50.00 75.00 31-23-13.1 Altering height or operating a motor vehicle with an altered height

50.00 75.00 31-23-14 Prevention of excessive fumes or smoke

50.00 75.00 31-23-16 Windshield and window stickers (visibility)

- 50.00 75.00 31-23-17** Windshield wipers
- 50.00 75.00 31-23-19** Metal tires prohibited
- 50.00 75.00 31-23-20** Protuberances on tires
- 50.00 75.00 31-23-26** Fenders and wheel flaps required
- 50.00 75.00 31-23-27** Rear wheel flaps on buses, trucks and trailers
- 50.00 75.00 31-23-29** Flares or red flag required over four thousand pounds (4,000 lbs.)
- 50.00 75.00 31-23-38** Television receivers prohibited
- 50.00 31-23-40** Approved types of seat belt requirements
- 50.00 75.00 31-23-42.1** Special mirror - school bus
- 50.00 75.00 31-23-43** Chocks required (1 pair) - over four thousand pounds (4,000 lbs.)
- 50.00 75.00 31-23-45** Tire treads - defective tires
- 50.00 75.00 31-23-47** Slow moving emblem required
- 50.00 75.00 31-23-49** Transportation of gasoline - passenger vehicle
- 50.00 75.00 31-23-51** Operating bike or motor vehicle wearing ear phones (first offense)
- 50.00 60.00 31-24-5** Headlamp required on motorcycle
- 50.00 75.00 31-24-31** Flashing lights - permit required
- 50.00 75.00 31-24-34** Failure to dim lights
- 50.00 75.00 31-24-45** Red flag required, load projecting four feet (4') rear
- 50.00 75.00 31-25-3** Maximum width of one hundred and two inches (102") exceeded
- 50.00 75.00 31-25-4** Maximum height of one hundred sixty-two inches (162") exceeded
- 50.00 75.00 31-25-6** Maximum number and length of coupled vehicles 500 **31-25-7** Load extending three feet (3') front, six feet (6') rear exceeded
- 50.00 75.00 31-25-9** Leaking load

50.00 75.00 31-25-11 Connections between coupled vehicles

50.00 75.00 31-25-12 Towing chain, twelve inch (12") square flag required

50.00 75.00 31-25-12.1 Tow truck - use of lanes (first offense)

50.00 50.00 31-25-13 Axle load limit 150 **31-25-14(d)(1)** Maximum weight and tandem axles 100 125.00
31-25-14(d)(2) Maximum weight and tandem axles 100 125.00 **31-25-14(d)(3)** Maximum weight and
tandem axles 100 125.00 **31-25-16(c)(1)** Maximum weight shown in registration

30.00 65.00 per thousand lbs. overweight or portion thereof **31-25-16(c)(2)** Maximum weight shown) in
registration 60.00 125.00 per thousand lbs. Overweight or portion thereof **31-25-16(c)(3)** Maximum
weight shown in 1,000 1,025.00 regis- plus \$125.00 per thousand pounds overweight or portion thereof
31-25-17 Identification of trucks and truck-tractors (first offense) 50.00 50.00 **31-25-24** Carrying and
inspection of excess load limit 150 175.00 **31-28-7(b)(4)** Wrongful use of handicapped parking placard
100 125.00 **31-28-7(d)** Handicapped parking space violation First offense

75.00 100.00 Second offense 150 175.00 Third and subsequent offenses 300 325.00 **31-28-7.1(e)**
Wrongful use of institutional handicapped parking placard 100 125.00 **31-33-2** Failure to file accident
report

50.00 45.00 31-36.1-17 No fuel tax stamp (out-of-state)

50.00 75.00 31-38-4 Violation of inspection laws

50.00 75.00 31-45-1 Noise limits

50.00 75.00 37-15-7 Littering

50.00 55.00 39-12-26 Public carriers violation

50.00 75.00 31-45-5 Audio Systems

50.00 75.00 31-47.2-6 Heavy-duty vehicle emission inspections First offense 100 125.00 Second offense
500 525.00 Third and subsequent offenses 1,000 1,025.00 **SPEEDING**

(A) One to fifteen ten miles per \$50.00 \$75.00 hour (1-15 10 mph) in excess of posted speed limit

(B) Sixteen Eleven miles per hour (16 mph 11 mph) in excess of posted speed limit - minimum 160.00
185.00 with a fine of ten dollars (\$10.00) per mile in excess of speed limit shall be assessed.

(b) In addition to any other penalties provided by law, a judge may impose the following penalties for
speeding:

(1) For speeds up to and including fifteen miles per hour (15 mph) ten miles per hour (10 mph) over the
posted speed limit on public highways, a fine as provided for in subsection (a) for the first offense, ten

dollars (\$10.00) per mile for each mile in excess of the speed limit for the second offense if within twelve (12) months of the first offense, and fifteen dollars (\$15.00) per mile for each mile in excess of the speed limit for the third and any subsequent offense if within twelve (12) months of the first offense. In addition, the license may be suspended up to thirty (30) days.

(2) For speeds in excess of fifteen miles per hour (15 mph) ten miles per hour (10 mph) over the posted speed limit on public highways, a mandatory fine of ten dollars (\$10.00) for each mile over the speed limit for the first offense, fifteen dollars (\$15.00) per mile for each mile in excess of the speed limit for the second offense if within twelve (12) months of the first offense, and twenty dollars (\$20.00) per mile for each mile in excess of the speed limit for the third and subsequent offense if within twelve (12) months of the first offense. In addition, the license may be suspended up to sixty (60) days.

(c) Any person charged with a violation who pays the fine administratively pursuant to chapter 8.2 of title 8 is not subject to any additional costs or assessments, including, but not limited to, the hearing fee established in section 8-18-4 or an assessment for substance abuse prevention.

This Article shall take effect on July 1, 2002.

"

4. In Article 13, page 43, between lines 11 and 12 by adding the following sentence: "(X) Credit card account numbers in the possession of state or local government are confidential and shall not be deemed public records."

5. In Article 13, page 43, by deleting lines 16 and 17 in their entirety.

6. In Article 13, on page 43, in between lines 22 and 23, by adding thereto the following language:

"SECTION 30. Section 30-24-10 of the General Laws in Chapter 30-24 entitled "Rhode Island Veterans' Home" is hereby amended to read as follows:

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 therefrom, 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 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 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 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 herein, a fee equal to ninety percent (90%) 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 ninety dollars (\$90) one hundred sixteen dollars (\$116) 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. 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, assets, or income.

7. In Article 13, on page 43, on line 23 by deleting the word and figure "Section 30" and inserting in place thereof the word and figure "Section 31".

8. In Article 13, on page 43, on line 24 by deleting the first figure "28" occurring on the line and inserting in place thereof the figure "30".

Respectfully submitted,

GORDON FOX
Representative, District 5

The motion to amend is read and prevails on a roll call vote, 77 members voting in the affirmative and 13 members voting in the negative as follows:

YEAS - 77: The Honorable Speaker Harwood and Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Anderson, M., Anguilla, Barr, Benson, Brien, S., Brien, T., Callahan, Carroll, Cicilline, Coderre, Coelho, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Gorham, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Knickle, Lally, Lanzi, Levesque, Lewiss, Lima, Lowe, Malik, Martineau, McCauley, McNamara, Menard, Moran, Moura, Mumford, Munschy, Naughton, Picard, Rose, San Bento, Savage, Schadone, Scott, Shanley, Shavers, Sherlock, Simonian, Slater, Smith, Story, Sullivan, Tejada, Thompson, Trillo, Vieira, Voccola, Wasylyk, Williams, Williamson, Winfield.

NAYS - 13: Representatives Amaral, Bierman, Caprio, Kilmartin, Long, Murphy, W.H., Palangio, Pires,

Pisaturo, Quick, Rabideau, Reilly, Watson.

Representatives Savage, Crowley, Mumford, Costantino, Long, Knickle, Scott, Abdullah-Odiase, Fox, Amaral, Montanaro, Ginaitt and Gallison discuss the article as amended.

Representatives Long and Amaral request the journal to reflect that if they could have voted separately on Section 30 of the amendment to Article 13 (LC02513/8), they would have voted in the affirmative.

There is no objection.

Representative W.H. Murphy requests the journal to reflect that if he had voted on Section 30 of the amendment to Article 13 (LC02513/8), he would have voted in the affirmative, on page 9 separately.

There is no objection.

Representative Gallison requests to vote separately on Section 16, page 23, line 12 and Section 17, page 25 line 8.

The Honorable Speaker rules it is divisible.

Representative Knickle requests to vote separately on Section 26.

The Honorable Speaker rules it is divisible.

Representative Pires requests to vote separately on Section 30.

The Honorable Speaker rules it is divisible.

Representatives Pires, Watson and Crowley discuss the article.

Representative Kilmartin rises on a point of order for Representative Watson to speak germane to the article.

The Honorable Speaker rules for Representative Watson, and all other Representatives, to speak germane to the article.

Representatives Abdullah-Odiase and Mumford continue to discuss the article.

Section 16 is read and prevails on a roll call vote, 60 members voting in the affirmative and 34 members voting in the negative as follows:

YEAS - 60: The Honorable Speaker Harwood and Representatives Aiken, Ajello, Almeida, Anguilla, Barr, Brien, S., Brien, T., Carroll, Carter, Cerra, Cicilline, Coderre, Coogan, Costantino, Crowley, Dennigan, DeSimone, Faria, Flaherty, Fleury, Fox, Garvey, George, Giannini, Ginaitt, Guthrie, Henseler, Iwuc, Jacquard, Kennedy, Knickle, Lally, Levesque, Lewiss, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Moran, Moura, Munsch, Naughton, Picard, Rabideau, Rose, San Bento, Schadone,

Sherlock, Slater, Sullivan, Thompson, Voccola, Wasylyk, Williams, Williamson, Winfield.

NAYS - 34: Representatives Abdullah-Odiase, Amaral, Anderson, M., Benson, Bierman, Callahan, Caprio, Coelho, Corvese, Gallison, Hogan, Kilmartin, Lanzi, Lima, Long, Montanaro, Mumford, Murphy, W.H., Palangio, Pires, Pisaturo, Quick, Reilly, Savage, Scott, Shanley, Shavers, Simonian, Smith, Story, Tejada, Trillo, Vieira, Watson.

Section 17 is read and prevails on a roll call vote, 61 members voting in the affirmative and 33 members voting in the negative as follows:

YEAS - 61: The Honorable Speaker Harwood and Representatives Aiken, Ajello, Almeida, Anguilla, Barr, Brien, S., Brien, T., Caprio, Carroll, Carter, Cerra, Cicilline, Coderre, Coogan, Costantino, Crowley, Dennigan, DeSimone, Faria, Flaherty, Fleury, Fox, Garvey, George, Giannini, Ginaitt, Guthrie, Henseler, Iwuc, Jacquard, Kennedy, Knickle, Lally, Levesque, Lewiss, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Moran, Moura, Munschy, Naughton, Picard, Rabideau, Rose, San Bento, Schadone, Shavers, Sherlock, Sullivan, Tejada, Thompson, Voccola, Wasylyk, Williams, Winfield.

NAYS - 33: Representatives Abdullah-Odiase, Amaral, Anderson, M., Benson, Bierman, Callahan, Coelho, Corvese, Gallison, Gorham, Hogan, Kilmartin, Lanzi, Lima, Long, Montanaro, Mumford, Murphy, W.H., Palangio, Pires, Pisaturo, Quick, Reilly, Savage, Scott, Shanley, Simonian, Smith, Story, Trillo, Vieira, Watson, Williamson.

Section 26 is read and prevails on a roll call vote, 71 members voting in the affirmative and 23 members voting in the negative as follows:

YEAS - 71: The Honorable Speaker Harwood and Representatives Aiken, Ajello, Almeida, Amaral, Anguilla, Barr, Benson, Brien, S., Brien, T., Carroll, Carter, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Lally, Lanzi, Levesque, Lewiss, Lowe, Maher, Malik, Martineau, McNamara, Menard, Montanaro, Moran, Moura, Mumford, Munschy, Naughton, Picard, Rabideau, Rose, San Bento, Savage, Schadone, Shavers, Sherlock, Sullivan, Tejada, Thompson, Vieira, Voccola, Wasylyk, Williams, Williamson, Winfield.

NAYS - 23: Representatives Abdullah-Odiase, Anderson, M, Bierman, Callahan, Caprio, Gorham, Knickle, Lima, Long, Murphy, W.H., Palangio, Pires, Pisaturo, Quick, Reilly, Scott, Shanley, Simonian, Slater, Smith, Story, Trillo, Watson.

Section 30 is read and prevails on a roll call vote, 85 members voting in the affirmative and 6 members voting in the negative as follows:

YEAS - 85: The Honorable Speaker Harwood and Representatives Aiken, Ajello, Almeida, Amaral, Anguilla, Barr, Benson, Bierman, Brien, S., Brien, T., Caprio, Carroll, Carter, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lanzi, Levesque, Lewiss, Lima, Long, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Montanaro, Moran, Moura, Mumford, Munschy, Murphy, W.H.,

Naughton, Palangio, Picard, Pires, Pisaturo, Rabideau, Reilly, Rose, San Bento, Savage, Schadone, Scott, Sherlock, Simonian, Slater, Story, Sullivan, Tejada, Thompson, Vieira, Voccola, Wasylyk, Williams, Williamson, Winfield.

NAYS - 6: Representatives Abdullah-Odiase, Anderson, M., Gorham, Quick, Trillo, Watson.

Section 23 is read and prevails on a roll call vote, 83 members voting in the affirmative and 9 members voting in the negative as follows:

YEAS - 83: The Honorable Speaker Harwood and Representatives Aiken, Ajello, Almeida, Amaral, Anguilla, Barr, Benson, Bierman, Brien, S., Brien, T., Caprio, Carroll, Carter, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Knickle, Lally, Lanzi, Levesque, Lewiss, Lima, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Montanaro, Moran, Moura, Mumford, Munschy, Naughton, Palangio, Picard, Pisaturo, Rabideau, Rose, San Bento, Savage, Schadone, Scott, Shanley, Shavers, Sherlock, Simonian, Slater, Story, Sullivan, Tejada, Thompson, Trillo, Vieira, Voccola, Wasylyk, Williams, Williamson, Winfield.

NAYS - 9: Representatives Abdullah-Odiase, Anderson, M., Gorham, Kilmartin, Long, Murphy, W.H., Pires, Quick, Reilly.

Article 13 is read and prevails, as amended, on a roll call vote, 70 members voting in the affirmative and 23 members voting in the negative as follows:

YEAS - 70: The Honorable Speaker Harwood and Representatives Aiken, Ajello, Almeida, Anguilla, Barr, Benson, Brien, S., Brien, T., Callahan, Carter, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Knickle, Lally, Levesque, Lewiss, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Moran, Moura, Mumford, Munschy, Naughton, Picard, Rabideau, Rose, San Bento, Schadone, Shanley, Sherlock, Slater, Sullivan, Tejada, Thompson, Trillo, Vieira, Voccola, Wasylyk, Williams, Williamson, Winfield.

NAYS - 23: Representatives Abdullah-Odiase, Amaral, Anderson, M., Bierman, Caprio, Carroll, Gorham, Kilmartin, Lanzi, Lima, Long, Murphy, W.H., Palangio, Pires, Pisaturo, Quick, Reilly, Savage, Scott, Simonian, Smith, Story, Watson.

Representatives Montanaro and Shavers request the journal to reflect that if they had voted on Article 13, they would have voted in the affirmative.

There is no objection.

Representative Gorham requests the journal to reflect that if he had voted on Article 13, Sections 1-15, he would have voted in the negative.

There is no objection.

ARTICLE 14

RELATING TO PUBLIC SAFETY

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

Representative Abdullah-Odiase discusses the article.

By unanimous consent, Representative Kilmartin, seconded by Representatives Williams, Montanaro and Reilly, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 7732) (Substitute "A")

Mr. Speaker:

I hereby move to amend (02-H 7732) (Substitute "A") entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2003," as follows:

In Article 14, page 5, line 29, after the words "deputy sheriff" by inserting the following language: "member of the fugitive task force,".

Respectfully submitted,

PETER F. KILMARTIN
Representative, District 80

The motion to amend is read and prevails on a roll call vote, 91 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 91: The Honorable Speaker Harwood and Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Amaral, Anderson, M., Anguilla, Barr, Benson, Brien, S., Brien, T., Callahan, Caprio, Carroll, Carter, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Gorham, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lanzi, Levesque, Lewiss, Lima, Long, Lowe, Maher, Malik, McCauley, McNamara, Montanaro, Moran, Moura, Mumford, Munschy, Murphy, W.H., Naughton, Palangio, Picard, Pires, Pisaturo, Quick, Rabideau, Reilly, Rose, San Bento, Savage, Schadone, Scott, Shanley, Shavers, Simonian, Slater, Smith, Story, Sullivan, Tejada, Thompson, Trillo, Vieira, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

The article is read and prevails, as amended, on a roll call vote, 91 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 91: The Honorable Speaker Harwood and Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Amaral, Anguilla, Barr, Benson, Brien, S., Brien, T., Callahan, Caprio, Carroll, Carter, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Dennigan, DeSimone, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Gorham, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lanzi, Levesque, Lewiss, Lima, Long, Lowe, Maher, Malik, McCauley, McNamara, Menard, Montanaro, Moran, Moura, Mumford, Munschy, Murphy, W.H., Naughton, Palangio, Picard, Pires, Pisaturo, Quick, Rabideau, Reilly, Rose, San Bento, Savage, Schadone, Scott, Shanley, Shavers, Sherlock, Simonian, Slater, Smith, Story, Sullivan, Tejada, Thompson, Trillo, Vieira, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

ARTICLE 15

RELATING TO LABOR AND LABOR RELATIONS

Representative Giannini moves passage of the article, seconded by Representative Simonian.

The article is read and prevails, on a roll call vote, 60 members voting in the affirmative and 29 members voting in the negative as follows:

YEAS - 60: The Honorable Speaker Harwood and Representatives Aiken, Almeida, Amaral, Anguilla, Benson, Bierman, Brien, S., Brien, T., Callahan, Carter, Cerra, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Guthrie, Henseler, Hogan, Kennedy, Lally, Lewiss, Long, Lowe, Malik, Martineau, McCauley, Moran, Mumford, Munschy, Murphy, W.H., Naughton, Picard, Rose, San Bento, Schadone, Shanley, Shavers, Sherlock, Simonian, Slater, Sullivan, Vieira, Voccola, Watson, Williams, Williamson, Winfield.

NAYS - 29: Representatives Abdullah-Odiase, Ajello, Barr, Caprio, Carroll, Cicilline, DeSimone, Gorham, Iwuc, Jacquard, Kilmartin, Knickle, Lanzi, Lima, McNamara, Menard, Montanaro, Moura, Palangio, Pires, Pisaturo, Quick, Rabideau, Reilly, Savage, Scott, Smith, Thompson, Wasylyk.

ARTICLE 16

RELATING TO TAXATION

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

Representatives Gorham, Fox, Picard, Abdullah-Odiase, Montanaro, Pires, Rabideau and Trillo discuss the

article.

Representative Rabideau requests to vote separately on Section 2, page 2.

The Honorable Speaker rules it is divisible.

Representative Vieira requests to vote separately on Section 11, page 9, line 12 through page 11, line 11.

The Honorable Speaker rules it is divisible.

Section 2 is read and prevails on a roll call vote, 64 members voting in the affirmative and 25 members voting in the negative as follows:

YEAS - 64: The Honorable Speaker Harwood and Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Anguilla, Barr, Benson, Brien, S., Brien, T., Carroll, Carter, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Fox, Gallison, Garvey, George, Giannini, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Lally, Lanzi, Levesque, Lewiss, Lowe, Malik, Martineau, McCauley, McNamara, Menard, Moura, Munschy, Naughton, Picard, Pisaturo, Rose, San Bento, Schadone, Shavers, Sherlock, Slater, Smith, Sullivan, Tejada, Thompson, Vieira, Voccola, Wasyluk, Williams, Williamson, Winfield.

NAYS - 25: Representatives Amaral, Anderson, M., Bierman, Callahan, Caprio, Fleury, Ginaitt, Gorham, Knickle, Lima, Long, Maher, Moran, Mumford, Murphy, W.H., Pires, Quick, Rabideau, Reilly, Savage, Shanley, Simonian, Story, Trillo, Watson.

Section 11 is read and prevails on a roll call vote, 70 members voting in the affirmative and 15 members voting in the negative as follows:

YEAS - 70: The Honorable Speaker Harwood and Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Anguilla, Benson, Bierman, Brien, S., Brien, T., Caprio, Carroll, Carter, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Fleury, Fox, Gallison, Garvey, George, Giannini, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Knickle, Lally, Levesque, Lewiss, Lima, Lowe, Maher, Malik, Martineau, McNamara, Menard, Moran, Moura, Mumford, Munschy, Naughton, Picard, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Sherlock, Slater, Smith, Sullivan, Tejada, Thompson, Voccola, Wasyluk, Williams, Williamson, Winfield.

NAYS - 15: Representatives Amaral, Anderson, M., Ginaitt, Gorham, Lanzi, Long, Murphy, W.H., Pires, Rabideau, Reilly, Simonian, Story, Trillo, Vieira, Watson.

The article is read and prevails, on a roll call vote, 68 members voting in the affirmative and 18 members voting in the negative as follows:

YEAS - 68: The Honorable Speaker Harwood and Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Anguilla, Barr, Benson, Brien, S., Brien, T., Callahan, Carroll, Carter, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Fleury, Gallison, Garvey, George, Giannini, Guthrie, Henseler, Hogan, Iwuc, Kennedy, Kilmartin, Knickle, Lally, Levesque, Lewiss,

Lima, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Moran, Mumford, Munschy, Naughton, Pisaturo, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Slater, Smith, Sullivan, Tejada, Thompson, Vieira, Voccola, Wasylyk, Williams, Winfield.

NAYS - 18: Representatives Amaral, Anderson, M., Bierman, Caprio, Ginaitt, Gorham, Lanzi, Long, Murphy, W.H., Picard, Pires, Quick, Rabideau, Reilly, Simonian, Story, Trillo, Watson.

Representative Moura requests the journal to reflect that if he had voted on Article 16, he would have voted in the affirmative.

There is no objection.

ARTICLE 17

RELATING TO SINKING FUND

Representative Sherlock moves passage of the article, seconded by Representatives Fox, Carter and San Bento.

By unanimous consent, Representative Sherlock, seconded by Representative Fox and several other members of the House, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 7732) (Substitute "A")

Mr. Speaker:

I hereby move to amend (02-H 7732) (Substitute "A") entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2003," as follows:

1. In Article 17, page 1, lines 17 and 18, by striking the language "no appropriations made to the sinking fund".
2. In Article 17, page 1, lines 18 through 23, inclusive, by restoring the stricken language on said lines beginning with the word "appropriated" and ending with the words "prior fiscal year." Said language appears below and is indicated by an asterisk (*):

*"appropriated a sum at least equal to the total of the following: the sinking fund commission's estimate of savings generated for that fiscal year from the commission's prior fiscal year's refinancing of debt; the sinking fund commission's estimate of the total debt service payments, principal and interest, of the debt retired by the commission in prior fiscal year; and the sinking fund commission's estimate of the total debt

service payments, principal and interest, of the general obligation debt not issued in accordance with section 35-8-6.2 in the prior fiscal year."

3. In Article 17, page 1, line 30, after the language "bonds", by leaving the stricken language and inserting the language: "forty-six million seven hundred thousand dollars (\$46,700,000)".

4. In Article 17, page 2, lines 1 through 3, by restoring the stricken language set forth on said lines.

Respectfully submitted,

GORDON FOX
Representative, District 5

The motion to amend is read and prevails on a roll call vote, 84 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 84: The Honorable Speaker Harwood and Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Amaral, Anderson, M., Anguilla, Barr, Benson, Bierman, Brien, S., Brien, T., Callahan, Caprio, Carroll, Carter, Cerra, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Gorham, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lanzi, Levesque, Lewiss, Lima, Long, Maher, Malik, Martineau, McNamara, Menard, Moran, Moura, Mumford, Munsch, Murphy, W.H., Naughton, Palangio, Pisaturo, Quick, Rabideau, Reilly, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Sherlock, Simonian, Slater, Story, Sullivan, Tejada, Thompson, Trillo, Voccola, Wasylyk, Williams, Williamson, Winfield.

NAYS - 0.

Representatives Rabideau and Sherlock discuss the article as amended.

The article is read and prevails, as amended, on a roll call vote, 88 members voting in the affirmative and 4 members voting in the negative as follows:

YEAS - 88: The Honorable Speaker Harwood and Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Amaral, Anderson, M., Anguilla, Barr, Benson, Bierman, Brien, S., Brien, T., Callahan, Caprio, Carroll, Carter, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Knickle, Lally, Lanzi, Levesque, Lewiss, Lima, Long, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Moran, Moura, Mumford, Munsch, Murphy, W.H., Naughton, Palangio, Picard, Pisaturo, Rabideau, Reilly, Rose, San Bento, Savage, Schadone, Scott, Shanley, Shavers, Sherlock, Simonian, Slater, Smith, Story, Sullivan, Tejada, Thompson, Trillo, Vieira, Voccola, Wasylyk, Williams, Williamson, Winfield.

NAYS - 4: Representatives Gorham, Long, Quick, Watson.

AFFIDAVIT

I, Roger A. Picard, State
Representative, District 66, hereby under oath, depose and say:

1. I expect to be called upon, in my capacity as State
Representative, to participate in the consideration of, and vote upon: Article 18 as amended (LC02477/23).

2. I have the following interest in the matter listed under paragraph 1, above:

I currently am part of the teacher's unions.

3. 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.

ROGER A. PICARD
Representative District 66
State of Rhode Island
County of Providence

Subscribed and sworn to before me this 28th day of May, A.D. 2002.

DONALD O. REILLY
Notary Public

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

THOMAS J. WINFIELD Deputy Speaker of the House of Representatives

ARTICLE 18

RELATING TO EDUCATION AID

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

By unanimous consent, Representative Crowley, seconded by Representative Fox, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 7732) (Substitute "A")

Mr. Speaker:

I hereby move to amend (02-H 7732) (Substitute "A") entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2003," as follows:

(1) By deleting all of the language in Article 18, and inserting the following language in place thereof:

"SECTION 1. Sections 16-7.1-2, 16-7.1-5, 16-7.1-6, 16-7.1-8, 16-7.1-10, 16-7.1-15, 16-7.1-16, and 16-7.1-19 of the General Laws in Chapter 16-7.1 entitled "The Rhode Island Student Investment Initiative" are hereby amended to read as follows:

16-7.1-2. ACCOUNTABILITY FOR STUDENT PERFORMANCE. - (a) The board of regents shall adopt and publish statewide standards of performance and performance benchmarks in core subject areas to include writing and mathematics (grades four (4), eight (8), and ten (10)). These standards and performance benchmarks shall be ratified by the board and implemented, and performance standards and performance benchmarks for reading in two (2) grades shall be added.

(b) Districts and schools need to be held accountable for student performance results. Therefore, every school district receiving state education aid under this title shall develop a district strategic plan. The district strategic plan shall: (1) be based on high academic standards for student performance consistent with the statewide standards and benchmarks; (2) be the product of a shared community wide process which defines a vision of what students should know and be able to do; (3) address the needs of each school in the district; (4) encourage the development of school-based improvement planning and implementation; (5) include a process for mentoring of new teachers; (6) be designed to improve student achievement with emphasis on closing the performance gaps among groups of students such as the performance gaps correlated with poverty, gender, language background, and disability; (7) include establishment of student intervention teams to address the instructional needs of diverse learners, include high standards of student behavior designed to create an orderly educational environment with due regard for the rights of students, and an asset protection plan; and (8) be consistent with Rhode Island's comprehensive education strategy. In order to assure the most efficient use of resources implementing strategic plans, districts and schools are encouraged to work together as consortia and as part of the regional collaboratives.

(c) The strategic plan shall include strategies to improve the performance of students in mathematics, reading, and writing. Each plan must describe a scientific research based, as described in the "No Child Left Behind Act of 2001, Title 1, Part B, Section 1208" reading program to improve the reading skills of all students in the early grades (kindergarten through grade three) that is aligned with the regents reading policy. The district must develop, implement and evaluate a Personal Literacy Program for each student in these grades who is performing below grade level. These strategies shall be based on the adequate yearly progress expected for students and schools. Annual performance targets for determining whether schools and districts have made adequate yearly progress will be set by the commissioner of elementary and

secondary education. The general assembly expects these district strategies to increase the number of fourth grade students performing at or above the proficient standard in mathematics, reading, and writing in each district and school. The increase shall be established annually in accordance with section 16-7.1-4.

The general assembly recognizes the contribution of school counselors to positive educational change, to the implementation of the "No Child Left Behind Act of 2001," and to the success of students in three (3) developmental domains: academic, career, and personal/social. It endorses the National Standards for School Counseling Programs as developed by the American School Counselor Association (ASCA). Further, the general assembly encourages every district to implement a K-12 standards-based comprehensive, developmental school counseling program.

(d) Each strategic plan must indicate the manner in which self-studies will be completed at the school level in accordance with guidelines established by the commissioner. Funds shall be appropriated to the department of elementary and secondary education to assist districts with on-site reviews. Schools to be visited shall be determined by the commissioner.

(e) Each strategic plan must indicate the method in which school administrators and staff shall achieve and maintain an orderly educational environment in accordance with due process and with due regard for the rights of students.

(f) Each strategic plan shall include the development of inter-agency agreements for the coordination of services among state and local agencies responsible for service to children and families. These agreements shall address the identification and provision of services to pre-school children with disabilities and children and youth with behavioral health care needs.

(g) All district strategic plans and annual updates shall be submitted to the commissioner of elementary and secondary education no later than May 1, of each year.

16-7.1-5. INTERVENTION AND SUPPORT FOR FAILING SCHOOLS. - The board of regents shall adopt a series of progressive support and intervention strategies consistent with the Comprehensive Education Strategy and the principles of the "School Accountability for Learning and Teaching" (SALT) of the board of regents for those schools and school districts that continue to fall short of performance goals outlined in the district strategic plans. These strategies shall initially focus on: (1) technical assistance in improvement planning, curriculum alignment, student assessment, instruction, and family and community involvement; (2) policy support; (3) resource oversight to assess and recommend that each school has adequate resources necessary to meet performance goal; and (4) creating supportive partnerships with education institutions, business, governmental, or other appropriate nonprofit agencies. If after a three (3) year period of support there has not been improvement in the education of students as determined by objective criteria to be developed by the board of regents, then there shall be progressive levels of control by the department of elementary and secondary education over the school and/or district budget, program, and/or personnel. This control by the department of elementary and secondary education may be exercised in collaboration with the school district and the municipality. If further needed, the school shall be reconstituted. Reconstitution responsibility is delegated to the board of regents and may range from restructuring the school's governance, budget, program, personnel, and/or may include decisions regarding the continued operation of the school. The board of regents shall assess the district's capacity and may recommend the provision of additional district, municipal and/or state resources. If a

school or school district is under the board of regents' control as a result of actions taken by the board pursuant to this section, the local school committee shall be responsible for funding that school or school district at the same level as in the prior academic year increased by the same percentage as the state total of school aid is increased.

For FY 2003, the department shall dedicate one hundred thousand dollars (\$100,000) from funds appropriated to support progressive support and intervention and SALT visits to support the Rhode Island Consortium for Instructional Leadership and Training. This consortium is engaged in training school leaders to be more effective instructional leaders in the standards based instruction environment.

16-7.1-6. CORE INSTRUCTION EQUITY FUND. - The general assembly recognizes that Rhode Island cities and towns primarily rely on the local property tax to finance education programs, and that the state's highest effective property tax rates are concentrated in the state's urban communities. Therefore, certain communities, because of low tax capacity and high tax effort, are unable to appropriate sufficient funds for the support of core instructional programs. The general assembly also recognizes the need to reduce inequities in resource distribution among the state's cities and towns as well as among the state's districts and schools. Therefore, the general assembly establishes the Core Instructional Equity Fund to improve the capacity of cities and towns to support the core instruction activities that are the basis of daily teaching and learning in all classrooms. The general assembly shall annually appropriate and distribute some sum to meet these needs. The sum shall be distributed based upon the following formula:

(1) Data. Data used for the following calculations are defined as follows:

(i) Population (state and municipal) shall be included from the most recent census;

(ii) Equalized weighted assessed valuations (ewav) from the most recently completed and certified study pursuant to 16-7-21;

(iii) Most recent tax data certified by the local assessors to the department of administration, and core instructional per pupil cost as determined by the commissioner of elementary and secondary education;

(iv) Most recent resident average daily membership (RADM) pursuant to 16-7-22;

(2) Methodology.

(i) Community Property Tax Capacity Index Calculation Calculate statewide tax rate:

Step 1: total statewide property tax yield/total statewide property tax base (ewav)= state average tax rate.

Step 2: calculate statewide yield per capita:

Total statewide property tax yield/state population (most recent census) = state property tax yield per capita.

Step 3: calculate municipal property tax yield per capita: Municipal property tax yield/population = municipal property tax yield per capita.

Step 4: calculate municipal property tax capacity: (Municipal property tax yield per capita/state property tax yield per capita) * 100 = Community property tax capacity index.

(ii) Total Tax Capacity Index Calculation:

Step 5: calculate community hypothetical property tax yield per capita: (Statewide tax rate * municipal property tax base (ewav))/community population = Hypothetical community property tax yield per capita.

Step 6: calculate total tax capacity index: (Hypothetical municipal yield per capita/state average property tax yield per capita) * 100 = total tax capacity index.

(iii) Tax Effort Index Calculation:

Calculate property tax effort calculation:

Step 7: (Municipal property tax yield per capita/hypothetical municipal property tax yield per capita) * 100 = Property Tax Effort Index

(iv) Capacity/Effort Index

Calculation of the equity index:

Step 8: (Property tax capacity index/tax effort index = Equity index

(v) Instructional Cost Per Pupil Calculate the instructional cost per RADM:

Step 9: core instructional district cost/district RADM = per pupil core instructional district cost

Step 10: select the statewide median average per pupil instructional cost

Step 11: state median average per pupil core instructional cost - district per pupil core instructional cost = core gap

Step 12: core gap * RADM = weighted difference. - Eligibility to receive funds - only those districts which have a gap in instructional core funding and which have capacity of less than 0.50 per the equity index are eligible to receive funds under this provision.

For FY 2003, districts shall receive the greater of the dollar amount received in FY 2002 or the dollar amount calculated as the FY 2003 entitlement. For FY 2003, ten percent (10%) of these funds shall, in addition to the purposes enumerated above, be used to increase student and school performance, and shall be only spent with the prior approval of the commissioner of elementary and secondary education.

16-7.1-8 STUDENT EQUITY INVESTMENT FUND. - The general assembly recognizes the need to improve fourth grade performances in mathematics, reading, and writing. Therefore, the general assembly establishes the Student Equity Investment Fund to target students identified as those requiring additional

educational services. The general assembly shall annually appropriate some sum and distribute it based on each district's proportion of children eligible for USDA reimbursable school meals relative to the total number of eligible students statewide. For the purposes of this section, the date as of eligibility for USDA reimbursable meals shall be determined by the June report of the reference year as defined in 16-7-16. These resources shall be used to close student performance gaps in accordance with the district's strategic plan pursuant to 16-7.1-2. Beginning in FY 2003, the commissioner of elementary and secondary education may require a district to use up to five percent (5%) of the funds allocated by this section to increase student and school performance. The five percent (5%) set aside funds shall only be spent with the prior approval of the commissioner of elementary and secondary education.

16-7.1-10 PROFESSIONAL DEVELOPMENT INVESTMENT FUND. - In order to continue developing the skills of Rhode Island's teachers and staff, the general assembly establishes a Professional Development Investment Fund. The general assembly shall annually appropriate some sum and distribute it based on a pupil-teacher ratio that shall be adjusted annually by the commissioner of elementary and secondary education. School districts may use funds received under this category of education aid to replace up to, but no more than, fifty percent (50%) of the amount the school district spent for professional development programs in the previous fiscal year. The expenditure of these funds shall be determined by a committee at each school consisting of the school principal, two (2) teachers selected by the teaching staff of the school, and two (2) parents of students attending the school. Schools that enroll students in the early grades (kindergarten through grade three) must expend these funds on the development of scientific research based, as described in the "No Child Left Behind Act of 2001, Title 1, Part B, Section 1208" reading programs to improve students reading performance. Collaborative programs between schools are encouraged. These resources shall be used to close student performance gaps in accordance with the school's and district's strategic plan pursuant to 16-7.1-2. Of the funds appropriated by the general assembly for professional development five hundred fifty five thousand dollars (\$555,000), representing fourteen and three-tenths of one percent (14.3%) of the amount allocated to each district in this investment fund, shall be retained by Additional funds shall be allocated to the department of elementary and secondary education to support teacher professional development in all districts, including but not limited to:

- (1)** Supporting mentoring systems;
- (2)** Providing school districts with program support to assist teachers in local school districts to improve reading instruction and enhance the integration of reading throughout the curriculum with the goal of improving student performance to high standards;
- (3)** Support for the design and implementation of a system for the training of school leaders; and
- (4)** Support for national board certification of teachers and grants for coordination and support of school based teacher professional development.
- (5)** The practice of scientific research based reading instruction to improve reading performance.

In FY 2003, the additional funds allocated to the department of elementary and secondary education pursuant to this section shall be used only to support the activities described in items (2) and (5) above.

The department shall continue to use resources allocated within its operating budget to support National Board Certification activities and for FY 2003 that amount shall be ninety thousand dollars (\$90,000).

16-7.1-15 THE RHODE ISLAND STUDENT INVESTMENT INITIATIVE. - (a) Each locally or regionally operated school district shall receive as a base the same amount of school aid as each district received in fiscal year 1997-1998. For FY 2002 2003, that base shall be adjusted to reflect the increases or decreases in aid enacted for FY 2000, and FY 2001 , and FY 2002 to meet the minimum and maximum funding levels established for FY 2000 and FY 2001 and FY 2002.

Each school district shall also receive school aid through each investment fund for which that district qualifies pursuant to 16-7.1-6, 16-7.1-8, 16-7.1-9, 16-7.1-10, 16-7.1-11, 16-7.1-12, 16-7.1-16, and 16-7.1-19. , and 16-64-1.1. These sums shall be in addition to the base amount described in this section. The total school aid distributed under this section in FY 2002 shall constitute not less than a three and one-half percent (3.5%) increase in the aid distributed to the school district under this section in FY 2001 and each district shall receive the increase in aid necessary to meet this minimum funding level. Additionally, for FY 2002, any community with a tax equity index below 1.0 as calculated pursuant to 16-7.1-6 shall receive not less than a seven percent (7%) increase in aid distributed to the school district under this section in FY 2001. For FY 2003, the total school aid distributed under the investment funds enumerated above shall constitute not less than a one percent (1.0%) percent increase in aid received in FY 2002.

Calculation and distribution of education aid under 16-5-31, 16-5-32, 16-7-20, 16-7-20.5, 16-7-34.2, 16-7-34.3, 16-24-6, 16-54-4, and 16-67-4 is hereby suspended. The funding of the purposes and activities of chapter 67 of this title, the Rhode Island Literacy and Dropout Prevention Act of 1967, shall be the same amount of the base amount of each district funded for that purpose in fiscal year 1997-1998. In addition each district shall expend three percent (3%) of its student equity and early childhood funds under the provisions of chapter 67 of this title.

(b) Funding for full day kindergarten programs in accordance with 16-7.1-11.1 shall be in addition to funding received under this section.

(c) Funding distributed under 16-77.1-2(b) and section 16-64-1.1 above and beyond that received in FY 2001, shall be in addition to funding distributed under this section.

(d) There shall be an appropriation to ensure that total aid distributed to communities in FY 2002 FY 2003 under 16-7.1-15, 16-7.1-11.1, 16-64-1.1 and 16-77.1-2(b) is not less than the amount proposed by the governor for FY 2002.

2003 and shall be at least a two and one-half percent (2.5%) increase over aid received in FY 2002.

(e) Children with disabilities. - Based on its review of special education within the context of Rhode Island school reform, the general assembly recommends addressing the needs of all children and preventing disability through scientific research based, as described in the "No Child Left Behind Act of 2001, Title 1, Part B, Section 1208" reading instruction and the development of Personal Literacy Programs for students in the early grades performing below grade level in reading and implement a system of student

accountability that will enable the state to track individual students over time. Additionally, the department of elementary and secondary education must provide districts with rigorous criteria and procedures for identifying students with learning disabilities and speech/language impairments. Additional study is required of factors that influence programming for students with low incidence disabilities; those with disabilities that severely compromise life functions; and programming for students with disabilities through urban special education. Alternatives for funding special education require examination.

All departments and agencies of the state shall furnish such advice and information, documentary and otherwise, to the general assembly and its agents as is deemed necessary or desirable by the study to facilitate the purposes of this section.

16-7.1-16 TARGETED SCHOOL AID. - (a) In addition to those funds described in 16-7.1-15, each district with a tax effort index below 1.0 as calculated pursuant to 16-7.1-6 and with a free and reduced lunch count in grades K-3 greater than forty percent (40%) shall receive targeted school aid. Districts shall be eligible for aid based on the proportion that their average daily membership bears to the total average daily membership of districts eligible for aid under this section. The local school district shall determine the amount it proposes to spend on the program priorities referred to in this section and the programs and proposed expenditures shall be a part of the district's strategic plan and/or annual updates required under 16-7.1-2. (b) The commissioner may require a school district to reserve up to five percent (5%) of its targeted aid for intervention remedies. These five percent (5%) set-aside funds shall only be spent with the prior approval of the commissioner of elementary and secondary education. If however by March 1, the amount reserved is not expended or expected to be spent in the academic year, then the district may expend the funds in accordance with the priorities of this section and with the approval of the commissioner. In addition, there shall be an appropriation for comprehensive on-site school reviews and other accountability measures that the commission deems appropriate in accordance with policies and procedures to be determined by the commissioner and to carry out the purposes of 16-7.1-2. The commissioner may give priority to districts receiving targeted funds for the use of this appropriation. (c) Districts may use targeted funds in new or expanded programs for:

- (1)** Early childhood education;
- (2)** Helping schools to improve instruction to meet high standards;
- (3)** Reducing class size at the elementary level;
- (4)** After school programming for middle schools, junior, and senior high schools in accordance with 16-7.1-17;
- (5)** Establishing and implementing innovative organizations and methods of instruction at the middle, junior high, and/or high school levels;
- (6)** Child opportunity zones;
- (7)** Teacher mentoring;
- (8)** Curriculum revision to meet new standards;

(9) School and district intervention; or

(10) Other programs which the commissioner believes will result in increased student performance.

16-7.1-19 VOCATIONAL TECHNICAL EQUITY FUND. - The general assembly recognizes the need to support the academic instruction component of vocational education for students enrolled in career and technical education programs. To accomplish this, the general assembly shall appropriate some sum per student for each student who attends a locally operated career and technical center based on the enrollments reported to the department of elementary and secondary education for the previous academic year. Funding for all students enrolled in the locally operated career and technical centers shall be implemented for FY 2001 and FY 2002 only. For FY 2001, and FY 2002 and FY 2003, this sum shall be five hundred dollars (\$500) per student. In FY 2003 and thereafter, funding under this section will be limited to those students enrolled in programs that are part of the state certified career and technical system.

SECTION 2. Section 16-45-6 of the General Laws in Chapter 16-45 entitled "Regional Vocational Schools" is hereby amended to read as follows:

16-45-6 POWERS ADDITIONAL TO PREVIOUS AUTHORITY. - (a) The powers delegated and authorized in this chapter for the board of regents for elementary and secondary education and the department of elementary and secondary education shall be in addition to those previously authorized by any other general or public law.

(b) The governance, funding, and programming of the William M. Davies, Jr. vocational technical school and the Metropolitan Career and Technical School shall be in accordance with the rules and regulations formulated by the board of regents for elementary and secondary education pursuant to chapter 35 of title 42.

(c) The purpose of this chapter is to restructure the system of career and technical schools in Rhode Island for the benefit of the students, the economy, and the general welfare. The paramount aim is to enable the schools to make more significant contributions in providing the state's students with the career preparation they need to compete and succeed in the world of today and of the future. To ensure student success, a system of model career and technical schools will be established and supported. These schools will provide: integrated academic and vocational curricula, up to date technology, programs to meet the varying needs of all students, and strong links to business, industry, postsecondary education, and the community.

(d)(1) There shall be a system of state operated career and technical schools serving geographic areas of the state. Students attending these regional schools will do so on a full time basis with the costs for their education at the regional school fully funded by the state.

(2) These schools shall be operated as local education agencies and each shall be governed by a board of trustees. With the exception of those powers and duties reserved by the director, the commissioner of elementary and secondary education, and the board of regents for elementary and secondary education, the board of trustees shall have the powers and duties of school committees. The Davies school shall be the first school operated under the provisions of this chapter and shall be renamed the William M. Davies, Jr.

career and technical high school. The Metropolitan Career and Technical School shall be the second school operated under the provisions of this chapter.

(e)(1) The board of regents for elementary and secondary education shall appoint the members of the board of trustees from nominations made by the commissioner of elementary and secondary education. The chairperson shall also be selected in this manner. The board of regents shall determine the number, qualifications, and terms of office of members of the board of trustees. The board of trustees will be broadly representative of the local communities served by each school and the larger statewide workforce interests. (2) The board of regents shall establish strategic directions for the career and technical education system that are consistent with the state's economic development plans, workforce requirements, and educational priorities and learner outcomes established by the board of regents. (3) The board of regents shall provide parameters for the overall budget requests, approve the budget, and participate in budget development as required in subsection (i). (f)(1) The commissioner of elementary and secondary education shall recommend parameters for the overall budget requests, recommend a budget and participate in budget development as required in subsection (i). (2) The commissioner shall approve the process for selection of a director of each regional school. The commissioner shall develop a plan for statewide implementation of the provisions of this chapter. (g) The board of trustees shall meet monthly and serve without compensation. Nine (9) members of the board of trustees shall be required to attend teacher appeal hearings conducted pursuant to 16-13-4. The board of trustees shall have broad policy making authority for the operation of the school consistent with subsection (e) and the following powers and duties: (1) To identify the educational needs of the communities in the district. (2) To develop educational policies to meet the needs of students in the communities served by the school district. (3) To appoint a director of its regional school to serve as its chief executive officer and to approve assistant and associate directors from nominations made by the director. (4) To provide policy guidance and participate in budget development as required in subsection (i). (5) To develop staffing policies which ensure that all students are taught by educators of the highest possible quality. (h)(1) The director will serve at the pleasure of the board of trustees with the initial appointment to be for a period of not more than three (3) years, provided, that the term and conditions of employment are subject to the approval of the board of regents for elementary and secondary education. (2) It is the responsibility of the director to manage and operate the school on a day to day basis. The director's duties shall include the following: (i) To be responsible for the entire care, supervision, and management of the career and technical high school. (ii) To recommend to the board of trustees educational policies to meet the needs of the district, and to implement policies established by the board of trustees. (iii) To present nominations to the board of trustees for assistant and associate directors and to appoint all other school personnel. (iv) To provide for the evaluation of all school district personnel. (v) To establish a school based management approach for decision making for the operation of the school. (vi) To prepare a budget and participate in budget development as required in subsection (i), and to authorize purchases consistent with the adopted school district budget. (vii) To report to the board of trustees on a regular basis the financial condition and operation of the school, and to report annually on the educational progress of the school. (viii) To establish appropriate advisory committees as needed to provide guidance on new directions and feedback on the operation of the school. (i) With policy guidance from the board of trustees and extensive involvement of the administrators and faculty in the school, the director of each regional school shall annually prepare a budget. The board of trustees will approve the budget and transmit it to the commissioner. The board of regents for elementary and secondary education, upon recommendation of the commissioner of elementary and secondary education, shall provide parameters for the overall budget request. Based on review and recommendation by the commissioner, the board of regents shall approve the total budget and incorporate it into its budget request to the governor

and to the general assembly. Line item budgeting decisions shall be the responsibility of the director. (j) Nothing in this section shall be deemed to limit or interfere with the rights of teachers and other school employees to bargain collectively pursuant to chapters 9.3 and 9.4 of title 28 or to allow the board of trustees or the director to abrogate any agreement by collective bargaining. Employees at the William M. Davies school shall continue to be state employees and the bargaining units which are presently established at the school shall remain intact. SECTION 3. Section 16-77.1-3 of the General Laws in Chapter 16-77.1 entitled "Funding of Charter Public Schools" is hereby amended to read as follows: 16-77.1-3. FEDERAL FUNDS FOR CHARTER PUBLIC SCHOOLS START UP COSTS. - Charter public schools may apply for federal funds to support start up costs. Charter public schools shall become eligible to apply for federal funds upon approval of the charter public school's application by the board of regents for elementary and secondary education. Federal funds shall be distributed to charter public schools by the department of elementary and secondary education through a process which requires each charter public school seeking the funds to submit a grant application to the department of elementary and secondary education. The grant application process shall be established and implemented by the Rhode Island department of elementary and secondary education. Grants of federal funds for start up costs shall not exceed one hundred and fifty thousand dollars (\$150,000) for a single charter public school.

SECTION 4. This Article shall take effect on July 1, 2002".

Respectfully submitted,

PAUL W. CROWLEY
Representative, District 100

By unanimous consent, Representative Crowley, seconded by Representative Fox, offers an oral motion to amend the amendment.

The motion to amend prevails, on a voice vote.

By unanimous consent, Representative Crowley, seconded by Representative Fox, offers an oral motion to amend the amendment.

The motion to amend prevails, on a voice vote.

Representative Levesque discusses the amendment as amended.

NOW PRESIDING

At 5:22 o'clock P.M., the Honorable Speaker yields the rostrum to the Honorable Deputy Speaker Winfield.

ARTICLE 18
(continued)

Representatives Crowley, Montanaro, Corvese, Jacquard, Smith, Scott, Savage and Watson discuss the amendment as amended.

Representative Montanaro rises on a point of order to object to the tone of Representative Watson's question to Representative Crowley.

Representative Watson replies to Representative Montanaro.

The Honorable Deputy Speaker reminds the House of House Rule 62(c), which reads in part, "No member is permitted to attack another member of the House personally...".

Representatives Crowley, Pires and Fox continue discussion of the amendment as amended.

NOW PRESIDING

At 6:00 o'clock P.M., the Honorable Deputy Speaker yields the rostrum to the Honorable Speaker.

ARTICLE 18 (continued)

Representatives George, Corvese, Abdullah-Odiase and Montanaro continue to discuss the amendment as amended.

Representative Montanaro requests to vote separately on Section 3.

The Honorable Speaker rules it is divisible.

Representative Moura requests to vote separately on Section 3.

The Honorable Speaker rules it is divisible.

Representative Amaral discusses the amendment as amended.

Section 3 of the amendment prevails on a roll call vote, 69 members voting in the affirmative and 24 members voting in the negative as follows:

YEAS - 69: The Honorable Speaker Harwood and Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Amaral, Anguilla, Benson, Brien, S., Brien, T., Carroll, Carter, Cicilline, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Guthrie, Iwuc, Jacquard, Kennedy, Knickle, Lally, Lewiss, Long, Lowe, Maher, Malik,

Martineau, McCauley, McNamara, Moran, Mumford, Munsch, Murphy, W.H., Naughton, Palangio, Pires, Rabideau, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Sherlock, Simonian, Slater, Story, Sullivan, Tejada, Thompson, Trillo, Vieira, Voccola, Williams, Williamson, Winfield.

NAYS - 24: Representatives Anderson, M., Barr, Bierman, Callahan, Caprio, Cerra, Coderre, DeSimone, Gorham, Hogan, Kilmartin, Lanzi, Levesque, Lima, Menard, Montanaro, Moura, Pisaturo, Quick, Reilly, Scott, Smith, Wasylyk, Watson.

The remainder of the amendment is read and prevails on a roll call vote, 85 members voting in the affirmative and 5 members voting in the negative as follows:

YEAS - 85: The Honorable Speaker Harwood and Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Amaral, Anguilla, Barr, Benson, Bierman, Brien, S., Brien, T., Callahan, Caprio, Carroll, Carter, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lanzi, Levesque, Lewiss, Lima, Long, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Montanaro, Moran, Moura, Mumford, Munsch, Murphy, W.H., Naughton, Pires, Pisaturo, Rabideau, Reilly, Rose, San Bento, Savage, Schadone, Shanley, Sherlock, Simonian, Smith, Story, Sullivan, Tejada, Thompson, Trillo, Voccola, Wasylyk, Williams, Williamson, Winfield.

NAYS - 5: Representatives Anderson, M., Gorham, Quick, Scott, Watson.

By unanimous consent, Representative Gorham, seconded by Representative Scott, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 7732) (Substitute "A")

Mr. Speaker:

I hereby move to amend (02-H 7732) (Substitute "A") entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2003," as follows:

1. In Article 18, page 7, line 26, by deleting the words "two and one-half percent (2.5%)" and inserting "five percent (5%)" in place thereof.
2. In Article 20, page 1, line 20, by inserting the following language after "2003;":

"Provided, however, that out of any money allocated to the owners of dog kennels pursuant to this section, an amount necessary to fund a minimum school aid increase of five percent (5%) shall be allocated to or reserved in the general fund to carry out the requirements of section 16-7.1-15."

Respectfully submitted,

NICHOLAS GORHAM
Representative, District 53

Representative Kilmartin rises on a point of order for Representative Gorham to speak germane to the amendment.

The Honorable Speaker rules for Representative Gorham to speak germane to the article.

Representatives Kilmartin, Montanaro, Gorham, Menard, Pires, Moura, Scott and Fox discuss the amendment.

NOW PRESIDING

At 7:10 o'clock P.M. the Honorable Speaker yields the rostrum to the Honorable Deputy Speaker.

FLOOR AMENDMENT

Representatives Watson, Menard, Gorham and Fox discuss whether the amendment is in proper order and whether it can be divided.

The Honorable Deputy Speaker rules that, having indulged Representative Gorham in offering the amendment, and in view of Representative Gorham's own statement that his amendment was a package, he would proceed to call a vote on the amendment as a whole, notwithstanding that it addresses two separate articles of the budget.

Representatives Moura, Long, Rabideau, Barr, Caprio, San Bento, Williamson and Levesque discuss the amendment.

Representatives Quick, Carroll, Kilmartin and Caprio discuss the amendment.

Representative Callahan rises on a point of order for Representative Caprio to speak germane to the amendment.

The Honorable Deputy Speaker rules that the Representative is speaking germane to the amendment.

Representatives Abdullah-Odiase, Gorham, Scott and Lima discuss the amendment.

The motion to amend is read and fails of passage on a roll call vote, 23 members voting in the affirmative and 62 members voting in the negative as follows:

YEAS - 23: Representatives Amaral, Anderson, M., Bierman, Callahan, Caprio, Carroll, Fleury, Gorham, Guthrie, Lanzi, Long, Mumford, Pisaturo, Quick, Rabideau, Reilly, Rose, Savage, Scott, Simonian, Story, Trillo, Watson.

NAYS - 62: Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Anguilla, Barr, Brien, S., Brien, T., Carter, Cerra, Cicilline, Coderre, Coelho, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Flaherty, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Henseler, Hogan, Iwuc, Kilmartin, Lally, Levesque, Lewiss, Lima, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Moran, Moura, Munschy, Murphy, W.H., Naughton, Picard, San Bento, Schadone, Shanley, Shavers, Sherlock, Slater, Smith, Sullivan, Tejada, Thompson, Vieira, Wasylyk, Williams, Williamson, Winfield.

By unanimous consent, Representative Story, seconded by Representatives Amaral, Watson, Callahan, Long, Quick, Gorham, Mumford, Fleury, Rabideau and Savage, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 7732) (Substitute "A")

Mr. Speaker:

I hereby move to amend (02-H 7732) (Substitute "A") entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2003," as follows:

(1) In Article 18, on page 15, by inserting between lines 18 and 19 the following language:

"SECTION 6. Chapter 16-7 of the General Laws entitled "Foundation Level School Support" is hereby amended by adding thereto the following section:

16-7-20.8 EXTRAORDINARY SERVICES REIMBURSEMENT. - (a) Extraordinary services reimbursement shall be payable in each fiscal year to each school district.

(b) The amount of extraordinary services reimbursement provided to each district shall be equal to ninety percent (90%) of its extraordinary special education expenditures.

(c) As used in this section, "extraordinary special education expenditures" means a school district's expenditures which for any one child exceed fifty thousand dollars (\$50,000) for a fiscal year. In this section, "child" means a pupil with disabilities who is three (3) years of age or older in the current school year. Such expenditures shall include any expenditures required under federal law, and any cost of mediation conducted by a mediator in accordance with applicable law, who is approved by the commissioner.

(d) The amount payable by the state pursuant to this section shall not exceed one million dollars

(\$1,000,000) for any fiscal year, and if such amount is not sufficient to fully reimburse all school districts eligible therefor, such amount shall be distributed to such districts on a pro rata basis."

(2) In Article 18, page 15, line 19, by deleting the figure "6" and inserting in place thereof the figure "7".

(3) In Article 20, page 1, line 20, by inserting the following language after the figure "2002": "thereafter, the following percentages, less up to one million dollars (\$1,000,000) necessary to fund the requirements of section 16-7-20.8".

Respectfully submitted,

SUSAN A. STORY
Representative, District 88

Representatives Crowley, Levesque, Story, Savage, Amaral and Watson discuss the amendment.

The motion to amend is read and fails of passage on a roll call vote, 31 members voting in the affirmative and 53 members voting in the negative as follows:

YEAS - 31: Representatives Ajello, Amaral, Anderson, M., Bierman, Callahan, Caprio, Carroll, Cicilline, Dennigan, Fleury, George, Gorham, Lanzi, Levesque, Long, Maher, Mumford, Murphy, W.H., Palangio, Pisaturo, Quick, Rabideau, Reilly, Rose, Savage, Scott, Simonian, Slater, Story, Trillo, Watson.

NAYS - 53: Representatives Abdullah-Odiase, Aiken, Almeida, Anguilla, Barr, Benson, Brien, S., Brien, T., Carter, Cerra, Coderre, Coelho, Corvese, Costantino, Crowley, DeSimone, Faria, Flaherty, Fox, Gallison, Garvey, Giannini, Ginaitt, Guthrie, Henseler, Hogan, Kilmartin, Lally, Lewiss, Lowe, Malik, Martineau, McCauley, McNamara, Menard, Moran, Naughton, Picard, San Bento, Schadone, Shanley, Shavers, Sherlock, Smith, Sullivan, Tejada, Thompson, Vieira, Voccola, Wasyluk, Williams, Williamson, Winfield.

By unanimous consent, Representative Pires, seconded by Representative Scott, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 7732) (Substitute "A")

Mr. Speaker:

I hereby move to amend (02-H 7732) (Substitute "A") entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2003," as follows:

1. In Article 1, on page 6, on line 18, by deleting the figure "736,373,003" and inserting in place thereof

the figure "737,673,003"

2. In Article 1, page 6, between lines 21 and 22, by inserting the following:

"SALT visits 300,000

Providence Schools: Progressive

Support and Intervention 1,000,000"

3. In Article 18, page 7, line 26, by deleting the words and numerals "two and one-half percent (2.5%)" and inserting in place thereof the words and numerals "three percent" (3.0%)"

Respectfully submitted,

ANTONIO J. PIRES
Representative, District 79

The motion to amend is read and fails of passage on a roll call vote, 20 members voting in the affirmative and 64 members voting in the negative as follows:

YEAS - 20: Representatives Abdullah-Odiase, Ajello, Anguilla, Barr, Bierman, Callahan, Caprio, Carroll, Gorham, Long, Palangio, Pires, Quick, Rabideau, Reilly, Scott, Story, Tejada, Vieira, Watson.

NAYS - 64: Representatives Aiken, Almeida, Amaral, Benson, Brien, S., Brien, T., Carter, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Guthrie, Henseler, Hogan, Iwuc, Kennedy, Kilmartin, Lally, Levesque, Lewiss, Lima, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Montanaro, Moran, Moura, Mumford, Murphy, W.H., Naughton, Picard, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Sherlock, Simonian, Slater, Smith, Thompson, Trillo, Wasylyk, Winfield.

The article is read and prevails, as amended, on a roll call vote, 86 members voting in the affirmative and 5 members voting in the negative as follows:

YEAS - 86: Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Amaral, Anguilla, Barr, Benson, Bierman, Brien, S., Brien, T., Callahan, Caprio, Carroll, Carter, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Lally, Lanzi, Levesque, Lewiss, Lima, Long, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Montanaro, Moran, Moura, Mumford, Murphy, W.H., Naughton, Palangio, Pires, Pisaturo, Rabideau, Reilly, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Sherlock, Simonian, Slater, Smith, Story, Sullivan, Tejada, Thompson, Trillo, Vieira, Voccola, Wasylyk, Williams, Williamson, Winfield.

NAYS - 5: Representatives Anderson, M., Gorham, Quick, Scott, Watson.

RECESS

At 7:30 o'clock P.M. the Honorable Deputy Speaker declares the House to be in recess.

ORDER

At 8:17 o'clock P.M. the Honorable Speaker calls the House to order.

ARTICLE 19

RELATING TO GENERAL PUBLIC ASSISTANCE

Representative Costantino moves passage of the article, seconded by Representatives Dennigan, Cicilline, Coelho, Benson, Fox, Faria and Coderre.

The article 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: Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Anguilla, Barr, Benson, Bierman, Brien, S., Brien, T., Caprio, Carroll, Carter, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Dennigan, Faria, Flaherty, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Guthrie, Henseler, Iwuc, Jacquard, Kennedy, Kilmartin, Lally, Levesque, Lewiss, Lima, Lowe, Maher, Malik, McNamara, Menard, Montanaro, Moran, Munschy, Murphy, W.H., Naughton, Palangio, Picard, Pisaturo, Quick, Rabideau, Reilly, Rose, San Bento, Schadone, Scott, Shanley, Shavers, Sherlock, Slater, Smith, Story, Sullivan, Thompson, Trillo, Vieira, Voccola, Wasylyk, Williamson, Winfield.

NAYS - 0.

Representatives Williams, Lanzi, Cerra, Tejada, Hogan and Savage request the journal to reflect that if they had voted on Article 19, they would have voted in the affirmative.

There is no objection.

AFFIDAVIT

I, Antonio J. Pires, State Representative, District 79, hereby under oath, depose and say:

1. I expect to be called upon, in my capacity as State Representative, to participate in the consideration of, and vote upon: Article 20.
2. I have the following interest in the matter listed under paragraph 1, above: Insurance agency writes

some kennel insurance coverage and although my income is capped, I wish to recuse due to appear of conflict.

3. 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. ANTONIO J. PIRES Representative District 79 State of Rhode Island County of Providence

Subscribed and sworn to before me this 28th day of May, A.D. 2002.

DAVID W. DUMAS
Notary Public

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

THOMAS J. WINFIELD
Deputy Speaker of the House of Representatives

NOW PRESIDING

At 8:20 o'clock P.M. the Honorable Speaker yields the rostrum to the Honorable Deputy Speaker.

ARTICLE 20

RELATING TO VIDEO LOTTERY TERMINALS - DIVISION OF REVENUE

Representative San Bento moves passage of the article, seconded by Representatives Rose, Corvese, McNamara, Coelho, Benson, Carter, S. Brien, Faria, Fox and Malik.

By unanimous consent, Representative San Bento, seconded by Representatives Rose, Corvese, McNamara, Coelho, Benson, Carter, S. Brien, Faria, Fox and Malik, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 7732) (Substitute "A")

Mr. Speaker:

I hereby move to amend (02-H 7732) (Substitute "A") entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2003," as follows:

- (1)** In Article 20, page 1, line 10, by deleting the language "and one-half ".5".
- (2)** In Article 20, page 1, line 11, by deleting all of the language after the semi-colon "(", beginning with the word "no".
- (3)** In Article 20, page 1, line 12, by deleting all of the language, up to and including "2008".
- (4)** In Article 20, page 1, line 16, by deleting all of the language after the semi-colon "(", beginning with the word "twenty-eight".
- (5)** In Article 20, page 1, line 17, by deleting all of the language, up to and including "2008".
- (6)** In Article 20, page 1, line 21, by deleting the word "three".
- (7)** In Article 20, page 1, line 22, by deleting all of the language, up to and including "2008".

Respectfully submitted,

WILLIAM SAN BENTO, JR.
Representative, District 75

Representatives Sullivan, Caprio, Barr, Bierman, Menard, Williamson, Carroll, Gorham, Cicilline and Lima discuss the amendment.

The motion to amend is read and prevails on a roll call vote, 71 members voting in the affirmative and 16 members voting in the negative as follows:

YEAS - 71: Representatives Aiken, Almeida, Anderson, M., Anguilla, Barr, Brien, S., Brien, T., Carter, Coderre, Coelho, Coogan, Corvese, Costantino, Dennigan, DeSimone, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, Giannini, Ginaitt, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lanzi, Levesque, Lewiss, Lima, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Montanaro, Moran, Moura, Mumford, Munschy, Murphy, W.H., Naughton, Picard, Pisaturo, Reilly, Rose, San Bento, Schadone, Scott, Shanley, Shavers, Sherlock, Simonian, Slater, Smith, Sullivan, Thompson, Trillo, Vieira, Voccola, Wasylyk, Williams, Winfield.

NAYS - 16: Representatives Abdullah-Odiase, Ajello, Amaral, Benson, Bierman, Callahan, Caprio, Carroll, Cicilline, George, Gorham, Long, Savage, Story, Watson, Williamson.

By unanimous consent, Representative Williamson, seconded by Representatives Caprio and Gallison, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 7732) (Substitute "A")

Mr. Speaker:

I hereby move to amend (02-H 7732) (Substitute "A") entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2003," as follows:

In Article 20, by deleting all the language in SECTION 1 and inserting the following language in place thereof:

"SECTION 1. Section 42-61.2-2 of the General Laws in Chapter 42-61.2 entitled "Video Lottery Terminal" is hereby amended to read as follows:

42-61.2-2. STATE LOTTERY COMMISSION AUTHORIZED TO OPERATE VIDEO LOTTERIES. -

(a) Notwithstanding the provisions of any other law, the state lottery commission is authorized to conduct and control video lottery games under its authority.

(b) Video lottery terminals may only be installed and operated at pari-mutuel licensee facilities existing as of June 30, 1992, as defined in section 42-61.2-1(4) which are specifically approved by the state lottery director, subject to the approval of the commission, to be licensed video lottery retailers according to rules and regulations set forth by the commission.

(c) Notwithstanding either the provisions of any other law or the general electorate approving or rejecting any gambling referendum legislation, the state lottery commission is authorized to conduct, control and regulate coin-drop slot machines through rules and regulations."

Respectfully submitted,

TIMOTHY A. WILLIAMSON
Representative, District 38

The motion to amend is read and fails of passage on a roll call vote, 14 members voting in the affirmative and 70 members voting in the negative as follows:

YEAS - 14: Representatives Abdullah-Odiase, Anderson, M., Caprio, Carroll, DeSimone, Gallison, Jacquard, Kilmartin, Montanaro, Pisaturo, Slater, Smith, Trillo, Williamson.

NAYS - 70: Representatives Aiken, Ajello, Almeida, Anguilla, Barr, Benson, Bierman, Brien, S., Brien,

T., Callahan, Carter, Cicilline, Coderre, Coelho, Corvese, Costantino, Crowley, Dennigan, Faria, Flaherty, Fleury, Fox, Garvey, George, Giannini, Gorham, Guthrie, Henseler, Hogan, Iwuc, Kennedy, Knickle, Lally, Lanzi, Levesque, Lewiss, Long, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Moran, Moura, Mumford, Munschy, Murphy, W.H., Naughton, Picard, Reilly, Rose, San Bento, Savage, Schadone, Scott, Shanley, Shavers, Sherlock, Simonian, Story, Tejada, Thompson, Vieira, Voccola, Wasylyk, Watson, Williams, Winfield.

Representative Lima and Amaral request the journal to reflect that if they had voted on the amendment to Article 20, they would have voted in the negative.

There is no objection.

By unanimous consent, Representative Caprio, seconded by Representative Bierman, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 7732) (Substitute "A")

Mr. Speaker:

I hereby move to amend (02-H 7732) (Substitute "A") entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2003," as follows:

1. In Article 20, page 1, on lines 18 and 19 by deleting the words and figure "six percent (6%)" and inserting in place thereof the words and figure: "two and one-half percent (2.5%)".
2. In Article 20, page 1, line 20 delete the semi-colon "();" following the number "2002" and all the language following up to, and including, the number "2008" on line 22.

Respectfully submitted,

DAVID A. CAPRIO
Representative, District 47

Representative Long discusses the amendment.

Representative Menard rises on a point of order for Representative Long to speak germane to the amendment.

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

Representative Long challenges the ruling of the chair.

The ruling of the chair is upheld on a roll call vote, 68 members voting in the affirmative and 18 members voting in the negative as follows:

YEAS - 68: Representatives Abdullah-Odiase, Aiken, Almeida, Anguilla, Barr, Benson, Brien, S., Brien, T., Carter, Cerra, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, DeSimone, Faria, Flaherty, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lanzi, Lewiss, Lima, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Montanaro, Moran, Moura, Munschy, Murphy, W.H., Naughton, Picard, Rose, San Bento, Schadone, Shanley, Shavers, Sherlock, Simonian, Smith, Sullivan, Tejada, Thompson, Vieira, Voccola, Wasylyk, Williams, Williamson, Winfield.

NAYS - 18: Representatives Ajello, Amaral, Anderson, M., Bierman, Callahan, Caprio, Carroll, Fleury, Levesque, Long, Mumford, Pisaturo, Quick, Savage, Scott, Story, Trillo, Watson.

Representatives Bierman, Caprio, Sherlock and Fox discuss the amendment.

The motion to amend is read and fails of passage on a roll call vote, 22 members voting in the affirmative and 68 members voting in the negative as follows:

YEAS - 22: Representatives Abdullah-Odiase, Ajello, Amaral, Anderson, M., Benson, Bierman, Callahan, Caprio, Carroll, George, Gorham, Long, Murphy, W.H., Quick, Rabideau, Reilly, Savage, Story, Tejada, Trillo, Watson, Williamson.

NAYS - 68: Representatives Aiken, Almeida, Anguilla, Barr, Brien, S., Brien, T., Carter, Cerra, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, Giannini, Ginaitt, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lanzi, Levesque, Lewiss, Lima, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Montanaro, Moran, Moura, Mumford, Munschy, Naughton, Picard, Pisaturo, Rose, San Bento, Schadone, Shanley, Shavers, Sherlock, Simonian, Slater, Smith, Sullivan, Thompson, Vieira, Voccola, Wasylyk, Williams, Winfield.

The article is read and prevails, as amended, on a roll call vote, 77 members voting in the affirmative and 13 members voting in the negative as follows:

YEAS - 77: Representatives Aiken, Ajello, Almeida, Anguilla, Barr, Benson, Brien, S., Brien, T., Carter, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lanzi, Levesque, Lewiss, Lima, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Montanaro, Moran, Moura, Mumford, Munschy, Murphy, W.H., Naughton, Picard, Pisaturo, Reilly, Rose, San Bento, Schadone, Scott, Shanley, Shavers, Sherlock, Simonian, Slater, Smith, Tejada, Thompson, Trillo, Vieira, Voccola, Wasylyk, Williams, Williamson, Winfield.

NAYS - 13: Representatives Abdullah-Odiase, Amaral, Anderson, M., Bierman, Caprio, Carroll, Gorham, Long, Quick, Rabideau, Savage, Story, Watson.

Representative Cicilline requests the journal to reflect that if he had voted on Representative Caprio's amendment to Article 20, he would have voted in the affirmative.

There is no objection.

ARTICLE 21

RELATING TO HOSPITAL UNCOMPENSATED CARE

Representative Costantino moves passage of the article, seconded by Representatives Fox, George, Benson and Sherlock.

By unanimous consent, Representative Costantino, seconded by Representatives Fox, George, Benson and Sherlock, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 7732) (Substitute "A")

Mr. Speaker:

I hereby move to amend (02-H 7732) (Substitute "A") entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2003," as follows:

By deleting Article 21, in its entirety appearing on pages 1 and 2, inclusive, and inserting in place thereof the following:

"ARTICLE 21

RELATING TO HOSPITAL UNCOMPENSATED CARE

SECTION 1. Sections 40-8.3-2 and 40-8.3-3 of the General Laws in Chapter 40-8.3 entitled "Uncompensated Care" are hereby amended to read as follows:

40-8.3-2. DEFINITIONS. - As used in this chapter:

(1) "Base year" means for the purpose of calculating a disproportionate share payment for any fiscal year ending after September 30, 2000, the period from October 1, 1998 through September 30, 1999.

(2) "Medical assistance inpatient utilization rate for a hospital" means a fraction (expressed as a percentage) the numerator of which is the hospital's number of inpatient days during the base year attributable to patients who were eligible for medical assistance during the base year and the denominator

of which is the total number of the hospital's inpatient days in the base year.

(3) "Participating hospital" means any nongovernment and nonpsychiatric hospital that: (i) was licensed as a hospital in accordance with chapter 17 of title 23 during the base year, (ii) achieved a medical assistance inpatient utilization rate of at least one percent (1%) during the base year, and (iii) continues to be licensed as a hospital in accordance with chapter 17 of title 23 during the payment year.

(4) "Uncompensated care costs" means, as to any hospital, the sum of (i) the cost incurred by such hospital during the base year for inpatient or outpatient services attributable to charity care (free care and bad debts) for which the patient has no health insurance or other third-party coverage less payments, if any, received directly from such patients and (ii) the cost incurred by such hospital during the base year for inpatient or out-patient services attributable to medicaid beneficiaries less any medicaid reimbursement received therefor; multiplied by the uncompensated care index.

(5) "Uncompensated care index" means the annual percentage increase for hospitals established pursuant to section 27-19-14 for each year after the base year, up to and including the payment year, provided, however, that the uncompensated care index for the payment year ending September 30, 2001 shall be deemed to be four and seventy-five hundredths percent (4.75%), and that the uncompensated care index for the payment year ending September 30, 2002 shall be deemed to be four and nine tenths percent (4.90%). , and that the uncompensated care index for the payment year ending September 30, 2003 shall be deemed to be five and twenty-five hundredths percent (5.25%).

40-8.3-3. IMPLEMENTATION. - (a) For the fiscal year commencing on October 1, 2000 and ending September 30, 2001, each participating hospital shall be paid by the department of human services on or before April 2, 2001, an annual disproportionate share payment equal to the lesser of (1) the hospital's uncompensated care costs adjusted by the uncompensated care index or (2) a percentage equal to a minimum of five and seventy-five hundredths percent (5.75%) of the dollar amount of the difference between (i) all chargeable services in the hospital's base year and (ii) the sum of charity care charges, bad debt expenses, and contractual allowances in the hospital's base year; provided, however, that the disproportionate share payments are expressly conditioned upon approval on or before April 2, 2001 by the Secretary of the U.S. Department of Health and Human Services, or his or her authorized representative, of all Medicaid state plan amendments necessary to secure for the state the benefit of federal financial participation in federal fiscal year 2001 for the disproportionate share payments.

(b) For the fiscal year commencing on October 1, 2001 2002 and ending September 30, 2002 2003, each participating hospital shall be paid by the department of human services on or before October 30, 2001 2002, a disproportionate share payment equal to the lesser of (1) the hospital's uncompensated care costs adjusted by the uncompensated care index; or (2) a percentage equal to six and seventy-five hundredths percent (6.05%) (6.75%) of the dollar amount of the difference between (i) all chargeable services in the hospital's base year and (ii) the sum of charity care charges, bad debt expenses, and contractual allowances in the hospital's base year; provided, however, that the disproportionate share payments are expressly conditioned upon approval on or before October 30, 2001 2002 by the Secretary of the U.S. Department of Health and Human Services, or his or her authorized representative, of all Medicaid state plan amendments necessary to secure for the state the benefit of federal financial participation in federal fiscal year 2002 2003 for the disproportionate share payments."

Respectfully submitted,

STEVEN M. COSTANTINO
Representative, District 14

Representatives Montanaro, Costantino, Caprio and Abdullah-Odiase discuss the amendment.

The motion to amend is read and prevails on a roll call vote, 86 members voting in the affirmative and 4 members voting in the negative as follows:

YEAS - 86: Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Amaral, Anderson, M., Anguilla, Barr, Benson, Brien, S., Brien, T., Callahan, Caprio, Carroll, Carter, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Guthrie, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lanzi, Levesque, Lewiss, Lima, Long, Lowe, Maher, Malik, Martineau, McNamara, Menard, Moran, Moura, Mumford, Munschy, Murphy, W.H., Naughton, Picard, Pires, Pisaturo, Quick, Reilly, Rose, San Bento, Savage, Schadone, Scott, Shanley, Shavers, Sherlock, Simonian, Slater, Smith, Story, Sullivan, Tejada, Thompson, Trillo, Vieira, Voccola, Wasylyk, Williams, Williamson, Winfield.

NAYS - 4: Representatives Bierman, Gorham, Montanaro, Watson.

The article is read and prevails, as amended, on a roll call vote, 84 members voting in the affirmative and 2 members voting in the negative as follows:

YEAS - 84: Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Amaral, Anderson, M., Anguilla, Barr, Benson, Bierman, Brien, S., Brien, T., Callahan, Caprio, Carroll, Carter, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, DeSimone, Faria, Flaherty, Fleury, Fox, Gallison, George, Giannini, Ginaitt, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Knickle, Lally, Lanzi, Levesque, Lewiss, Lima, Long, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Moran, Moura, Mumford, Munschy, Naughton, Picard, Pires, Pisaturo, Quick, Rabideau, Reilly, Rose, Savage, Schadone, Scott, Shavers, Sherlock, Simonian, Slater, Smith, Story, Sullivan, Tejada, Thompson, Trillo, Vieira, Voccola, Wasylyk, Williams, Williamson, Winfield.

NAYS - 2: Representatives Gorham, Watson.

ARTICLE 22

RELATING TO CHILD CARE - STATE SUBSIDIES

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

The article is read and prevails, on a roll call vote, 88 members voting in the affirmative and 3 members voting in the negative as follows:

YEAS - 88: Representatives Abdullah-Odiase, Aiken, Almeida, Amaral, Anderson, M., Anguilla, Barr,

Benson, Bierman, Brien, S., Brien, T., Callahan, Caprio, Carroll, Carter, Cerra, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Gorham, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lanzi, Lewiss, Lima, Long, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Montanaro, Moran, Moura, Mumford, Munschy, Murphy, W.H., Naughton, Palangio, Picard, Pires, Pisaturo, Quick, Rabideau, Reilly, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Simonian, Slater, Smith, Story, Sullivan, Tejada, Thompson, Trillo, Vieira, Voccola, Watson, Williams, Williamson, Winfield.

NAYS - 3: Representatives Ajello, Cicilline, Levesque.

ARTICLE 23

RELATING TO CHILD CARE ELIGIBILITY

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

The article is read and prevails, on a roll call vote, 86 members voting in the affirmative and 3 members voting in the negative as follows:

YEAS - 86: Representatives Abdullah-Odiase, Aiken, Almeida, Amaral, Anderson, M., Anguilla, Barr, Benson, Bierman, Brien, S., Brien, T., Callahan, Caprio, Carroll, Carter, Cerra, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Flaherty, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Gorham, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lanzi, Lewiss, Lima, Long, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Montanaro, Moran, Moura, Mumford, Munschy, Murphy, W.H., Naughton, Palangio, Picard, Pires, Quick, Rabideau, Reilly, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Simonian, Slater, Smith, Story, Sullivan, Thompson, Trillo, Vieira, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 3: Representatives Ajello, Levesque, Tejada.

ARTICLE 24

RELATING TO MEDICAL ASSISTANCE AND HUMAN SERVICES

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

Representatives Moura and Fleury discuss the article.

By unanimous consent, Representative Costantino, seconded by Representative Fox, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 7732) (Substitute "A")

Mr. Speaker:

I hereby move to amend (02-H 7732) (Substitute "A") entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2003," as follows:

- (1)** In Article 24, page 1, line 6, by inserting the words "as described by section 40-8-24," following the word "waiver".
- (2)** In Article 24, page 3, line 13, by inserting the words "and home-based services" following the words "day care services".
- (3)** In Article 24, page 3, line 15, by inserting the words "and/or home-based services," following the word "services".
- (4)** In Article 24, page 3, line 21, by inserting the words "and home-based services" following the word "care".

Respectfully submitted,

STEVEN M. COSTANTINO
Representative, District 14

The motion to amend is read and prevails on a roll call vote, 90 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 90: Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Amaral, Anderson, M., Anguilla, Barr, Benson, Bierman, Brien, S., Brien, T., Callahan, Caprio, Carroll, Carter, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Gorham, Guthrie, Henseler, Hogan, Iwuc, Kennedy, Kilmartin, Knickle, Lally, Lanzi, Levesque, Lewiss, Lima, Long, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Montanaro, Moran, Moura, Mumford, Munschy, Murphy, W.H., Naughton, Palangio, Picard, Pires, Pisaturo, Quick, Rabideau, Reilly, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Sherlock, Simonian, Slater, Smith, Story, Sullivan, Tejada, Thompson, Trillo, Vieira, Voccola, Wasylyk, Watson, Williams, Winfield.

NAYS - 0. The article is read and prevails, as amended, on a roll call vote, 91 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 91: Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Amaral, Anderson, M., Anguilla, Barr, Benson, Bierman, Brien, S., Brien, T., Callahan, Caprio, Carroll, Carter, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Flaherty, Fleury, Fox,

Gallison, Garvey, George, Giannini, Ginaitt, Gorham, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lanzi, Levesque, Lewiss, Lima, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Montanaro, Moran, Moura, Mumford, Munsch, Murphy, W.H., Naughton, Palangio, Picard, Pires, Pisaturo, Quick, Rabideau, Reilly, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Sherlock, Simonian, Slater, Smith, Story, Sullivan, Tejada, Thompson, Trillo, Vieira, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

ARTICLE 25

RELATING TO FAMILY INDEPENDENCE ACT

Representative Costantino moves passage of the article, seconded by Representatives Fox, Carter, George, Malik and W.H. Murphy.

By unanimous consent, Representative Costantino, seconded by Representative Fox, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 7732) (Substitute "A")

Mr. Speaker:

I hereby move to amend (02-H 7732) (Substitute "A") entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2003," as follows:

Article 25, Section 2, shall be deleted and insert in place thereof the following language:

"SECTION 2. Section 40-5.1-45 of the General Laws in Chapter 40-5.1 entitled "Family Independence Act" is hereby repealed.

40-5.1-45. WEATHERIZATION ASSISTANCE. - Subject to general assembly appropriation, in the month of March each year, each family receiving cash assistance under this chapter in that month, shall be given a weatherization assistance payment of one hundred dollars (\$100) per family.

SECTION 3. This article shall take effect upon passage and any rules or regulations necessary or advisable to implement the provisions of this article shall be effective immediately as an emergency rule upon the department's filing thereof with the secretary of state as it is hereby found that the current fiscal crisis in this state has caused an imminent peril to public health, safety and welfare, and the department is hereby exempted from the requirements of subsections 42-35-3(b) and 42-35-4(b)(2) relating to agency findings

of imminent peril to public health, safety and welfare and the filing of statements of the agency's reasons thereof."

Respectfully submitted,

STEVEN M. COSTANTINO

Representative, District 14

Representatives Levesque, Ajello, Abdullah-Odiase, W.H. Murphy, Williams, Moura and Pires discuss the amendment.

The motion to amend is read and prevails on a roll call vote, 51 members voting in the affirmative and 38 members voting in the negative as follows:

YEAS - 51: Representatives Aiken, Amaral, Anderson, M., Anguilla, Benson, Brien, S., Brien, T., Carroll, Carter, Coelho, Coogan, Corvese, Costantino, Faria, Flaherty, Fleury, Fox, Gallison, George, Giannini, Gorham, Guthrie, Henseler, Hogan, Iwuc, Kilmartin, Lally, Lewiss, Long, Lowe, Malik, Martineau, McCauley, McNamara, Menard, Montanaro, Mumford, Munschy, Naughton, Quick, Reilly, Rose, Savage, Schadone, Scott, Sherlock, Simonian, Story, Voccola, Watson, Winfield.

NAYS - 38: Representatives Abdullah-Odiase, Ajello, Almeida, Barr, Bierman, Callahan, Caprio, Cerra, Cicilline, Dennigan, DeSimone, Garvey, Ginaitt, Jacquard, Kennedy, Knickle, Lanzi, Levesque, Lima, Maher, Moran, Moura, Murphy, W.H., Picard, Pires, Pisaturo, Rabideau, San Bento, Shanley, Shavers, Slater, Smith, Sullivan, Tejada, Thompson, Vieira, Wasylyk, Williams.

The article is read and prevails, as amended, on a roll call vote, 83 members voting in the affirmative and 9 members voting in the negative as follows:

YEAS - 83: Representatives Aiken, Almeida, Amaral, Anderson, M., Anguilla, Barr, Benson, Brien, S., Brien, T., Callahan, Caprio, Carroll, Carter, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Gorham, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lanzi, Levesque, Lewiss, Lima, Long, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Montanaro, Moran, Moura, Mumford, Munschy, Murphy, W.H., Naughton, Picard, Pisaturo, Quick, Rabideau, Reilly, Rose, San Bento, Savage, Schadone, Scott, Shanley, Shavers, Sherlock, Simonian, Slater, Smith, Story, Thompson, Vieira, Voccola, Wasylyk, Watson, Williamson, Winfield.

NAYS - 9: Representatives Abdullah-Odiase, Ajello, Bierman, Cerra, Cicilline, Pires, Sullivan, Tejada, Williams.

ARTICLE 12

RELATING TO OIL SPILL RESPONSE FUND

Representative Malik moves passage of the article, seconded by Representative Ginaitt.

By unanimous consent, Representative Malik, seconded by Representative Levesque, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 7732) (Substitute "A")

Mr. Speaker:

I hereby move to amend (02-H 7732) (Substitute "A") entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2003," as follows:

1. In Article 12, by deleting all of the language on page 1, line 4 through page 2, line 3 and by substituting the following language in place thereof:

"SECTION 1. Section 46-12.7-5.1 of the General Laws in Chapter 46-12.7 entitled "Oil Spill Prevention, Administration and Response Fund" is hereby amended to read as follows:

46-12.7-5.1. PURPOSES OF THE FUND. - The director may use money from the fund to:

- (1)** Provide funds to cover promptly the costs of response, containment, and cleanup of oil spills into marine or estuarine waters, including but not limited to damage assessment costs, and wildlife rehabilitation as defined in this section.
- (2)** Site Provide funds to cover the cost of site evaluation activities. These activities shall include, but not be limited to, site mapping, installation of wells and equipment, collection, monitoring, and analysis of samples of air, soil, and/or water, and evaluation of the impacts of contamination of marine and terrestrial environments, production of the reports, and implementation installation and the maintenance of necessary technology, and equipment for complete remedial action;
- (3)** Provide emergency loans and to cover response and cleanup costs and other damages suffered by the state or other persons or entities from oil spills or threatened oil spills,. which cannot otherwise be compensated by responsible parties or the federal government;
- (4)** To pay for claims for damages, which cannot otherwise be compensated by responsible parties or the federal government, pursuant to section 46-12.7-8.1;
- (5)** Provide emergency loans to affected workers ineligible for unemployment insurance;
- (6)** Pay for structural improvements to vulnerable coastal features;, including the Providence River shipping channel in order to reduce the risk of oil tanker collisions, grounding, and spills;

(7) Pay for habitat restoration, the restoration of natural resources damaged by an oil spill where necessary and appropriate;

(8) Pay for response training and equipment; and

(9) Pay for large-scale personnel drills and exercises.

(10) Pay for research and development activities as outlined in section 46-12.7-13; and

(11) Pay the statutory amount to the RI coastal and estuarine habitat restoration subject to appropriation.

SECTION 2. This Article shall take effect upon passage.

Respectfully submitted,

JAN P. MALIK

Representative, District 89

Representatives Levesque and Rabideau discuss the amendment.

The motion to amend is read and prevails on a roll call vote, 88 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 88: Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Amaral, Anderson, M., Anguilla, Barr, Benson, Brien, S., Brien, T., Callahan, Caprio, Carter, Cerra, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Gorham, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lanzi, Levesque, Lewiss, Lima, Long, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Montanaro, Moran, Moura, Mumford, Munschy, Murphy, W.H., Naughton, Picard, Pires, Pisaturo, Quick, Rabideau, Reilly, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Sherlock, Simonian, Slater, Smith, Story, Sullivan, Tejada, Thompson, Vieira, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

By unanimous consent, Representative Lally, seconded by Representatives Shanley and Garvey, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 7732) (Substitute "A")

Mr. Speaker:

I hereby move to amend (02-H 7732) (Substitute "A") entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2003," as follows:

1. Article 12, page 1, line 26 after the word and punctuation "spills;" by inserting the following language: "and for the purchase of a portable hydraulic dredge for dredging, projects, maintenance and upkeep within South County's rivers, ponds, harbors, and breachways;"

Respectfully submitted,

DONALD J. LALLY, JR.
Representative, District 48

Representatives Ginaitt, Rabideau, Crowley, Pires and Lally discuss the amendment.

The motion to amend is read and fails of passage on a roll call vote, 40 members voting in the affirmative and 43 members voting in the negative as follows:

YEAS - 40: Representatives Ajello, Amaral, Anderson, M., Anguilla, Benson, Bierman, Callahan, Caprio, Carter, Cicilline, Coelho, Dennigan, DeSimone, Garvey, Ginaitt, Gorham, Hogan, Kennedy, Lally, Lewiss, Lima, Long, McCauley, Moura, Murphy, W.H., Pires, Pisaturo, Quick, Rabideau, San Bento, Savage, Scott, Shanley, Smith, Tejada, Thompson, Trillo, Vieira, Wasylyk, Watson.

NAYS - 43: Representatives Abdullah-Odiase, Aiken, Almeida, Barr, Brien, S., Brien, T., Coderre, Coogan, Corvese, Costantino, Crowley, Faria, Fleury, Fox, Gallison, George, Giannini, Guthrie, Iwuc, Jacquard, Kilmartin, Knickle, Lanzi, Levesque, Lowe, Malik, Martineau, McNamara, Menard, Moran, Mumford, Munschy, Naughton, Picard, Reilly, Schadone, Shavers, Sherlock, Slater, Sullivan, Voccola, Williams, Winfield.

The article is read and prevails, as amended, on a roll call vote, 82 members voting in the affirmative and 6 members voting in the negative as follows:

YEAS - 82: Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Amaral, Anguilla, Barr, Benson, Bierman, Brien, S., Brien, T., Callahan, Carter, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lanzi, Levesque, Lewiss, Lima, Long, Lowe, Maher, Malik, Martineau, McCauley, McNamara, Menard, Montanaro, Moran, Moura, Mumford, Munschy, Murphy, W.H., Naughton, Picard, Pisaturo, Rabideau, Reilly, Rose, Savage, Schadone, Scott, Shanley, Shavers, Sherlock, Simonian, Slater, Smith, Sullivan, Tejada, Thompson, Trillo, Vieira, Voccola, Wasylyk, Williams, Williamson, Winfield.

NAYS - 6: Representatives Anderson, M., Caprio, Gorham, Pires, Quick, Watson.

Representative Story requests the journal to reflect that if she had voted on Representative Lally's amendment, she would have voted in the affirmative.

There is no objection.

ARTICLE 28

JOINT RESOLUTION APPROVING FINANCING OF NEW PARKING FACILITIES AND ACCESS CONTROL SYSTEMS AT URI

Representative Carter moves passage of the article, seconded by Representatives Rose, Menard, Giannini and Caprio.

By unanimous consent, Representative Montanaro, seconded by Representatives Bierman, Smith, Amaral and Savage, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 7732) (Substitute "A")

Mr. Speaker:

I hereby move to amend (02-H 7732) (Substitute "A") entitled "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2003," as follows:

In Article 28, page 3, between lines 15 and 16, by adding the following language:

"RESOLVED, That no full-time undergraduate student or graduate student at the university shall be charged for the use of the facility through tuition surcharge, student fee increase or otherwise; and be it further".

Respectfully submitted,

FRANK A. MONTANARO
Representative, District 24

Representatives Caprio, Carter and Montanaro discuss the amendment.

The motion to amend is read and fails of passage on a roll call vote, 37 members voting in the affirmative and 40 members voting in the negative as follows:

YEAS - 37: Representatives Abdullah-Odiase, Ajello, Almeida, Amaral, Anderson, M., Anguilla, Bierman, Callahan, Caprio, Carroll, Coogan, Corvese, DeSimone, George, Knickle, Lanzi, Long, Montanaro, Moran, Moura, Murphy, W.H., Picard, Pires, Pisaturo, Rabideau, Reilly, Savage, Scott, Smith, Story, Sullivan, Tejada, Trillo, Vieira, Voccola, Wasylyk, Williamson.

NAYS - 40: Representatives Aiken, Barr, Benson, Brien, S., Brien, T., Carter, Cicilline, Coderre, Coelho, Costantino, Crowley, Faria, Fleury, Fox, Gallison, Garvey, Gorham, Henseler, Iwuc, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Malik, Martineau, McCauley, McNamara, Menard, Mumford, Munschy, Naughton, Quick, Rose, Schadone, Shavers, Sherlock, Slater, Thompson, Winfield.

The article is read and prevails, on a roll call vote, 69 members voting in the affirmative and 12 members voting in the negative as follows:

YEAS - 69: Representatives Aiken, Almeida, Amaral, Anguilla, Barr, Benson, Brien, S., Brien, T., Callahan, Caprio, Carter, Cicilline, Coderre, Coelho, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Fleury, Fox, Gallison, Garvey, Giannini, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lewiss, Lima, Long, Malik, Martineau, McCauley, McNamara, Menard, Moran, Moura, Mumford, Munschy, Murphy, W.H., Naughton, Picard, Pisaturo, Quick, Rabideau, Reilly, Rose, Savage, Schadone, Scott, Shavers, Slater, Story, Sullivan, Tejada, Thompson, Trillo, Vieira, Voccola, Wasylyk, Williams, Winfield.

NAYS - 12: Representatives Abdullah-Odiase, Anderson, M., Bierman, Carroll, George, Gorham, Lanzi, Montanaro, Pires, Smith, Watson, Williamson.

ARTICLE 30

RELATING TO DEPARTMENT OF ENVIRONMENT

Representative Crowley moves passage of the article, seconded by Representatives Rabideau and Kennedy.

Representatives Gorham and Crowley discuss the article. The article is read and prevails, on a roll call vote, 83 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 83: Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Amaral, Anguilla, Barr, Bierman, Brien, S., Brien, T., Callahan, Caprio, Carroll, Carter, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Gorham, Guthrie, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lanzi, Lewiss, Lima, Long, Malik, McCauley, McNamara, Menard, Montanaro, Moran, Moura, Mumford, Munschy, Murphy, W.H., Picard, Pires, Pisaturo, Quick, Rabideau, Reilly, Rose, San Bento, Savage, Schadone, Scott, Shanley, Shavers, Sherlock, Simonian, Slater, Smith, Story, Sullivan, Tejada, Thompson, Trillo, Vieira, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 1: Representative Anderson, M.

ARTICLE 26

RELATING TO FOOD STAMP PROGRAM

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

Representatives Amaral and Costantino discuss the article.

The article is read and prevails, on a roll call vote, 88 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 88: Representatives Abdullah-Odiase, Aiken, Ajello, Almeida, Amaral, Anderson, M., Anguilla, Barr, Benson, Bierman, Brien, S., Brien, T., Callahan, Caprio, Carroll, Carter, Cicilline, Coderre, Coelho, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Flaherty, Fleury, Fox, Gallison, Garvey, George, Giannini, Ginaitt, Gorham, Guthrie, Henseler, Hogan, Iwuc, Jacquard, Kennedy, Kilmartin, Knickle, Lally, Lanzi, Levesque, Lewiss, Lima, Long, Malik, Martineau, McCauley, McNamara, Menard, Montanaro, Moran, Moura, Mumford, Munschy, Murphy, W.H., Naughton, Picard, Pires, Pisaturo, Quick, Rabideau, Reilly, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Sherlock, Simonian, Slater, Smith, Story, Tejada, Thompson, Trillo, Vieira, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 1: Representative Sullivan.

On suggestion of Majority Leader Martineau, and by unanimous consent, the remainder of the Budget and the Calendar for today is continued to Wednesday, May 29, 2002.

Majority Leader Martineau announces session will reconvene tomorrow at 1:00 o'clock P.M.

Representative Williams discusses starting time.

HOLD ON THE DESK

Representatives Kennedy and Rabideau request to hold (02-H 7786) (Substitute "A") on the desk.

There is no objection.

ADJOURNMENT

At 10:42 o'clock P.M. on motion of Representative Carter, and as a further mark of respect to the memory of John Novak; on motion of Representative Giannini, and as a further mark of respect to the memory of Sister Barbara McMichael; on motion of Representative Barr, and as a further mark of respect to the memory of Susan McCabe Esposito; seconded by Representatives Martineau and Watson, the House adjourns, on a unanimous rising vote.

LINDA McELROY
Recording Clerk

Appendix

INVOCATION

REPRESENTATIVE ARTHUR J. CORVESE

Dear God, as members of this House of Representatives, we bear a heavy responsibility for the welfare of those we serve. Help us, we pray, to discharge that responsibility in the best way for our constituents and for all the people of our state. Amen.

Appendix

CONSENT CALENDAR

In order for Thursday, May 30, 2002:

1. (02-H7951) (Substitute "A") An Act relating to the town of Hopkinton juvenile hearing board.

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

2. (02-H7959) An Act relating to taxation.

Committee on Corporations recommends passage.

3. (02-H8042) An Act authorizing the formation of a regional school district representing the towns of Exeter and West Greenwich.

Committee on Corporations recommends passage.

4. (02-H8105) (Substitute "A") An Act relating to towns and cities - Burrillville - optional retirement for police/firefighters.

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

5. (02-H8109) An Act authorizing the town of South Kingstown to finance the acquisition of land for open

space, recreation and agricultural purposes and to issue not more than \$1,300,000 bonds therefor.

Committee on Corporations recommends passage.

6. (02-H8110) An Act authorizing the town of South Kingstown to finance school facilities capital improvement projects and to issue not more than \$2,000,000 bonds therefor.

Committee on Corporations recommends passage.

7. (02-H8111) An Act authorizing the town of South Kingstown to finance the development and construction of multiuse playfields, bikeways and park facilities on property located off Broad Rock Road and to issue not more than \$925,000 bonds therefor.

Committee on Corporations recommends passage.

8. (02-S2842) An Act relating to towns and cities - redevelopment agencies.

Committee on Corporations recommends passage in concurrence.

Appendix

CONSENT CALENDAR

In order for Friday, May 31, 2002:

1. (02-H8128) An Act authorizing the town of Narragansett to finance the installation, expansion, construction, and improvement of (1) sewers and storm drains primarily located on a portion of assessor's plat Y-3 and serviced or to be serviced by the Scarborough Plant and (2) interceptors, pumping stations and sewage treatment and disposal facilities to service such sewers and storm drains and to impose assessments therefor under Chapter 1278 of the Public Laws of 1928, as amended and to issue not more than \$4,700,000 bonds and notes therefor.

Committee on Corporations recommends passage.

2. (02-H7957) (Substitute "A") An Act relating to businesses and professions - hawkers and peddlers.

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

3. (02-S2547) An Act relating to taxation - property subject to taxation.

Committee on Corporations recommends passage in concurrence.

LOUIS D'ANTUONO

Clerk of the House

Tuesday, May 28, 2002

Appendix

CALENDAR

Special Order of Business in order for Wednesday, May 29, 2002:

1. (02-H7732) (Substitute "A") An Act making appropriations for the support of the state for the fiscal year ending June 30, 2003.

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

Appendix

CALENDAR

In order for Wednesday, May 29, 2002:

1. (02-H7150) An Act relating to labor relations act.

Committee on Labor recommends passage.

2. (02-S2923) An Act relating to solemnization of marriages.

Committee on Judiciary recommends passage in concurrence.

3. (02-S2924) An Act relating to solemnization of marriages.

Committee on Judiciary recommends passage in concurrence.

4. (02-H6789) (Substitute "A") An Act relating to drinking water quality standards for private wells.

Joint Committee on Environment and Energy recommends indefinite postponement of the original bill and passage of Substitute "A".

5. (02-H8173) An Act relating to the Rhode Island Resource Recovery Corporation.

Ordered on the Calendar.

6. (02-H7222) (Substitute "A") An Act relating to education - compulsory attendance.

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

7. (02-H7311) (Substitute "A") Joint Resolution creating a special legislative commission to develop a strategic plan for Narragansett Bay.

Joint Committee on Environment and Energy recommends indefinite postponement of the original bill and passage of Substitute "A".

8. (02-H7950) (Substitute "A" as amended) An Act relating to cities and towns - zoning.

Joint Committee on Environment and Energy recommends indefinite postponement of the original bill and passage of Substitute "A" as amended.

9. (02-S2754) (Substitute "A") An Act to amend the insurance law to provide for the voluntary restructuring of solvent domestic property and casualty insurers and reinsurers.

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

Appendix

CALENDAR

In order for Thursday, May 30, 2002:

1. (02-H7771) An Act relating to alcoholic beverages - retail licenses.

Ordered on the Calendar.

2. (02-H7063) (Substitute "A") An Act relating to towns and cities - uniform relocation payments.

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

3. (02-H7700) An Act relating to property - mortgages of real property.

Committee on Corporations recommends passage.

4. (02-H7846) An Act relating to elections - elective meetings.

Committee on Corporations recommends passage.

5. (02-H7878) (Substitute "A") An Act relating to taxation - tax sales.

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

6. (02-H7994) An Act relating to cities and towns - telecommunications.

Committee on Corporations recommends passage.

7. (02-S2151) (Substitute "A") An Act relating to drinking water quality standards for private wells.

Ordered on the Calendar.

8. (02-S2542) (Substitute "A" as amended) An Act relating to motor and other vehicles.

Ordered on the Calendar.

9. (02-S2933 as amended) Joint Resolution making an appropriation to pay certain veteran's bonuses.

Ordered on the Calendar.

10. (02-S2934) Joint Resolution making an appropriation to pay certain veterans' bonuses.

Ordered on the Calendar.

11. (02-S3016) Joint Resolution making an appropriation to pay certain claims.

Ordered on the Calendar.

12. (02-S2657) An Act relating to labor and labor relations - division of professional regulation.

Committee on Labor recommends passage in concurrence.

13. (02-S2280) (Substitute "A") An Act relating to corrections department.

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

14. (02-S2005) (Substitute "A" as amended) An Act relating to the homestead estate exemption.

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

15. (02-S2085) (Substitute "A") An Act relating to E-911 uniform emergency telephone system division.

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

16. (02-S2112) An Act relating to insurance - active duty military auto insurance.

Committee on Corporations recommends passage in concurrence.

17. (02-S2227) (Substitute "A" as amended) An Act relating to taxation - property subject to taxation.

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute "A" as amended in concurrence.

18. (02-S2374) (Substitute "A") An Act relating to corporations, associations and partnerships - corporations - general provisions - insurance.

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

19. (02-S2375) An Act relating to financial institutions - licensed activities.

Committee on Corporations recommends passage in concurrence.

20. (02-S2380) An Act relating to motor and other vehicles - motor vehicle emissions inspection program.

Committee on Corporations recommends passage in concurrence.

21. (02-S2456) An Act relating to financial institutions - licensed activities.

Committee on Corporations recommends passage in concurrence.

22. (02-S2490) An Act relating to insurance.

Committee on Corporations recommends passage in concurrence.

23. (02-S2634) An Act relating to retail licenses.

Committee on Corporations recommends passage in concurrence.

24. (02-S2695) (Substitute "A") An Act relating to financial institutions - powers and operations.

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

Substitute "A" in concurrence.

Appendix

CALENDAR

In order for Friday, May 31, 2002:

1. (02-H7765) An Act relating to the Permanent Joint Committee on Naming All New Buildings, Bridges, Edifices and Other State Constructions.

Joint Committee on Naming State Constructions recommends passage.

2. (02-H7927) An Act relating to Joint Committee on Naming All New Buildings, Bridges, Edifices and Other State Constructions.

Joint Committee on Naming State Constructions recommends passage.

3. (02-H8011) An Act naming the State Pier in Newport at Washington Street in the City of Newport the "Louis Jagschitz State Pier".

Joint Committee on Naming State Constructions recommends passage.

4. (02-H8067) An Act relating to the naming of Route 95 in Rhode Island.

Joint Committee on Naming State Constructions recommends passage.

5. (02-H7810) An Act relating to the General Assembly.

Joint Committee on Naming State Constructions recommends passage.

6. (02-H7120) An Act relating to property - Rhode Island Fair Housing Practices Act.

Committee on Judiciary recommends passage.

7. (02-H7883) An Act relating to criminal offenses - weapons.

Committee on Judiciary recommends passage.

8. (02-H8064) An Act relating to courts and civil procedure - procedure generally - levy and sale on execution.

Committee on Judiciary recommends passage.

9. (02-H8147) An Act relating to criminal offenses - disorderly conduct.

Committee on Judiciary recommends passage.

10. (02-H7112) (Substitute "A") An Act relating to fair housing practices act.

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

11. (02-H7121) (Substitute "A") An Act relating to property - homestead exemption.

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

12. (02-S2714) An Act relating to taxation - tax sales.

Committee on Judiciary recommends passage in concurrence.

13. (02-S2383) (Substitute "A") An Act relating to the District Court.

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

Appendix

CALENDAR

In order for Tuesday, June 4, 2002:

1. (02-H7718) An Act relating to labor and labor relations - minimum wages.

Committee on Labor recommends passage.

Appendix

CALENDAR

In order for Wednesday, June 5, 2002:

1. (02-S2164) (Substitute "A") An Act relating to miscellaneous rules.

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

LOUIS D'ANTUONO

Clerk of the House

Tuesday, May 28, 2002

As always, your [comments](#) concerning this page are welcomed and appreciated.

Thank you for stopping by!

