

# VOTING RECORD

YOUR LEGISLATORS' VOTING RECORD ON SMALL BUSINESS ISSUES

**2007–2008 SESSION:** Roll call votes by state legislators on those issues where NFIB had an official position, and where a Key Vote card was used to alert lawmakers that the issue was important to small business, are listed below. The *Voting Record* is only one measure of a legislator's performance. A vote tally does not indicate which legislators represented small business interests in committees or behind the scenes. However, the record does indicate their positions when asked to vote on key issues on the floor of the House or the Senate. Please take the time to thank those legislators who supported legislation important to small business.

## 2007 BILLS

**1.** H.5370 SubA, An Act Relating to Commercial Law—General Regulatory Provisions—Deceptive Trade: Proposed to add one more layer to the litigation process, allow for class action lawsuits at the district court level, allow for relief even if the plaintiff has not suffered any loss of money or property, shift the burden of proof to the defendant in certain cases, and allow for reasonable attorney's fees and costs to the prevailing party. **A "No" vote supports NFIB's position.** This bill passed the House of Representatives and died in the Senate.

**2.** H.5732 as amended and S.493 Sub A, Acts Relating to Property—Labor and Labor Relations—Construction Trust: This legislation was passed to assist businesses such as lumber dealers, hardware store owners and

subcontractors by working in tandem with the federal bankruptcy reform laws. Included in the changes to the federal bankruptcy reforms was language making debt owed to building material suppliers non-dischargeable when a contractor misappropriates money intended for payment for materials. The new law creates an "express trust" each time a contractor purchases material for a project. The "express trust" creates a fiduciary relationship between the contractor and supplier. Separate bank accounts for each project are not required. If the contractor misappropriates funds, refuses to pay the supplier or files for bankruptcy protection, then the "express trust" has been violated. Under those specific circumstances, the federal law makes debt owed to the building material supplier non-dischargeable. **A "Yes" vote supports NFIB's position.** Both bills passed and were signed into law.

**3.** H.5912 SubA and S. 595 SubA, Acts Relating to Insurance—Health Insurance—Copayments: These bills would have established a process requiring health insurance carriers to reimburse hospitals for unrelated bad debt for covered health-related services provided to their policyholders. More important to employers, the legislation prohibited the sale of high deductible health plans to employer groups unless the employer certifies that all employees have also established health savings accounts or other similar accounts for the purpose of funding any health plan deductible obligation. **A "No" vote supports NFIB's position.** Both bills passed the General Assembly but were vetoed by Gov. Carcieri.

**4.** H.6054, An Act Relating to Insurance—Small Employer Health Insurance: This legislation was passed to sharply reduce the traditional cost of health insurance by requiring that basic services be covered, but eliminating most of the costly health insurance mandates. The plans are only available to businesses that have 50 or fewer employees and that did not offer health insurance to employees within the preceding 12 months. **A "Yes" vote supports NFIB's position.**

**5.** H.6137 SubA, an Act Relating to Labor and Labor Relations and S.448 SubB, An Act Relating to Insurance—Establishing a Health Insurance Tax: These pieces of legislation were enacted and would require each employer with more

than 25 employees to adopt and maintain a cafeteria plan that satisfies the Internal Revenue Code 26USC Sec. 125. The employer would not be required to pay for or otherwise contribute to the cost of any health insurance purchased through a cafeteria plan. This bill would permit employees to pay for certain benefits on a pre-tax basis. A Section 125 Cafeteria Plan must include a written plan document. **A “Yes” vote supports NFIB’s position.**

## 2008 BILLS

**6.** H.7204, An Act Making Revised Appropriations for the Support of the State for Fiscal Year Ending June 30, 2008: The state of Rhode Island reeled from a downturn in the economy and generous social programs. The deficit was tagged at approximately \$150 million when legislators took up the supplemental budget bill. **A “Yes” vote supports NFIB’s position.** Passage of this responsible Supplemental Budget (fiscal year 2007–2008) did not include major tax increases. Both Gov. Carcieri and the General Assembly must be commended for this, as they refused to succumb to pressure applied by the unions, especially the teacher unions, and social activists who believe that higher taxes are the solutions to the state’s fiscal woes. The supplemental budget was signed by the governor.

**7.** H.7390 SubA as Amended, an Act Making Appropriations for the Support of the State for Fiscal Year Ending June 30, 2009: Rhode Island faced a deficit of more than \$400 million in Fiscal Year 2008–2009. The passage of the Supplemental Budget (H.7204) helped to close the gap, but a large deficit still remained. Pressure was strong to raise taxes and refrain from cutting programs. **A “Yes” vote supports NFIB’s position.** The governor and the General Assembly chose not to increase taxes, and did cut programs.

**8.** H.7907, S.3099 A Joint Resolution Creating a Special Joint Commission to Study the Underground Economy and Employee Misclassification:

The legislation, in its original form, would have created a new definition of “employee” to include those who are considered independent contractors under IRS regulations. Under the original language, an employer could not hire an independent contractor if that contractor performed work similar in nature to the employer’s normal course of business. The contractor would have to be considered an employee—subject to withholding, unemployment compensation taxes, workers’ compensation insurance and other employment costs. The language also included a penalty of up to \$5,000 for misclassification. **A “No” vote on H.7907 supports NFIB’s position.** The bill was passed by the House in an amended form that still banned employers from hiring independent contractors if the contractor performed work already in the employer’s ordinary course of business. The Senate rightfully amended the legislation to create a study commission to examine the impact of the underground economy and employee misclassification. **A “Yes” vote on S.3099 supports NFIB’s position.** The House then did not pass H.7907 SubB, but did pass Senate Resolution 3099. S.3099 went into effect without the governor’s signature.

**9.** H.7931, S.2555, Acts Relating to Labor and Labor Relations—Apprentices: These bills grant the equivalent of one year’s credit for classroom apprenticeship training to graduates of the state’s career and technical high schools. The curriculum taught in the technical schools is the same as the apprenticeship curriculum used by the apprenticeship training schools. This curriculum is also approved by the RI State Apprenticeship Council. Prior to the passage of this act, students who finished the technical school program were forced to go back to the beginning and repeat the same program material, which, in fact, encouraged them to begin their apprenticeship in neighboring Massachusetts. (That state already gives credit to apprentices for completion of a vocational school training program.) The new law does not give credit for required on-the-job

training, only for a year’s worth of the classroom curriculum. **A “Yes” vote supports NFIB’s position.** Both bills went into effect without the governor’s signature.

**10.** S.2059 SubA as amended, An Act Relating to Labor and Labor Relations—Minimum Wages: This legislation would have increased the minimum wage annually, using the consumer price index up to a maximum of three percent. Rhode Island’s current minimum wage is \$7.40 per hour. **A “No” vote supports NFIB’s position.** The legislation passed the Senate, but died in the House.

**11.** S.2728, An Act Relating to State Affairs and Government: This act seeks to restrict the broad authority given to state agencies and municipal governments after the *Kelo* decision of the U.S. Supreme Court. The new law defines “economic development” and restricts eminent domain powers for economic development projects to those that place the land in public hands or where the land is to be used for transportation or utility projects, or remediate a public harm. While the language of public harm still remains broad, this new law provides some protection to property owners—residential and business. The law also provides that owners of property that is taken must be compensated at a minimum of 150 percent of the fair market value of the real property, plus expenses incidental to transfer of ownership to the acquiring entity and any relocation expenses, and reasonable and necessary moving and reestablishment expenses. **A “Yes” vote supports NFIB’s position.** The new law went into effect without the governor’s signature.

### Voting Key

Y	=	Vote in support of proposed legislation
N	=	Vote in opposition of proposed legislation
	=	Not voting
N/A	=	Fewer than five recorded votes
%	=	Percentage of votes favorable to NFIB position

YOUR LEGISLATORS' VOTING RECORD ON SMALL BUSINESS ISSUES

RHODE ISLAND HOUSE

ISSUE NUMBER 1 2 3 4 5 6 7 8 9 11 %  
 NFIB POSITION N Y N Y Y Y Y N Y Y 100%

Ajello, Edith H.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	70%
Almeida, Joseph S.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	70%
Amaral, Joseph N.	Y	Y	Y	Y		N	Y	N	Y		63%
Baldelli-Hunt, Lisa	Y	Y	Y		Y	Y	Y	N	Y	Y	78%
Brien, Jon D.			Y	Y	Y	Y	Y		Y	Y	86%
Caprio, David A.	Y	Y		Y	Y	Y	Y	Y	Y	Y	78%
Carter, Kenneth	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	70%
Church, Raymond C.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	70%
Coaty, Steven John						Y	Y	N	Y		N/A
Coderre, Elaine A.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	70%
Corvese, Arthur J.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	70%
Costantino, Steven M.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	70%
Dennigan, Elizabeth M.	Y					Y	Y	Y	Y	Y	83%
DeSimone, John J.	Y	Y		Y	Y	Y		Y			67%
Diaz, Grace	Y		Y		Y	Y	Y		Y		67%
Ehrhardt, Laurence W.	Y	Y	Y	Y	Y	Y	Y	N		Y	78%
Fellella, Deborah A.	Y	Y	Y	Y		N	Y		Y		57%
Ferri, Frank			Y			Y	Y	Y	Y	Y	67%
Flaherty, Robert E.				Y	Y	N			Y		N/A
Fox, Gordon D.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	70%
Gablinske, Douglas W.	Y	Y	Y	Y	Y	Y	Y	N	Y	N	70%
Gallison Jr., Raymond E.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	70%
Gemma, Al	Y	Y	Y	Y	Y	Y	Y		Y	Y	78%
Giannini, Joanne M.	Y	Y	Y	Y	Y	Y	Y		Y		75%
Gorham, Nicholas			Y		Y	Y	Y	N	Y	Y	86%
Handy, Arthur	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	70%
Jackson, J. Russell	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	67%
Jacquard, Robert B.	Y	Y		Y		Y	Y		Y		83%
Kennedy, Brian Patrick	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	70%
Kilmartin, Peter F.	Y	Y	Y	Y	Y	Y	Y		Y		75%
Lally Jr., Donald J.	Y	Y	Y	Y	Y		Y	Y	Y		63%
Lewis, Peter L.			Y	Y	Y	Y	Y	Y	Y	Y	75%
Lima, Charlene M.	Y	Y	Y		Y	Y	Y	Y	Y		63%
Long, Bruce J.	Y	Y	Y	Y		N	Y	N	Y	Y	67%
Loughlin II, John J.	Y		Y	Y	Y	N	Y	N	Y		63%
Malik, Jan P.	Y	Y	Y		Y		Y	Y	Y		57%
Mattiello, Nicholas Anthony	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	70%

RHODE ISLAND HOUSE

ISSUE NUMBER 1 2 3 4 5 6 7 8 9 11 %  
 NFIB POSITION N Y N Y Y Y Y Y N Y Y 100%

McCauley Jr., John J.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	70%
McManus, William J.	Y	Y	Y	Y	Y	Y	Y	N	Y		78%
McNamara, Joseph M.	Y	Y	Y		Y	Y	Y	Y	Y	Y	67%
Melo, Helio	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	70%
Menard, Rene R.		Y		Y	Y	N	Y		Y		83%
Moffitt, Victor G.	Y	Y	Y	Y		Y	Y	Y	Y		63%
Mumford, Carol A.	Y	Y	Y	Y	Y	Y	Y	N	Y		78%
Murphy, William J.			Y	Y	Y	Y	Y		Y	Y	86%
Naughton, Eileen S.	Y	Y	Y		Y		Y	Y	Y	Y	63%
O'Neill, J. Patrick	Y	Y		Y		Y	Y	Y	Y		71%
Pacheco, Edwin R.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	70%
Palumbo, Peter G.				Y		N					N/A
Petrarca, Peter John	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	67%
Rice, Amy G.				Y		Y	Y	Y	Y	Y	80%
Rose, Henry C.		Y	Y	Y	Y	Y	Y	Y	Y	Y	75%
SanBento, Jr., William				Y		Y	Y				N/A
Savage, John A.	Y	Y		Y	Y	Y	Y	N	Y		88%
Schadone, Gregory J.	Y	Y	Y	Y	Y	Y			Y		71%
Scott, Joseph H.				Y		Y	Y		Y		N/A
Segal, David A.	Y		Y	Y	Y	Y	Y	Y	Y	Y	67%
Serpa, Patricia A.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	70%
Shanley Jr., John Patrick	Y	Y	Y	Y		Y	Y		Y		71%
Silva, Agostinho F.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	70%
Singleton, Richard W.	Y	Y	Y		Y	Y	Y				67%
Slater, Thomas C.			Y	Y	Y	Y	Y	Y	Y	Y	75%
Smith, Steven F.						N	Y	Y			N/A
Story, Susan A.	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	80%
Sullivan, Jr., Raymond J.	Y	Y		Y	Y	N	Y		Y	Y	75%
Trillo, Joseph A.			Y	Y	Y	Y	Y	N	Y		86%
Ucci, Stephen R.	Y	Y	Y	Y	Y	N	Y		Y	Y	67%
Vaudreuil, Kenneth A.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	70%
Walsh, Donna M.	Y	Y	Y	Y	Y	Y	Y	Y			63%
Wasylyk, Peter N.						N	Y		Y		N/A
Watson, Robert A.			Y		Y	Y	Y	N	Y	Y	86%
Williams, Anastasia P.	Y	Y		Y	Y	Y	Y	Y	Y	Y	78%
Williamson, Timothy A.	Y	Y		Y	Y	Y	Y	Y	Y	Y	78%
Winfield, Thomas			Y	Y		N	Y	N	Y	Y	71%

## YOUR LEGISLATORS' VOTING RECORD ON SMALL BUSINESS ISSUES

<b>RHODE ISLAND SENATE</b>												
<b>ISSUE NUMBER</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>%</b>	
<b>NFIB POSITION</b>	<b>Y</b>	<b>N</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>N</b>	<b>Y</b>	<b>100%</b>	
Algiere, Dennis L.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	80%	
Alves, Stephen D.	Y	Y	Y	Y	Y	Y	Y	Y		Y	89%	
Bates, David E.	Y	N	Y	Y	Y	Y	Y	Y		Y	100%	
Blais, Leo R.	Y	N	Y	Y		Y	Y	Y		Y	100%	
Breene, Kevin A.	Y	N		Y	Y	Y	Y	Y	Y	Y	89%	
Ciccone, Frank A. III	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	70%	
Connors, Daniel P.	Y	Y		Y	Y	Y	Y	Y	Y	Y	78%	
Cote, Marc A.	Y	N	Y	Y	Y	Y	Y	Y	Y	N	80%	
Da Ponte, Daniel	Y	Y		Y	Y	Y		Y	Y		71%	
Doyle, James E. II	Y	Y	Y	Y	Y	Y		Y	Y	Y	78%	
Felag Jr., Walter S.	Y	Y	Y	Y	Y	Y	Y	Y	Y		78%	
Fogarty, Paul W.	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	90%	
Gallo, Hanna M.	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	70%	
Gibbs, June N.	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	90%	
Goodwin, Maryellen	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	80%	
Issa, Daniel J.	Y		Y	Y	Y	Y	Y	Y	Y	Y	89%	
Jabour, Paul V.	Y	N	Y	Y	N	Y	Y	Y	Y	Y	80%	
Lanzi, Beatrice A.	Y	Y	Y	Y	N	Y	Y			Y	75%	
Lenihan, J. Michael	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	90%	
Levesque, Charles J.			Y		Y	Y	Y	Y	Y		83%	
Maselli, Christopher B.	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	70%	
McBurney, John F. III	Y	Y	Y	Y	Y	Y	Y		Y	Y	78%	
McCaffrey, Michael J.	Y	N	Y	Y	Y	Y	Y		Y	Y	89%	
Metts, Harold M.	Y	Y	Y	Y	N	N	Y	Y	Y	Y	60%	
Miller, Joshua		Y	Y	Y	N	Y	Y	Y	Y	Y	67%	
Montalbano, Joseph A.	Y	Y	Y	Y	Y	Y				Y	86%	
Moura, Paul E.	Y		Y	Y	N	Y	Y	Y		Y	88%	
Paiva Weed, M. Teresa	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	80%	
Perry, Rhoda E.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	80%	
Picard, Roger A.			Y	Y	Y	Y	Y	Y	Y	Y	88%	
Pichardo, Juan M.	Y	Y	Y	Y	N	N	Y	Y	Y		56%	
Raptakis, Leonidas P.		N	Y	Y	Y	Y	Y	Y	Y	Y	89%	
Revens Jr., John C.		Y		Y	Y	Y	Y	Y	Y		71%	
Ruggerio, Dominick J.	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	70%	
Sheehan, James C.	Y	N	Y	Y		Y	Y	Y	Y	Y	89%	
Sosnowski, V. Susan	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	80%	
Tassoni Jr., John J.	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	70%	
Walaska, William A.	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	90%	