



**General Assembly
Freedom Index
2013**

RHODE ISLAND CENTER FOR
FREEDOM & PROSPERITY
SCORECARD SNAPSHOT

June 2013

This index ranks General Assembly members from highest score to lowest score in terms of the RI Center for Freedom & Prosperity's judgment of bills' effects on aspects of freedom. Chamber, district, and party are given, and final scores are based on representatives' and senators' floor votes on select legislation. See below for additional information, including a more-detailed methodology.

1	Chippendale	H40 R	-14.8	39	Crowley	S 16 D	-46.8	77	Keable	H47 D	-72.2
2	O'Neill	S 17 I	-30.9	40	Lombardo	S 25 D	-46.8	78	Naughton	H21 D	-72.2
3	Hodgson	S 35 R	-33.2	41	Pearson	S 19 D	-46.8	79	Handy	H18 D	-72.2
4	Trillo	H24 R	-33.3	42	Satchell	S 9 D	-47.7	80	Craven	H32 D	-72.2
5	Giarrusso	H30 R	-33.3	43	Nunes	H25 D	-48.2	81	Finn	H72 D	-72.2
6	Picard	S 20 D	-33.6	44	Goodwin	S 1 D	-48.2	82	Kazarian	H63 D	-72.2
7	Bates	S 32 R	-34.6	45	Cool Rumsey	S 34 D	-49.1	83	Amore	H65 D	-72.2
8	Kettle	S 21 R	-34.6	46	Goldin	S 3 D	-49.1	84	MacBeth	H52 D	-72.2
9	Cote	S 24 D	-34.6	47	Corvese	H55 D	-54.6	85	Ferri	H22 D	-75.0
10	Algiere	S 38 R	-35.0	48	O'Neill	H59 D	-56.5	86	Fox	H4 D	-75.0
11	Raptakis	S 33 D	-35.9	49	Carnevale	H13 D	-56.5	87	Marcello	H41 D	-75.0
12	Cicccone	S 7 D	-36.4	50	Ucci	H42 D	-59.3	88	Kennedy	H38 D	-75.0
13	Ruggerio	S 4 D	-37.7	51	Bennett	H20 D	-61.1	89	Abney	H73 D	-77.8
14	Metts	S 6 D	-39.1	52	Hull	H6 D	-62.0	90	Ackerman	H45 D	-77.8
15	Miller	S 28 D	-40.0	53	Dickinson	H35 D	-62.0	91	Ajello	H3 D	-77.8
16	Nesselbush	S 15 D	-40.0	54	Costantino	H44 D	-63.0	92	Blazejewski	H2 D	-77.8
17	DiPalma	S 12 D	-40.5	55	Phillips	H51 D	-63.0	93	Canario	H71 D	-77.8
18	Costa	H31 R	-40.7	56	Winfield	H53 D	-64.8	94	Cimini	H7 D	-77.8
19	Newberry	H48 R	-40.7	57	Malik	H67 D	-64.8	95	Coderre	H60 D	-77.8
20	Ottiano	S 11 R	-41.8	58	Tanzi	H34 D	-64.8	96	Diaz	H11 D	-77.8
21	Lombardi	S 26 D	-41.8	59	Lima	H14 D	-64.8	97	Gallison	H69 D	-77.8
22	Walaska	S 30 D	-41.8	60	Fellela	H43 D	-64.8	98	Jacquard	H17 D	-77.8
23	McCaffrey	S 29 D	-41.8	61	Lally	H33 D	-66.7	99	Marshall	H68 D	-77.8
24	Morgan	H26 R	-42.6	62	Palumbo	H16 D	-66.7	100	Martin	H75 D	-77.8
25	Pichardo	S 2 D	-42.7	63	McLaughlin	H57 D	-67.6	101	Mattiello	H15 D	-77.8
26	Gallo	S 27 D	-44.1	64	Walsh	H36 D	-67.6	102	McNamara	H19 D	-77.8
27	DaPonte	S 14 D	-44.1	65	Hearn	H66 D	-69.4	103	Melo	H64 D	-77.8
28	Conley	S 18 D	-44.1	66	Tomasso	H29 D	-69.4	104	Messier	H62 D	-77.8
29	Sheehan	S 36 D	-44.1	67	O'Brien	H54 D	-69.4	105	O'Grady	H46 D	-77.8
30	Paiva-Weed	S 13 D	-44.6	68	Azzinaro	H37 D	-70.4	106	Palangio	H3 D	-77.8
31	San Bento	H58 D	-45.4	69	Lombardi	H8 D	-70.4	107	Serpa	H27 D	-77.8
32	Fogarty	S 23 D	-45.5	70	Almeida	H12 D	-70.4	108	Shekarchi	H23 D	-77.8
33	Doyle	S 8 D	-45.5	71	Johnston	H61 D	-70.4	109	Silva	H56 D	-77.8
34	Felag	S 10 D	-45.5	72	Casey	H50 D	-70.4	110	Slater	H10 D	-77.8
35	Lynch	S 31 D	-45.5	73	Baldelli-Hunt	H49 D	-70.4	111	Valencia	H39 D	-77.8
36	Sosnowski	S 37 D	-45.5	74	Ruggiero	H74 D	-70.4	112	Williams	H9 D	-77.8
37	Jabour	S 5 D	-45.5	75	DeSimone	H5 D	-72.2	113	Edwards	H70 D	-80.6
38	Archambault	S 22 D	-45.5	76	Guthrie	H28 D	-72.2				

Average Scores

General Assembly: -54.7

House: -68.0		Senate: -41.8		
Democrats: -70.9	Republicans: -34.4	Democrats: -43.1	Republicans: -35.8	Independents: -30.9

Categories

Tax & Budget

House				Senate					
Top 10		Bottom 10		Top 10		Bottom 10			
1	Chippendale	45.8	75 DeSimone	-79.2	1	Algieri	15.0	38 DaPonte	-35.0
2	Giarrusso	33.3	74 Winfield	-79.2	2	Hodgson	0.0	37 Miller	-27.5
3	Newberry	33.3	73 Fellela	-79.2	3	Bates	0.0	36 Ciccone	-27.5
4	Trillo	0.0	72 Edwards	-66.7	4	Kettle	0.0	35 Picard	-27.5
5	Costa	-33.3	71 Abney	-66.7	5	Raptakis	0.0	34 Cool Rumsey	-20.0
6	Morgan	-33.3	70 Ackerman	-66.7	6	Ottiano	0.0	33 Goldin	-20.0
7	Corvese	-33.3	69 Ajello	-66.7	7	Nesselbush	-12.5	32 Crowley	-20.0
8	MacBeth	-41.7	68 Blazejewski	-66.7	8	Gallo	-12.5	31 Lombardo	-20.0
9	San Bento	-54.2	67 Canario	-66.7	9	Conley	-12.5	30 Pearson	-20.0
10	Nunes	-54.2	66 Cimini	-66.7	10	Satchell	-12.5	29 Fogarty	-20.0

Regulatory Environment

House				Senate					
Top 10		Bottom 10		Top 10		Bottom 10			
1	Chippendale	-47.1	75 Edwards	-88.2	1	O'Neill	-57.0	38 Pearson	-79.0
2	San Bento	-52.9	74 Abney	-88.2	2	Hodgson	-57.0	37 Cool Rumsey	-76.0
3	Nunes	-57.4	73 Ackerman	-88.2	3	Picard	-58.0	36 Goldin	-76.0
4	Trillo	-64.7	72 Ajello	-88.2	4	Ciccone	-58.0	35 Goodwin	-76.0
5	Costa	-64.7	71 Blazejewski	-88.2	5	Bates	-60.0	34 Satchell	-76.0
6	O'Neill	-66.2	70 Canario	-88.2	6	Kettle	-60.0	33 Crowley	-76.0
7	Bennett	-66.2	69 Cimini	-88.2	7	Cote	-60.0	32 Lombardo	-76.0
8	Morgan	-67.7	68 Coderre	-88.2	8	Raptakis	-60.0	31 Fogarty	-76.0
9	Carnevale	-70.6	67 Diaz	-88.2	9	Miller	-64.0	30 Doyle	-76.0
10	Ucci	-70.6	66 Gallison	-88.2	10	Nesselbush	-67.0	29 Felag	-76.0

Constitutional Government

House				Senate					
Top 10		Bottom 10		Top 10		Bottom 10			
1	Giarrusso	50.0	75 Edwards	-68.8	1	Metts	29.7	38 Cool Rumsey	-27.3
2	Trillo	50.0	74 Abney	-50.0	2	O'Neill	24.3	37 Goldin	-27.3
3	Costa	50.0	73 Ackerman	-50.0	3	Picard	18.9	36 Satchell	-27.3
4	Morgan	50.0	72 Ajello	-50.0	4	DiPalma	18.9	35 Goodwin	-22.7
5	Phillips	50.0	71 Blazejewski	-50.0	5	Cote	6.1	34 Lynch	-22.7
6	Fellela	37.5	70 Canario	-50.0	6	Ciccone	6.1	33 Gallo	-22.7
7	Chippendale	31.3	69 Cimini	-50.0	7	Ruggerio	-2.0	32 Lombardo	-15.9
8	Corvese	18.8	68 Coderre	-50.0	8	Lombardi	-4.1	31 Miller	-15.9
9	Dickinson	18.8	67 Diaz	-50.0	9	Walaska	-8.1	30 Pearson	-9.1
10	Walsh	18.8	66 Gallison	-50.0	10	McCaffrey	-8.1	29 Crowley	-9.1

Notes: Insufficient votes were cast in the Education Reform and Public Sector Labor categories for meaningful comparisons. Category ranks were sorted first by percent-of-perfect score for the category and then, for ties, by Freedom Index rank.

The RI Center for Freedom & Prosperity reviewed all legislation submitted this session (as of May 22), scoring each one with regard to its effect on freedom and, particularly, whether it would further contribute to or would begin to alleviate Rhode Island's state of decline. In total, we are tracking 552 bills, with a total weighted score of -286, meaning that if all of the legislation were to pass, the overall effect on the state would be a negative one.

Of the 552 pieces of legislation, the following 55 have received floor votes in either the Senate or the House. The legislators' scores above are based on their votes, with red cells indicating a negative effect and green cells indicating a positive effect. Bills on the same row, we consider to be substantially the same with regard to our understanding of their effect.

Note that this is a preliminary list. Upon the end of the legislative session, the Center will review all of the legislation for the accuracy of the descriptions (with and without amendments). We will also present all bills that receive floor votes to a review panel for final judgment concerning whether each bill is positive, negative, or neutral and what its weighting ought to be.

For vote tallies and bill travel, see RhodeIslandVotes.org.

Senate bill	House bill	Category	Description
19-SubB	5364	Tax & budget	to allow the state government or a public corporation to refund bonds, financing leases, or loan guarantees without the approval of the General Assembly.
29-SubA	5303,5371,5748	Tax & budget	to screen Medicaid, Rite Care, and Rite Share benefit claims and to analyze all transactions looking for fraudulent or incorrect claims.
485	5662	Tax & budget	to increase the fees for Superior Court arbitration between 50% and 70%.
776-SubA	5689-SubA	Tax & budget	to assess a 15% penalty on employment security benefits that have been fraudulently obtained.
809	6030	Tax & budget	to create a Made in Rhode Island Manufacturing Collaborative and a related advisory group, both with staffing funded through the Economic Development Corp., that would come up with ways to brand and promote products made in RI.
820	6103	Tax & budget	to force the taxpayers of Woonsocket to accept a tax increase up to 12.7% on motor vehicles and 4.6% on real estate, up to \$2.5 million, as determined by the state Budget Commission currently operating within the town, with no opportunity to stop the increase by any means in state or local law. The commission could vary the increases for elderly residents.
825	5738	Tax & budget	to lower the work requirements for cash assistance (welfare) from at least thirty-five hours per week for one parent to thirty-five hours per week total for both parents.
833	6134	Tax & budget	to create a Program Integrity Division within the Executive Office of Health and Human Services (EOHHS) charged with addressing fraud and abuse in Medicaid and public assistance.
	5176	Tax & budget	to automatically impose the prior tax levy on Central Coventry fire district taxpayers if they do not authorize a new one.
709		Regulatory	to increase the risk assessment and reporting requirements for all insurers above a certain size.
123-SubA		Regulatory	to expand the duties and activities of the state Energy Efficiency and Resources Management Council and the state Renewable Energy Coordinating Board. The appointed members would more actively investigate energy activity in the state and advocate for renewable energy.
171-SubA		Regulatory	to give regulators the power to force dry cleaners to post prices for their services.

Senate bill	House bill	Category	Description
177	5426	Regulatory	to forbid landlords from refusing to rent, or even discouraging people from seeking to rent, on the grounds that the potential tenants' pets are not "declawed or devocalized." The bill provides for a fine up to \$1,000, a period of probation during which the offender cannot own any pets or live on the same property as a pet owner, and forced "humane education."
199	5154	Regulatory	to force retailers of tobacco to post signage about the minimum age in Spanish, as well as English, and to add a sign in both languages concerning the health risks of the products.
201-SubA	5243	Regulatory	to forbid health insurance providers from considering gender when setting premium rates.
256-SubAaa	5079	Regulatory	to make it unlawful for any employer to pay less than \$8.00 per hour beginning January 1, 2014, increased from \$7.75.
279	5204-aa	Regulatory	to force all licensed "healthcare organizations" to put in place systems for "identifying patients or residents who could benefit from palliative care." This legislation would also create a new advisory board for palliative care within the Department of Health.
303-SubA		Regulatory	to ban "discretionary authority" clauses in health-related insurance contracts.
309		Regulatory	to exclude wireless providers from the jurisdictions of the Public Utilities Commission and the Division of Public Utilities and Carriers.
318	5376	Regulatory	to force local school districts to provide students with CPR and defibrillator training, without any provision of additional state aid.
495-SubA	5677	Regulatory	to give the Department of Environmental Management the ability to issue citations with penalties up to \$2,500 through an "expedited" process skirting due process. The target of the citation would have no right to appeal the decision until DEM renews it after its 60 day expiration.
538	5400	Regulatory	to add three years to the moratorium on new nursing facility licenses that is scheduled to end on July 1, 2013.
581	6126	Regulatory	to allow up to five nights a week of bingo at senior centers.
615	5155-SubA	Regulatory	to expand the reach of the Department of Human Services so that it can create an assessment of the personal and financial circumstances of people who help to care for their elderly or disabled family and friends.
647-SubA	5756-SubA	Regulatory	to create a state-controlled electronic prescription database storing all information related to electronically distributed medical prescriptions. The legislation also expands the types of prescriptions that may be transmitted electronically.
648-SubAaa	5714	Regulatory	to force all people offering professional massages to become "massage therapists," licensed and tracked by a state board, and to engage in continuing education every year. The legislation would also increase the fine for violation from \$1,000 to \$5,000, for owners.
666-SubA		Regulatory	to limit the ability of stop-loss insurance companies and their clients to agree to the size of liabilities that will be covered. This legislation would also limit the ability of insurers and their clients to agree to language concerning the terms and standards of review in their contracts.

Senate bill	House bill	Category	Description
682	5207	Regulatory	to create a committee of senators and representatives to review statutes (called the Joint Committee of the Repealer), regulations, and executive orders, with an eye toward repealing those that aren't "business friendly" or are outdated.
719-SubA	5839-SubA	Regulatory	to impose special treatment of victims of domestic abuse in cases involving property or casualty insurance claims.
753	5725-aa	Regulatory	to restrict the interactions that the people of Rhode Island can have with physicians licensed in other states.
834-SubA		Regulatory	to create a joint legislative commission charged with investigating ways to use government policy to force the merger of primary and behavioral health care in the state.
899		Regulatory	to ask the Dept. of Environmental Management to make its regulations more stringent by not automatically granting stays of notices of violation while individuals and businesses pursue pollution-related remedies.
950	6062-SubA	Regulatory	to expand the types of workplaces in which teenagers over 14 can work (with school committee approval) to include factories or mechanical and manufacturing businesses. The legislation would also allow those 16 years or older to participate in "manufacturing or industrial apprenticeship or internship programs."
	5601	Regulatory	to force health insurance companies to give the state insurance commissioner "proprietary and trade secret information that has the potential for harm and competitive disadvantage to the insurer," with fines up to \$365,000 for failing to comply.
	5982	Regulatory	to create a special House commission to investigate the possibility of an Internet system for tracking over-prescribing (I-STOP) that would monitor prescriptions for signs of abuse.
	5445-SubAaa	Regulatory	to force music therapists to become registered with the state, with minimum age and education requirements.
	5604-SubA	Regulatory	to add two members to the state Utilities Commission Ratepayers Advisory Board who will explicitly represent low-income home energy assistance programs (LIHEAPs) and their consumers. The board already includes representatives from disadvantaged and low-income interest groups.
	6010-SubA	Regulatory	to make second violations of payment-of-wages laws felonies punishable with up to 3 years in prison and a fine of \$3,000. Currently, all violations are misdemeanors with maximum penalties of \$400 per violation and up to 90 days in prison.
352	5140	Constitutional government	to make permanent the law that allows police to pull people over for not wearing a seatbelt as a primary offense.
403	5939	Constitutional government	to require the Department of Labor and Training to upgrade its online employment services, with tools to identify the gaps between participating candidates' skills and participating employers' needs.
122	5378	Constitutional government	to further implement separation of powers by removing members of the General Assembly from the Coastal Resource Management Council. Membership rules would also be simplified and changed with the intent of broadening the perspectives and experience on the council.

Senate bill	House bill	Category	Description
12-SubAaa		Constitutional government	to allow public schools to host gender-specific activities (such as father-daughter dances), as long as “reasonably comparable” activities are hosted for the other gender.
284-aa		Constitutional government	to force wireless communications companies to give any “law enforcement agency” call location information for phones or devices on their networks if the agency states a “risk of death or serious physical harm.” The legislation does not define the agencies or establish standards for review and accountability.
288		Constitutional government	to give the Rhode Island Senate “advice and consent” authority over members of the parole board, and to limit those members to three terms of office.
38-SubA	5015	Constitutional government	to redefine marriage to include same-sex couples, with no protections for individuals or organizations who recognize only marriages between a man and a woman, except in extremely narrow religious circumstances.
592	5666	Constitutional government	to increase the maximum imprisonment for driving under the influence of alcohol with a child under 13 years of age in the car from one year to five and to add up to \$5,500 in fines. The legislation would also require the adult’s license to be immediately suspended, even prior to prosecution.
712		Constitutional government	to give unelected members of the Economic Development Corp. and state Division of Planning a mandate to develop “a written long-term economic development vision and policy” for the state. Subsequently, every new governor would grant the power to review the plan to unelected members of a new Economic Development Planning Council.
	5038	Constitutional government	to force candidates, political party groups, and political action committees to report information about the recipients of expenditures above \$100.
	5730	Constitutional government	to limit the amount of corporations’ information that the tax administrator is permitted to share with the Secretary of State.
118-SubA	5252	Public sector labor	to create a state “Teachers’ Advisory Council” populated with teachers from every district appointed by their unions that would provide an additional platform for teachers’ interests in front of the Board of Regents or equivalent committee.
571-SubA		Public sector labor	to force employers participating in the state work-sharing program to continue to offer health insurance to employees as if their hours hadn’t been reduced and to open up the program to government employers.
767-SubA		Public sector labor	to define all government employee evaluations as private personnel documents that cannot be released to the public.
116-SubA		Education	to give school districts the flexibility to extend their school days in order to shorten the number of days in the school year. The legislation also allows districts to exceed the number of total hours that would be required.
511-SubA		Education	to make it possible for students in four-year programs at universities and colleges to transfer credits amounting to up to 80% of the requirements for a two-year associates degree.
576-SubA	5856	Education	to require colleges and universities in the state to evaluate whether a student’s military training qualifies for academic credits, require schools offering two-year associates degrees to accept credits earned at four-year institutions, and give combat veterans opportunity to register early for college courses.

Explanation

The General Assembly Freedom Index by the RI Center for Freedom & Prosperity scores Ocean State lawmakers on their level of support for principles of freedom as proven by their votes on the floors of the House and Senate.

The index examines legislators' votes in terms of their likely effect on the free market, the size and scope of government, the balance of residents' interests against those of public employees and beneficiaries, and the constitutional structure of a divided government with limited power over the people whom it represents. The Center reviewed every bill submitted in either chamber and collected votes tallies for those that received roll-call votes on either floor. (Companion bills count once.)

The resulting scores give a detailed sense of each legislator's priorities beyond a few high-profile issues.

The Center further divided the bills into five categories:

- **Tax & budget:** bills that affect the tax structure in Rhode Island and/or that relate to government expenditures, just driving or relieving the pressure on taxation
- **Regulatory environment:** bills that make it more or less difficult to live and do business in the state by imposing regulations
- **Constitutional government:** bills that affect the structure of the government, as well as the scope of government in its authority over residents' lives
- **Public sector labor:** bills related to the relationship between the government's employees and itself and the electorate
- **Education reform:** bills that advance or impede the reform of the state's public education system, in terms of both cost and quality

Most legislation has implications for more than one of these categories. For the purposes of this index, we applied our subjective sense of the area of core effect and sorted the bills accordingly. If, for example, a bill having to do with education seemed to us intended to secure the role of public employees, we classified that bill as Public Sector Labor, not Education Reform.

Methodology

1) Determine weighting: Each bill received a weight ranging from +3 to -3, as determined by the RI Center for Freedom & Prosperity. Negative weights indicate legislation that creates or expands an agency, government program/function, or tax; creates new

regulatory burdens; is hostile to constitutional principles; or otherwise conflicts with the principles that guide the Center. Positive factors were assigned to bills in line with those principles. Companion bills in the House and Senate were weighted identically. The weightings used for this preliminary index will be finalized after the session through reviews of all chosen legislation by a panel of engaged Rhode Islanders with similar principles, and the combined the range of their results will produce final scores for release this summer.

2) Determine vote: Each legislator received a +1 or -1 vote factor, depending on whether he or she voted FOR or AGAINST a particular bill, respectively. If a legislator did not vote on a bill, he or she received a +0.25 if the bill passed or a -0.25 if the bill failed. Legislators who abstained from voting received a +0.75 or a -0.75 vote factor depending on if the bill passed or failed.

3) Calculate weighted vote: Multiplying the weighting factor and the vote factor produced a weighted vote score for each legislator for each bill.

4) Calculate the legislator score: The cumulative score for all bills for each legislator determined that legislator's overall score.

5) Calculate Freedom Index: Dividing each legislator's total score by the maximum possible for the appropriate chamber provided his or her Freedom Index, or a percentage of the best possible score he or she could have achieved. On a preliminary basis for 2013, the "perfect" scores are 27 for the House and 55 for the Senate, meaning that voting for all of the positive bills and against all of the negative bills would produce a "legislator score" of that number and a Freedom Index of 100.

To rank the legislators, the Center sorted them by their Freedom Index scores and then, in the cases of ties, by their scores in each category, in the following order: Regulatory Environment, Tax & Budget, Constitutional Government, Education Reform, and Public Sector Labor. When legislators' results were still identical, the Center adjusted them in order of their apparent stature and power within their chambers.

It should be noted that the complexity not only of the law but of political theory in general can make assessments of the sort described above subjective and very difficult. People reviewing the index should consider the results to be the best judgment of the Center, given our collected experience and expertise.

