

State of Rhode Island and Providence Plantations

JOURNAL
-OF THE-
HOUSE OF REPRESENTATIVES

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

Volume 132, No. 67

Friday, June 24, 2005

Sixty-seventh Day

The House of Representatives meets at the State House in Providence, Friday, June 24, 2005 and is called to order at 4:46 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 66 members present and 9 members absent as follows:

PRESENT - 66: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Voccola, Wasylyk, Watson, Winfield.

ABSENT – 9: Representatives Dennigan, DeSimone, Lally, McHugh, San Bento, Schadone, Ucci, Williams, Williamson.

INVOCATION

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

(For Invocation, see Appendix, this Journal.)

APPROVAL OF RECORD

By unanimous consent, the House Journal of Thursday, June 23, 2005 is approved as printed.

**REPORTS OF COMMITTEES
COMMITTEE ON CORPORATIONS**

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

House Bill No. 6146**BY** Carter

ENTITLED, AN ACT RELATING TO RHODE ISLAND UNIFORM COMMERCIAL DRIVERS' LICENSE ACT (fire fighters with five/more years of driving experience, who have completed a safety course, to be exempt from the commercial motor vehicle road test requirements) {LC2551/1}

06/24/2005 Placed on House Calendar

House Bill No. 6606**BY** Anguilla, Gallison

ENTITLED, AN ACT RELATING TO CITIES AND TOWNS (create a redevelopment agency for the town of Bristol) {LC3503/1}

06/24/2005 Placed on House Calendar

House Bill No. 6602**BY** Amaral, Long, Loughlin, Jackson, Rice

ENTITLED, AN ACT AUTHORIZING AN INCREASE IN THE AMOUNT OF REAL, PERSONAL, AND MIXED PROPERTY WHICH THE NEWPORT COUNTY COMMUNITY MENTAL HEALTH CENTER, INC. SHALL BE

ENTITLED TO TAKE, HOLD, TRANSMIT AND CONVEY, AND GRANTING EXEMPTION FROM ALL TAXATION {LC3465/1}

06/24/2005 Placed on House Calendar

House Bill No. 6587**BY** Malik

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - GENERAL POWERS - TOWN OF WARREN (establish a business registration fee for businesses) {LC3480/1}

06/24/2005 Placed on House Calendar

Senate Bill No. 76 SUB A as amended**BY** Raptakis, Caprio F, Polisena, DaPonte, Blais

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES (provide for training programs for persons serving alcohol, the act would also create penalties for violation of this chapter by licensees and servers) {LC62/5/A}

06/24/2005 Placed on House Calendar

Senate Bill No. 929 SUB A**BY** Bates

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES (golf clubs/Class D license) {LC2711/1/A}

06/24/2005 Placed on House Calendar

Senate Bill No. 1145**BY** Lenihan, Raptakis**ENTITLED**, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE HOME RULE CHARTER OF THE TOWN OF EAST GREENWICH {LC3395/1}

06/24/2005 Placed on House Calendar

Senate Bill No. 1127**BY** Algieri, Breene**ENTITLED**, AN ACT RELATING TO CHARLESTOWN FIRE DISTRICT (alter the terms of Charlestown fire district fire board members) {LC3392/1}

06/24/2005 Placed on House Calendar

Senate Bill No. 1080**BY** Sheehan, Raptakis, Roberts, Lenihan, Sosnowski**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF NARRAGANSETT TO ADOPT A TAX CLASSIFICATION PLAN (new tax classification) {LC3203/1}

06/24/2005 Placed on House Calendar

Senate Bill No. 888**BY** Fogarty P, Polisena, Tassoni, Levesque C, Gallo**ENTITLED**, AN ACT RELATING TO RHODE ISLAND UNIFORM COMMERCIAL DRIVERS' LICENSE ACT (fire fighters be exempt from commercial motor vehicle road test requirements) {LC2570/1}

06/24/2005 Placed on House Calendar

Senate Bill No. 549 (Business Regulation)**BY** Bates**ENTITLED**, AN ACT RELATING TO INSURANCE (transfer the offering of group workers' compensation mandate from workers' compensation insurance) {LC1712/1}

06/24/2005 Placed on House Calendar

Senate Bill No. 335 SUB B (Attorney General)**BY** Levesque C, McCaffrey, Gallo**ENTITLED**, AN ACT RELATING TO PROPERTY - RHODE ISLAND REAL ESTATE TIME-SHARE ACT (clarify a timeshare purchaser's ability to cancel a contract and extend the rescission period to ten (10) days) {LC1282/1/B}

06/24/2005 Placed on House Calendar

Senate Bill No. 327 SUB A (Business Regulation)**BY** Bates, Breene**ENTITLED**, AN ACT RELATING TO INSURANCE -- FIRE INSURANCE POLICIES AND RESERVES (notice to policy holders about flood insurance) {LC1706/1/A}

06/24/2005 Placed on House Calendar

Senate Bill No. 1160 as amended

BY Tassoni, Walaska, Blais

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
HOUSING (technical changes to the Rhode Island housing laws) {LC3473/1}

06/24/2005 Placed on House Calendar

Senate Bill No. 1148

BY Paiva-Weed

ENTITLED, AN ACT RELATING TO PROPERTY TAX RELIEF IN THE TOWN OF
JAMESTOWN {LC3391/1}

06/24/2005 Placed on House Calendar

COMMITTEE ON FINANCE

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

House Bill No. 6209

BY Scott, McHugh

ENTITLED, AN ACT AUTHORIZING THE CHARIHO REGIONAL SCHOOL DISTRICT TO ISSUE GENERAL OBLIGATION BONDS AND/OR NOTES NOT TO EXCEED \$99,824,000 TO FINANCE THE CONSTRUCTION, RENOVATION, IMPROVEMENT, ALTERATION, REPAIR, FURNISHING AND EQUIPPING OF SCHOOLS AND SCHOOL FACILITIES THROUGHOUT THE REGIONAL SCHOOL DISTRICT, SUCH PROJECT TO BE FINANCED IN TWO PHASES, THE SECOND PHASE NOT TO BE FINANCED BEFORE JUNE 1, 2007 AND SUBJECT TO THE CONDITIONS OF THIS ACT AS TO LEVELS OF STATE AID {LC2785/1}

06/24/2005 Placed on House Calendar

House Bill No. 6137 SUB A

BY Corvese

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
GOVERNMENT OVERSIGHT AND FISCAL ACCOUNTABILITY REVIEW ACT
{LC1954/1/A}

06/24/2005 Placed on House Calendar

House Bill No. 5282 SUB A

BY Ginaitt, Anguilla, Gallison, McNamara

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - DENTISTS
AND DENTAL HYGIENISTS (allow hygienist to administer anesthesia) {LC863/1/A}

06/24/2005 Placed on House Calendar

House Bill No. 6003 SUB A**BY** Malik, Williamson, San Bento, Kilmartin, Corvese**ENTITLED**, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- CHECK CASHING (amend certain time limits and dollar amounts/deferred deposits of customer checks)

{LC2216/1/A}

06/24/2005 Placed on House Calendar

House Bill No. 6481**BY** Malik, Story**ENTITLED**, AN ACT RELATING TO NAMING A BUILDING, BRIDGE, EDIFICE AND OTHER STATE CONSTRUCTIONS (Barrington Bridge after Lance Corporal Victor Patrick Andreozzi and Vietnam Veterans) {LC3259/1}

06/24/2005 Placed on House Calendar

House Bill No. 6507**BY** Menard, Moran, Singleton**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF CUMBERLAND TO FINANCE THE CONSTRUCTION OF ADDITIONS, RENOVATIONS, IMPROVEMENTS, ALTERATIONS AND REPAIRS TO THE HIGH SCHOOL IN THE TOWN, THE EQUIPPING AND FURNISHING THEREOF AND THE PURCHASE AND INSTALLATION OF INFORMATION TECHNOLOGY INFRASTRUCTURE IN SCHOOLS AND SCHOOL FACILITIES IN THE TOWN**BY** THE ISSUANCE OF NOT MORE THAN \$30,000,000 BONDS AND/OR NOTES THEREFOR {LC3260/1}

06/24/2005 Placed on House Calendar

House Bill No. 6388**BY** Picard**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- GAMBLING AND LOTTERIES (charitable organizations to award bingo prizes in the form of cash and/or retail merchandise) {LC3060/1}

06/24/2005 Placed on House Calendar

House Bill No. 6519 SUB A**BY** Corvese**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- REFUSE DISPOSAL (exclude regulated medical waste) {LC3342/3/A}

06/24/2005 Placed on House Calendar

Senate Bill No. 872**BY** Breene, Algieri**ENTITLED**, AN ACT AUTHORIZING THE CHARIHO REGIONAL SCHOOL DISTRICT TO ISSUE GENERAL OBLIGATION BONDS AND/OR NOTES NOT TO EXCEED \$99,824,000 TO FINANCE THE CONSTRUCTION, RENOVATION, IMPROVEMENT, ALTERATION, REPAIR, FURNISHING AND EQUIPPING OF SCHOOLS AND SCHOOL FACILITIES THROUGHOUT THE REGIONAL SCHOOL DISTRICT, SUCH PROJECT TO

BE FINANCED IN TWO PHASES, THE SECOND PHASE NOT TO BE FINANCED BEFORE JUNE 1, 2007 AND SUBJECT TO THE CONDITIONS OF THIS ACT AS TO LEVELS OF STATE AID {LC2532/1}
06/24/2005 Placed on House Calendar

Senate Bill No. 265

BY Lanzi, Damiani, Badeau, Ciccone, Ruggerio

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- GOVERNMENT OVERSIGHT AND FISCAL ACCOUNTABILITY REVIEW ACT (increase the reporting requirements of government agencies) {LC822/1}

06/24/2005 Placed on House Calendar

Senate Bill No. 812 SUB A

BY Roberts, Perry, Pichardo

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- DENTISTS AND DENTAL HYGIENISTS (injectable oral local anesthesia) {LC1903/1/A}

06/24/2005 Placed on House Calendar

COMMITTEE ON HEALTH, EDUCATION AND WELFARE

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

House Bill No. 5748 SUB A

BY Story, Crowley, McNamara, Lewiss, Naughton

ENTITLED, AN ACT RELATING TO EDUCATION -- CURRICULUM (curriculum in civics education) {LC2290/1/A}

06/24/2005 Placed on House Calendar

Senate Bill No. 864 SUB A

BY Gallo, Fogarty P, Levesque C, Walaska, Felag

ENTITLED, AN ACT RELATING TO EDUCATION -- CURRICULUM (civics education) {LC2658/1/A}

06/24/2005 Placed on House Calendar

COMMITTEE ON LABOR

Representative Faria, for the Committee on Labor, reports back the following measures, with recommendation of passage:

House Bill No. 6442

BY Moura, McCauley, Smith, Petrarca, Williamson

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- POLICE OFFICERS AND FIRE FIGHTERS (invalidate provisions of any municipal ordinance or home rule charter that imposes residency requirements upon police officers or fire fighters) {LC2883/1}

06/24/2005 Placed on House Calendar

House Bill No. 5858 SUB A**BY** Landroche**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS - WORKERS' COMPENSATION - BENEFITS (state employee receiving workers' compensation for total disability would be entitled to receive health benefits for duration of incapacity) {LC2531/1/A}
06/24/2005 Placed on House Calendar**NEW BUSINESS****House Bill No. 6632****BY** Sullivan, Pacheco, Landroche, Moffitt**ENTITLED**, AN ACT RELATING TO PROPERTY {LC3574/1}
06/24/2005 Introduced, referred to House Corporations**House Bill No. 6633****BY** Singleton, Moran, Menard**ENTITLED**, AN ACT RELATING TO TAXATION -- COLLECTION OF TAXES GENERALLY {LC3552/1}
06/24/2005 Introduced, referred to House Corporations**House Bill No. 6634****BY** Pacheco, Church**ENTITLED**, AN ACT RELATING TO TAXATION -- REAL ESTATE CONVEYANCE TAX {LC3566/1}
06/24/2005 Introduced, referred to House Finance**House Bill No. 6635****BY** Jacquard**ENTITLED**, AN ACT RELATING TO INSURANCE -- CASUALTY INSURANCE RATING {LC3586/1}
06/24/2005 Introduced, referred to House Finance**House Resolution No. 6636****BY** Moffitt, Lima, Watson, Fox, Flaherty**ENTITLED**, HOUSE RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO AMEND THE CONSTITUTION IN LIEU OF THE RECENT SUPREME COURT DECISION ON EMINENT DOMAIN {LC3591/1}

Representative Moffitt requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Moffitt seconded by Representatives Watson, Flaherty, Lima, Fox, Savage, Amaral, and Story, on a roll call vote, 56 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 56: The Honorable Speaker Murphy and Representatives Ajello, Amaral, Anguilla, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Ehrhardt, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McManus, McNamara, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Scott, Singleton, Slater, Smith, Story, Sullivan, Trillo, Voccola, Wasylyk, Winfield.

NAYS - 0.

House Resolution No. 6637

BY Smith, Lima, McCauley, Giannini, Caprio D

ENTITLED, HOUSE RESOLUTION CONGRATULATING CARL ANTHONY CALICCHIA ON HIS RETIREMENT FROM THE CITY OF PROVIDENCE {LC3583/1}

Representative Smith requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Smith seconded by Representatives Lima, Giannini, Costantino, Slater, Diaz, McCauley, Moura, Ajello, and Carter on a roll call vote, 56 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 56: The Honorable Speaker Murphy and Representatives Ajello, Amaral, Anguilla, Brien, Carter, Corvese, Costantino, Davey, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Scott, Singleton, Slater, Smith, Story, Sullivan, Trillo, Wasylyk, Winfield.

NAYS - 0.

House Resolution No. 6638

BY Naughton, Kilmartin

ENTITLED, JOINT RESOLUTION MAKING AN APPROPRIATION TO PAY CERTAIN CLAIMS {LC3564/1}

06/24/2005 Introduced, referred to House Finance

House Bill No. 6639

BY Jackson

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC3599/1}

Representative Jackson requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Jackson seconded by Representatives Gorham, and Fox on a roll call vote, 45 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 45: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Caprio, Carter, Church, Costantino, Crowley, Davey, Ehrhardt, Faria, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lewiss, Lima, Loughlin, McManus, McNamara, Melo, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Savage, Singleton, Slater, Smith, Story, Sullivan, Trillo, Winfield.

NAYS - 0.

TRANSMITTAL

By unanimous consent, all matters on the Clerk's desk are ordered to be transmitted to the Honorable Senate, forthwith.

COMMUNICATION

The Honorable Speaker announces the receipt of the following communication:

June 24, 2005

Honorable William J. Murphy
Speaker of the House of Representatives
State House, Room 323
Providence, RI 02903

Dear Speaker Murphy:

Please be advised that I will not be attending session on Friday, June 24th, 2005, due to a personal emergency. Kindly have this documented on the House Journal.

Sincerely,

Anastasia P. Williams
Representative, District 9

Received and placed on file.

COMMUNICATION FROM THE SENATE

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

Senate Bill No. 376**BY** Goodwin**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES (farmer winery license) {LC1459/1}

06/24/2005 House held on desk

Senate Bill No. 1163**BY** Paiva-Weed**ENTITLED**, AN ACT RELATING TO THE TOWN OF JAMESTOWN (exempt from taxation any real property owned and occupied by resident of the town of Jamestown and who is determined to be totally disabled) {LC3486/1}

06/24/2005 Placed on House Calendar

Senate Bill No. 1162 as amended**BY** Sosnowski, Ruggerio, Montalbano J, Walaska, Tassoni**ENTITLED**, AN ACT RELATING TO MERCURY REDUCTION AND EDUCATION (extend the implementation dates for several provisions of the Mercury Reduction and Education Act) {LC3471/1}

06/24/2005 Placed on House Calendar

Senate Resolution No. 1166**BY** Connors, Pichardo, DaPonte, Lanzi, Sosnowski**ENTITLED**, JOINT RESOLUTION REINSTATING THE LIFE AND EXTENDING THE REPORTING DATE OF THE SPECIAL LEGISLATIVE COMMISSION TO STUDY TRANSIT SERVICE IN THE STATE OF RHODE ISLAND {LC3491/1}

06/24/2005 Placed on House Calendar

Senate Resolution No. 1187**BY** Pichardo, Ciccone**ENTITLED**, JOINT RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL LEGISLATIVE COMMISSION TO STUDY PREDATORY MORTGAGE LENDING PRACTICES {LC3570/1}

06/24/2005 Placed on House Calendar

Senate Bill No. 1039**BY** Fogarty P, Gallo, Levesque C, Walaska**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES (certificate of insurance/comprehensive general liability coverage) {LC3112/1}

06/24/2005 Referred to House Corporations

Senate Resolution No. 1167**BY** Raptakis, Revens, Lenihan, Blais, Alves**ENTITLED**, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY ALL ASPECTS OF THE KENT COUNTY WATER AUTHORITY {LC3469/1}

06/24/2005 Referred to House Corporations

Senate Bill No. 838 SUB A**BY** Gallo, Fogarty P, Walaska**ENTITLED**, AN ACT RELATING TO INSURANCE - AUTHORIZING HEALTH CARE PROVIDERS TO DISCUSS WITH HEALTH CARE INSURERS AND PROVIDING FOR THE POWERS AND DUTIES OF THE HEALTH INSURANCE COMMISSIONER {LC2484/2/A}

06/24/2005 Referred to House Finance

Senate Bill No. 1164**BY** Felag**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - GENERAL POWERS - TOWN OF WARREN (establish a business registration fee for businesses in the town of Warren) {LC3481/1}

06/24/2005 Referred to House Corporations

Senate Bill No. 920**BY** Ruggerio, Tassoni, Ciccone, McCaffrey, Goodwin**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- LABOR AND PAYMENT OF DEBTS**BY** CONTRACTORS (public works contracts & prevailing wage rate) {LC2699/1}

06/24/2005 Referred to House Labor

Senate Bill No. 699 SUB A**BY** Badeau**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION -- BENEFITS (reduction in weekly compensation shall not be delayed for more than 90 days after maximum medical improvement) {LC2275/1/A}

06/24/2005 Referred to House Labor

Senate Bill No. 801 SUB A**BY** Paiva-Weed, Gibbs, Alves, Roberts**ENTITLED**, AN ACT RELATING TO HEALTH CARE FOR ELDERLY AND DISABLED RESIDENTS (establish a managed health care program for adults with disabilities) {LC1888/1/A}

06/24/2005 Referred to House H.E.W.

Senate Bill No. 771 SUB A**BY** Polisena, Damiani**ENTITLED**, AN ACT RELATING TO PARKS AND RECREATIONAL {LC2221/1/A}

06/24/2005 Referred to House Environment and Natural Resources

Senate Bill No. 1123 SUB A**BY** Badeau**ENTITLED**, AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS -- ELECTRONIC REPORTING {LC3319/2/A}

06/24/2005 Referred to House Finance

Senate Bill No. 1141**BY** Montalbano J, Goodwin, McBurney, Damiani, Bates**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - STATE LOTTERY (would allow the director of the lottery commission to implement changes structured in the lottery games, Powerball, Keno and/or other monitor games, if the lottery commission is liable to constitute a quorum of its duly constituted membership.) {LC3415/1} 06/24/2005 Referred to House Finance**Senate Bill No. 887 SUB A****BY** Sosnowski**ENTITLED**, AN ACT RELATING TO THE BLOCK ISLAND HOUSING BOARD (collection of seasonal rental of taxes by board) {LC2690/1/A} 06/24/2005 Referred to House Finance**House Bill No. 5777 SUB A as amended****BY** Gallison, Ucci, Moran, Malik, Rice**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW -- UNFAIR SALES PRACTICES (exempt prepaid wireless telephone service from the requirements associated with gift certificates) {LC2178/1/A} 06/24/2005 Placed on House Calendar**Senate Bill No. 1090****BY** Sheehan, Cote, Issa, Doyle, Lanzi**ENTITLED**, AN ACT RELATING TO SEPARATION OF POWERS (remove legislators and legislative appointees from various boards and commissions) {LC3154/1} 06/24/2005 Placed on House Calendar**CALENDAR**

From the Calendar are taken:

IN ORDER FOR FRIDAY, JUNE 24, 2005:**1 2005-H 5627 SUB A****BY** Lima**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES

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

Representative Lima moves passage of the act, seconded by Representatives Flaherty, Church, and Mumford.

Representative Lima, seconded by Representatives Anguilla, Flaherty, and Moura offers a written motion to amend.

**FLOOR AMENDMENT
TO
2005 -- H 5627 SUBSTITUTE A**

AN ACT RELATING TO MOTOR AND OTHER VEHICLES

Mr. Speaker:

I hereby move to amend 2005 -- H 5627 SUBSTITUTE A, entitled "AN ACT RELATING TO MOTOR AND OTHER VEHICLES", as follows:

By deleting all the language after the enactment clause and substituting the following in place thereof:

"SECTION 1. Section 3 of chapter 115 of the 2003 Public Laws entitled "An Act Relating to Motor and Other Vehicles," as amended by chapter 219 and 224 of the 2004 Public Laws, is hereby further amended to read as follows:

SECTION 3. This act shall take effect upon passage and shall apply to any accident occurring after the effective date of this act, and shall apply with respect to all accidents involving a for hire motor vehicle or truck subject to a written rental or lease agreement throughout the entire term of said agreement or thirty-nine (39) months, whichever is shorter, provided that:

- (i) the accident occurred after the passage of this act, and
- (ii) the agreement was in effect at the time of passage of this act, or the agreement is entered into before 11:59 p.m. on June ~~30, 2005~~ 1, 2006.

SECTION 2. Section 4 of chapter 115 of the 2003 Public Laws entitled "An Act Relating to Motor and Other Vehicles," as amended by chapters 219 and 224 of the 2004 Public Laws is hereby further amended to read as follows:

SECTION 4. Except as provided in Section 3 of this act, the amendments contained in Sections 1 and 2 of this act shall be repealed on ~~July 1, 2005~~ June 2, 2006.

Any written rental or lease agreement entered into on or after ~~July 1, 2005~~ June 2, 2006 shall be subject to the provisions of sections 31-33-5 and 31-34-4 in effect prior to the passage of this act.

SECTION 3. Section 3 of chapter 117 of the 2003 Public Laws, as amended by chapters 219 and 224 of the 2004 Public Laws, entitled "An Act Relating to Motor and Other Vehicles," is hereby further amended to read as follows:

SECTION 3. This act shall take effect upon passage and shall apply to any accident occurring after the effective date of this act, and shall apply with respect to all accidents involving a for hire motor vehicle or truck subject to a written rental or lease agreement throughout the entire term of said agreement or thirty-nine (39) months, whichever is shorter; provided that:

- (i) the accident occurred after the passage of this act; and
- (ii) the agreement was in effect at the time of passage of this act, or the agreement is entered into before 11:59 p.m. on June ~~30, 2005~~ 1, 2006.

SECTION 4. Section 4 of chapter 117 of the 2003 Public Laws, as amended by chapters 219 and 224 of the 2004 Public Laws, is hereby further amended to read as follows:

SECTION 4. Except as provided in section 3 of this act, the amendments contained in sections 1 and 2 of this act shall be repealed on ~~July 1, 2005~~ June 2, 2006.

Any written rental or lease agreement entered into on or after ~~July 1, 2005~~ June 2, 2006

shall be subject to the provisions of sections 31-33-5 and 31-34-4 in effect prior to the passage of this act.

SECTION 5. Section 31-33-6 of the General Laws in Chapter 31-33 entitled "Safety Responsibility Violations - General Provisions" is hereby amended to read as follows:

~~31-33-6. Owner's liability for acts of others. [Effective until July 1, 2005.]~~ Owner's liability for acts of others. [Effective until June 2, 2006.] -- (a) Except as provided in subsections (c), (d) and (e) below, whenever any motor vehicle shall be used, operated, or caused to be operated upon any public highway of this state with the consent of the owner, lessee, or bailee, expressed or implied, the driver of it, if other than the owner, lessee, or bailee, shall in the case of an accident be deemed to be the agent of the owner, lessee, or bailee, of the motor vehicle unless the driver shall have furnished proof of financial responsibility in the amount set forth in chapter 32 of this title, prior to the accident.

(b) For the purposes of this section, the term "owner" includes any person, firm, copartnership, association, or corporation having the lawful possession or control of a motor vehicle under a written sale agreement.

(c) Notwithstanding the provisions of subsections (a) and (b) immediately above, the liability of a lessor of a short-term rental motor vehicle or truck will be subject to a limit of two hundred fifty thousand dollars (\$250,000) for bodily injury to or the death of one person in any one accident, and subject to the limit for one person, to a limit of five hundred thousand dollars (\$500,000) for bodily injury to or the death of two (2) or more persons in any one accident, and a limit of twenty-five thousand dollars (\$25,000) because of injury to or destruction of property of others in any one accident.

(d) Notwithstanding the provisions of subsections (a) and (b) above, if a person, firm, copartnership, association, or corporation:

(1) (A) Holds title to a long-term lease motor vehicle or truck as lessor; or

(B) Is the successor to or assignee of the lessor's interest in a long-term lease motor vehicle or truck and holds title thereto; and

(2) At the time of the accident, the lessee holds valid motor vehicle liability insurance on the vehicle which contains limits in an amount equal to or greater than one hundred thousand dollars (\$100,000) for bodily injuries to any one person, three hundred thousand dollars (\$300,000) for bodily injuries in any one accident, and fifty thousand dollars (\$50,000) for damage to property of others in any accident or a combined single limit of three hundred thousand dollars (\$300,000) or greater; then the lessee shall, for the purposes of this section, be the "owner" and the title holder will neither be the "owner" for the purposes of this section nor otherwise responsible under this section.

(e) Notwithstanding subsections (a) and (b) above, if a person, firm, copartnership, association, or corporation:

(1) (A) Holds title to a long-term lease motor vehicle or truck as lessor; or

(B) Is the successor to or assignee of the lessor's interest in a long-term lease motor vehicle or truck and holds title thereto; and

(2) At the time of the accident, the lessee does not hold valid motor vehicle liability insurance on the vehicle which contains limits in an amount equal to or greater than one hundred thousand dollars (\$100,000) for bodily injuries to any one person, three hundred thousand dollars (\$300,000) for bodily injuries in any one accident, and fifty thousand dollars (\$50,000) for damage to property of others in any accident or a combined single limit of three hundred thousand dollars (\$300,000) or greater; then the title holder's financial responsibility as "owner"

of the motor vehicle or truck will be limited to the difference between: (1) the motor vehicle liability insurance limit actually maintained by the lessee at the time of the accident; and (2) one hundred thousand dollars (\$100,000) for bodily injuries to any one person, three hundred thousand dollars (\$300,000) for bodily injuries in any one accident, and fifty thousand dollars (\$50,000) for damage to property of others in any accident.

(f) "Lessor" includes any entity in the business of renting and/or leasing motor vehicles pursuant to a written rental and/or lease agreement.

(g) "Short-term rental motor vehicle or truck" means, for the purposes of this section, a motor vehicle or truck that is leased by a lessor, pursuant to a written lease or rental agreement, for an initially agreed-upon term of less than twelve (12) months.

(h) "Long-term lease motor vehicle or truck" means, for the purposes of this section, a motor vehicle or truck that is leased by a lessor, pursuant to a written lease or rental agreement, for an initially agreed-upon term of twelve (12) months or longer.

(i) Sunset provision: The amendments contained in chapter 115 of the 2003 public laws shall be repealed ~~July 1, 2005~~ June 2, 2006 and shall apply to any accident occurring after July 7, 2003, and shall apply with respect to all accidents involving a for hire motor vehicle or truck subject to a written rental or lease agreement throughout the entire term of said agreement or thirty-nine (39) months, whichever is shorter, provided that:

(i) The accident occurred after ~~July 7~~ June 15, 2003; and

(ii) The agreement was in effect at the time the accident occurred, and the agreement is entered into before 11:59 p.m. on ~~June 30, 2005~~ 1, 2006.

SECTION 6. Section 31-34-4 of the General Laws in Chapter 31-34 entitled "Responsibility of Owners of Rental Vehicles" is hereby amended to read as follows:

~~31-34-4. Liability of owner for negligence of operator. [Effective until July 1, 2005.]~~
Liability of owner for negligence of operator. [Effective until June 2, 2006.] -- (a) Except as provided below, any owner of a for hire motor vehicle or truck who has given proof of financial responsibility under this chapter or who in violation of this chapter has failed to give proof of financial responsibility, shall be jointly and severally liable with any person operating the vehicle for any damages caused by the negligence of any person operating the vehicle by or with the permission of the owner.

(b) The liability of a lessor of a short-term rental motor vehicle or truck under this section shall be subject to a limit of two hundred fifty thousand dollars (\$250,000) for bodily injury to or the death of one person, and subject to the limit for one person, to a limit of five hundred thousand dollars (\$500,000) for bodily injury to or the death of two or more persons in any one accident, and a limit of twenty-five thousand dollars (\$25,000) because of injury to or destruction of property of others in any one accident.

(c) With respect to any long-term lease motor vehicle or truck:

(1) The owner and/or lessor (and/or its successors or assignees) of a long term lease motor vehicle or truck who is not the operator of the vehicle at the time of an accident shall not be jointly and severally liable with the operator and/or the lessee of the vehicle for any damages caused by the negligence of any person operating the vehicle if, at the time of the accident, the lessee has valid motor vehicle liability insurance which contains limits in an amount equal to or greater than one hundred thousand dollars (\$100,000) for bodily injuries to any one person in any one accident, three hundred thousand dollars (\$300,000) for bodily injuries in any one accident, and fifty thousand dollars (\$50,000) for damage to property of others in any accident or a combined single limit of three hundred thousand dollars (\$300,000) or greater;

(2) If the lessee of a long-term lease motor vehicle or truck does not have insurance in the amounts set forth in subsection (c)(1) above, then the liability of the owner and/or lessor (and/or its successors or assignees) of a long-term lease motor vehicle or truck shall not exceed the difference between: (1) the motor vehicle liability insurance limits actually maintained by the lessee of the long-term lease motor vehicle or truck at the time of the accident; and (2) one hundred thousand dollars (\$100,000) for bodily injuries to any one person, three hundred thousand dollars (\$300,000) for bodily injuries in any one accident, and fifty thousand dollars (\$50,000) for damage to property of others in any accident.

(d) Nothing in this section shall be construed to prevent an owner who has furnished proof of financial responsibility or any person operating the vehicle from making defense in an action upon the ground of comparative negligence to the extent to which the defense is allowed in other cases.

(e) Notwithstanding the provisions of subsection (a) of this section, or any provisions contained under title 31 to the contrary, the operator's valid collectable liability or self-insurance providing coverage or liability protection for any third party liability claims shall be primary, and the valid and collectable liability or self-insurance providing coverage or liability protection for any third-party liability claims for the owner and/or lessor arising out of the operation of the vehicle shall be excess. This shall be stated in ten (10) point type on the face of any short-term rental agreement.

(f) "Lessor" includes any entity in the business of renting and/or leasing motor vehicles pursuant to a written rental and/or lease agreement.

(g) "Short-term rental motor vehicle or truck" means, for the purposes of this section, a motor vehicle or truck that is leased by a lessor, pursuant to a written lease or rental agreement, for an initially agreed-upon term of less than twelve (12) months.

(h) "Long-term lease motor vehicle or truck" means, for the purposes of this section, a motor vehicle or truck that is leased by a lessor, pursuant to a written lease or rental agreement, for an initially agreed-upon term of twelve (12) months or longer.

(i) Sunset provision: The amendments contained in chapter 115 of the 2003 public laws shall be repealed ~~July 1, 2005~~ June 2, 2006 and shall apply to any accident occurring after ~~July 7 June 15, 2003~~, and shall apply with respect to all accidents involving a for hire motor vehicle or truck subject to a written rental or lease agreement throughout the entire term of said agreement or thirty-nine (39) months, whichever is shorter, provided that:

(i) The accident occurred after ~~July 7 June 15, 2003~~; and

(ii) The agreement was in effect at the time the accident occurred, and the agreement is entered into before 11:59 p.m. on ~~June 30, 2005~~ 1, 2006.

SECTION 9. This act shall take effect upon passage."

Respectfully submitted,

REPRESENTATIVE LIMA

The motion to amend prevails on a roll call vote 56 members voting in the affirmative and 2 members voting in the negative as follows:

YEAS - 56: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Diaz, Ehrhardt, Flaherty,

Fox, Gallison, Giannini, Gorham, Jackson, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Loughlin, Malik, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, Savage, Scott, Shanley, Slater, Smith, Story, Sullivan, Trillo, Voccola, Wasylyk, Watson, Winfield.

NAYS - 2: Representatives Gemma, Ginaitt.

Representatives Caprio and Rice discuss the act as amended.

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, on a roll call vote, 60 members voting in the affirmative and 2 members voting in the negative as follows:

YEAS - 60: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Diaz, Ehrhardt, Flaherty, Fox, Gallison, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Loughlin, Malik, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, Savage, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Voccola, Watson, Winfield.

NAYS - 2: Representatives Gemma, Ginaitt.

2 2005-H 6430 SUB A

BY Malik

ENTITLED, AN ACT RELATING TO VETERANS' AFFAIRS

Committee on Veterans' Affairs recommends indefinite postponement of the original bill and passage of Substitute A.

Read, and by unanimous consent, ordered to be placed on the Calendar for Tuesday, June 28, 2005.

3 2005-H 5027 SUB B as amended

BY Kennedy

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW - - UNFAIR SALES PRACTICES

Ordered on the Calendar

Representative Kennedy moves passage of the act, seconded by Representatives Fox, Coderre and Lewiss.

Representative Kennedy, seconded by Representative Lewiss offers a written motion to amend.

**FLOOR AMENDMENT
TO
2005 -- H 5027 SUBSTITUTE B, as amended**

AN ACT RELATING TO COMMERCIAL LAW -- UNFAIR SALES PRACTICES

Mr. Speaker:

I hereby move to amend 2005 -- H 5027 SUBSTITUTE B, as amended, entitled "AN ACT RELATING TO COMMERCIAL LAW -- UNFAIR SALES PRACTICES", as follows:

1. By deleting all of the language following the enactment clause and inserting in place thereof the following:

"SECTION 1. Section 6-13-12 of the General Laws in Chapter 6-13 entitled "Unfair Sales Practices" is hereby amended to read as follows:

6-13-12. Sales of gift certificates. -- "Gift certificate" means a record evidencing a promise, made for monetary consideration, by the seller or issuer for the record that goods or services will be provided to the owner of the record to the value shown in the record and includes, but is not limited to, a record that contains a microprocessor chip, magnetic strip or other means of storage of information that is pre-funded and for which the value is decremented upon each use, a gift card, an electronic gift card, stored-value card or certificate, a store card, a prepaid telephone card used solely for a nonwireless, long distance telephone service, or a similar record or card. Any person, firm, or corporation that sells gift certificates for any product or merchandise sold by the person, firm, or corporation, shall be required to record the sales and keep an accurate and complete record of each gift certificate sold. The record shall include the date of sale, the full value of the certificate, the identification number assigned by the retailer to the certificate, and the state in which the sale of the certificate took place. The retailer shall further be required to give to the purchaser of gift certificates exceeding fifty dollars (\$50.00) a written and numbered receipt evidencing the sale of the certificate. It shall be unlawful for any person, firm, or corporation of any kind to charge additional monthly or annual service or maintenance fees on gift certificates or to limit the time for the redemption of a gift certificate or to place an expiration date upon the gift certificate. No gift certificate or any agreement with respect to such gift certificate may contain language suggesting that an expiration date may apply to the gift certificate. Any person, firm, or corporation that shall violate the provisions of this section shall be punished by a fine of not more than two hundred dollars (\$200). Due to the unlimited redemption period, the division of taxation shall not escheat the funds paid for those unredeemed gift certificates. Any unused portion of a redeemed gift certificate shall be afforded to the consumer by reissuing the gift certificate for the unused amount or providing cash where the balance due the consumer is less than one dollar (\$1.00). This section shall not apply to the following:

~~(a) General use prepaid cards issued by a third party prepaid card issuer which shall mean plastic cards or other electronic payment devices which are: (1) usable at multiple, unaffiliated, merchants or service providers and/or at automatic teller machines ("ATMs"); (2) issued in a requested amount which amount may be, at the option of the issuer, increased to value or reloaded if requested by the holder; (3) purchased and/or loaded on a prepaid basis by a consumer and shall not include debit cards linked to a deposit account, or cards purchased by a business entity; and (4) honored upon presentation by merchants for goods or services, or at ATMs.~~

(b) (a) Gift certificates that are distributed to a consumer pursuant to an awards, loyalty or promotional program without any money or other thing of value being given in exchange for the gift certificate by the consumer. Any restrictions or limitations which such gift certificates may be subject to must be disclosed to the consumer, in writing, at the time the gift certificates are distributed to the consumer.

(c) (b) ~~Cards used for prepaid wireless telephone services will not be subject to this section until January 1, 2006. Prepaid wireless telephone service or prepaid wireless telephone card.~~ "Prepaid wireless telephone service" means wireless telephone service that is activated in advance by payment for a finite dollar amount of service or for a finite set of minutes that terminate either upon use by a customer and delivery by the wireless provider of an agreed-upon amount of service corresponding to the total dollar amount paid in advance or within a certain period of time following the initial purchase or activation, unless additional payments are made. SECTION 2. This act shall take effect upon passage."

Respectfully submitted,

REPRESENTATIVE KENNEDY

The motion to amend prevails on a roll call vote 53 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 53: Representatives Ajello, Amaral, Anguilla, Brien, Caprio, Church, Coderre, Corvese, Costantino, Crowley, Davey, Ehrhardt, Faria, Fox, Gallison, Giannini, Ginaitt, Handy, Jackson, Kilmartin, Landroche, Laroche, Lewiss, Loughlin, Malik, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, Savage, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Voccola, Watson, Winfield.

NAYS - 0.

The bill marked Substitute "B" is read and passed, as amended, and the original bill, and the bill marked Substitute "A", indefinitely postponed, on a roll call vote, 51 members voting in the affirmative and 5 members voting in the negative as follows:

YEAS - 51: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Ehrhardt, Faria, Fox, Gallison, Giannini, Ginaitt, Handy, Jackson, Kilmartin, Landroche, Lewiss, Lima, McCauley, McManus, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, Savage, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Voccola, Winfield.

NAYS - 5: Representatives Gorham, Loughlin, Scott, Wasylk, Watson.

REQUEST

Representative Kennedy requests the journal to reflect that if he had voted on (05-H 5027 SUB Baa), he would have voted in the affirmative.

4 2005-H 6530 SUB A

BY Kennedy

ENTITLED, AN ACT RELATING TO INSURANCE -- WORKERS' COMPENSATION INSURANCE FUND

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

Read, and by unanimous consent, ordered to be placed on the bottom of the Calendar as item # 18a.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
HOUSE OF REPRESENTATIVES

AFFIDAVIT

I, Arthur J. Corvese, State Representative, District 55, hereby under oath depose and say:

- 1. (Matter requiring action) I expect to be called upon, in my capacity as State Representative, to participate in the consideration of, and to vote upon: 05-H 5182 SUB A
- 2. (Nature of the potential conflict) I have the following interest in the matter:
I am an optometrist.
- 3. (Complete and (A.) or (B.) and cross out whichever does not apply

B. In compliance with Section 36-14-6(1) & (2)A of the General laws, I hereby request the Speaker of the House of Representatives to excuse me from voting on or participating in the consideration of the matter described in paragraph 1 above.

Arthur J. Corvese
Representative, District 55

State of Rhode Island
County of Providence

Subscribed and sworn to before me this 24th day of June AD, 2005

David W. Dumas
Notary Public

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

WILLIAM J. MURPHY
Speaker of the House of Representatives

5 2005-H 5182 SUB A**BY Naughton****ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY OF PUPILS**

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

Representative Naughton moves passage of the act, seconded by Representatives Coderre, Carter, Faria, O'Neill, and Savage.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, on a roll call vote, 56 members voting in the affirmative and 4 members voting in the negative as follows:

YEAS - 56: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Costantino, Crowley, Davey, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Malik, McCauley, McNamara, Melo, Menard, Moffitt, Moran, Moura, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, Savage, Scott, Shanley, Slater, Story, Sullivan, Trillo, Voccola, Wasyluk, Watson, Winfield.

NAYS - 4: Representatives Gorham, Loughlin, McManus, Singleton.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
HOUSE OF REPRESENTATIVES

AFFIDAVIT

I, Fausto Anguilla, State Representative, District 68, hereby under oath depose and say:

1. (Matter requiring action) I expect to be called upon, in my capacity as State Representative, to participate in the consideration of, and to vote upon: 2005-H 6180

2. (Nature of the potential conflict) I have the following interest in the matter:
I am solicitor for the Town of Warren.

3. (Complete and (A.) or (B.) and cross out whichever does not apply

B. In compliance with Section 36-14-6(1) & (2)A of the General laws, I hereby request the Speaker of the House of Representatives to excuse me from voting on or participating in the consideration of the matter described in paragraph 1 above.

Fausto Anguilla
Representative, District 68

State of Rhode Island
County of Providence

Subscribed and sworn to before me this 24th day of June AD, 2005

David W. Dumas
Notary Public

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

WILLIAM J. MURPHY
Speaker of the House of Representatives

6 2005-H 6180

BY Malik

ENTITLED, AN ACT RELATING TO HISTORIC RESIDENCE - TAX CREDIT

Committee on Finance recommends passage.

Representative Malik moves passage of the act, seconded by Representatives Gallison, Faria, and Lima.

Read and passed, on a roll call vote, 59 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 59: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Jackson, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Loughlin, Malik, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, Savage, Scott, Shanley, Singleton, Smith, Story, Sullivan, Trillo, Voccola, Wasyluk, Watson, Winfield.

NAYS - 0.

7 2005-H 6315

BY McCauley

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES

Committee on Finance recommends passage.

Read, and by unanimous consent, ordered to be placed on the Calendar for Tuesday, June 28, 2005.

8 2005-H 5598

BY Mumford

ENTITLED, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES

Committee on Finance recommends passage.

Representative Mumford moves passage of the act, seconded by Representatives Moffitt, Gemma, and Watson.

Read and passed, on a roll call vote, 58 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 58: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Coderre, Corvese, Costantino, Crowley, Davey, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Jackson, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Loughlin, Malik, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Scott, Shanley, Singleton, Smith, Story, Sullivan, Trillo, Voccola, Wasylyk, Watson, Winfield.

NAYS - 0.

9 2005-H 6572

BY Corvese

ENTITLED, AN ACT RELATING TO MOTOR VEHICLES -- SCHOOL BUSES

Committee on Health, Education & Welfare recommends passage.

Representative Corvese moves passage of the act, seconded by Representative McNamara.

Read and passed, on a roll call vote, 56 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 56: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Ginaitt, Jackson, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Loughlin, Malik, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Savage, Scott, Shanley, Singleton, Smith, Story, Sullivan, Trillo, Voccola, Wasylyk, Watson, Winfield.

NAYS - 1: Representative Amaral.

10 2005-H 6439

BY Slater

ENTITLED, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY THE CONSOLIDATION OF SCHOOL DISTRICTS IN RHODE ISLAND

Committee on Health, Education & Welfare recommends passage.

Representative McNamara moves passage of the resolution, seconded by Representatives Slater, Scott and Moffitt.

Read and passed, on a roll call vote, 55 members voting in the affirmative and 2 members voting in the negative as follows:

YEAS - 55: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Carter, Church, Coderre, Corvese, Costantino, Davey, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Jackson, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Loughlin, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, Savage, Scott, Shanley, Singleton, Smith, Story, Sullivan, Trillo, Voccola, Wasyluk, Winfield.

NAYS - 2: Representatives Caprio, Watson.

11 2005-H 6277

BY Kilmartin

**ENTITLED, AN ACT RELATING TO EDUCATION - PERFORMANCE
ENHANCING DIETARY SUPPLEMENTS**

Committee on Health, Education & Welfare recommends passage.

Representative McNamara moves passage of the act, seconded by Representatives Carter, Kilmartin, and Diaz.

Representative Kilmartin, seconded by Representative McNamara offers a written motion to amend.

**FLOOR AMENDMENT
TO
2005 -- H 6277**

**AN ACT RELATING TO EDUCATION - PERFORMANCE ENHANCING DIETARY
SUPPLEMENTS**

Mr. Speaker:

I hereby move to amend 2005 -- H 6277, entitled "AN ACT RELATING TO EDUCATION - PERFORMANCE ENHANCING DIETARY SUPPLEMENTS", as follows:

(1) On page 2, line 4, by deleting the words "sell distribute or promote the use of a" and insert in place thereof the words "knowingly sell or distribute to students or knowingly promote the use by students of."

(2) On page 2, by deleting the language on lines 6 and 7, and insert in place thereof the following:

"(b) No high school or public or private university or college may accept any sponsorship or other payment from a performance-enhancing dietary supplement manufacturer to promote such manufacturer's performance-enhancing dietary supplement."

(3) On page 2, line 9, by deleting the word "director" following the words "in consultation with the" and inserting in place thereof the word "commissioner."

(4) On page 2, line 26 through 29, by deleting all the language beginning with "(a)" and ending with "chapter" and insert in place thereof the following:

"(a) Effective September 1, 2006, each mandatory first aid course for athletic coaches required pursuant to section 16-11-1 shall include health information relating to performance-enhancing dietary supplements consistent with the purposes of this chapter."

Respectfully submitted,

REPRESENTATIVE KILMARTIN

The motion to amend prevails on a roll call vote 53 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 53: The Honorable Speaker Murphy and Representatives Ajello, Amaral, Brien, Caprio, Carter, Coderre, Corvese, Costantino, Crowley, Davey, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Jackson, Kilmartin, Landroche, Laroche, Lewiss, Lima, Loughlin, Malik, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, Savage, Scott, Shanley, Singleton, Smith, Story, Sullivan, Trillo, Voccola, Winfield.

NAYS - 0.

Representatives Watson and Kilmartin discuss the act, as amended.

Read and passed, as amended, on a roll call vote, 58 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 58: The Honorable Speaker Murphy and Representatives Ajello, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Jackson, Kilmartin, Landroche, Laroche, Lewiss, Lima, Loughlin, Malik, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, Savage, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Voccola, Watson, Winfield.

NAYS - 0.

REQUEST

Representative Kennedy requests the journal to reflect that if he had voted on (05-H 6277aa), he would have voted in the affirmative.

12 2005-H 6340 SUB A

BY Kilmartin

ENTITLED, AN ACT RELATING TO EDUCATION

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

By unanimous consent, Representative McNamara, seconded by Representative Kilmartin moves to recommit the act. There is no objection.

Read, and recommitted to the Committee on Health, Education and Welfare.

13 2005-S 133

BY Blais

**ENTITLED, AN ACT RELATING TO MILITARY SERVICE -- ACTIVE DUTY
TAX EXEMPTION**

Committee on Veterans' Affairs recommends passage in concurrence.

Representative Gallison moves passage of the act, seconded by Representatives Sullivan, Landroche, Gorham, Savage, Loughlin, Moffitt, Gemma, Flaherty, and Carter.

Read and passed, in concurrence, on a roll call vote, 60 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 60: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Loughlin, Malik, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, Savage, Scott, Shanley, Singleton, Smith, Story, Sullivan, Trillo, Voccola, Wasylyk, Winfield.

NAYS - 0.

14 2005-S 503 SUB A

BY Felag

**ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
REGISTRATION OF VEHICLES**

Committee on Veterans' Affairs recommends indefinite postponement of the original bill and passage of Substitute A in concurrence.

Representative Gallison moves passage of the act, seconded by Representatives Amaral, Landroche, Carter, Flaherty and Gemma.

The bill marked Substitute "A" is read and passed, in concurrence, and the original bill indefinitely postponed, on a roll call vote, 61 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 61: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Coderre, Corvese, Costantino, Crowley, Davey, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Loughlin, Malik, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, Savage, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Voccola, Wasylyk, Watson, Winfield.

NAYS - 0.

15 2005-S 961 SUB B

BY Bates

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION

Committee on Environment and Natural Resources recommends indefinite postponement of the original bill and the Substitute A and passage of Substitute B.

Read, and by unanimous consent, ordered to be placed on the Calendar for Tuesday, June 28, 2005.

16 2005-S 710 SUB B

BY Perry

ENTITLED, AN ACT RELATING TO FOOD AND DRUGS -- THE EDWARD O. HAWKINS AND THOMAS C. SLATER MEDICAL MARIJUANA ACT

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

Representative McNamara moves passage of the act, seconded by Representatives Slater, Diaz, Almeida, Gemma, Carter, Handy, and Ajello.

Representatives Ajello discusses the act.

The bill marked Substitute "B" is read and passed, and the original bill, and the bill marked Substitute "A", indefinitely postponed, on a roll call vote, 52 members voting in the affirmative and 8 members voting in the negative as follows:

YEAS - 52: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Carter, Church, Coderre, Corvese, Costantino, Davey, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Ginaitt, Handy, Jackson, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Malik, McCauley, McNamara, Melo, Moffitt, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, Savage, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Voccola, Watson, Winfield.

NAYS - 8: Representatives Amaral, Brien, Giannini, Gorham, Loughlin, McManus, Menard, Moran.

REQUEST

Representative Corvese requests the journal to reflect that he had voted incorrectly on (05-S 710 SUB B), he should have voted in the negative.

17 2005-S 916 SUB B

BY Goodwin

**ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
COURTS -- DOMESTIC ASSAULT**

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

Representative McNamara moves passage of the act, seconded by Representatives Coderre, Moura, Fox, Ajello, Slater, Gemma, and Handy.

Representative Corvese requests to vote page 2, section C separately. The Honorable Speaker rules it is divisible.

Representative Coderre discusses the act.

Page 2, section C prevails on a roll call vote 35 members voting in the affirmative and 23 members voting in the negative as follows:

YEAS - 35: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Carter, Church, Coderre, Costantino, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Kilmartin, Lewiss, Lima, McNamara, Melo, Moffitt, Moran, Moura, Naughton, O'Neill, Pacheco, Rose, Scott, Shanley, Slater, Smith, Story, Wasylyk.

NAYS - 23: Representatives Amaral, Brien, Corvese, Davey, Ehrhardt, Gorham, Jacquard, Kennedy, Laroche, Long, Loughlin, Malik, McManus, Menard, Mumford, Petrarca, Picard, Savage, Singleton, Trillo, Voccola, Watson, Winfield.

REQUEST

Representative Sullivan requests the journal to reflect that if he had voted on page 2, section C, he would have voted in the affirmative.

The bill marked Substitute "B" is read and passed, and the original bill, and the bill marked Substitute "A", indefinitely postponed, on a roll call vote, 46 members voting in the affirmative and 16 members voting in the negative as follows:

YEAS - 46: The Honorable Speaker Murphy and Representatives Ajello, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Davey, Diaz, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, McManus, McNamara, Melo, Moran, Moura, Naughton, O'Neill, Pacheco, Rice, Rose, Savage, Scott, Shanley, Slater, Smith, Story, Sullivan, Voccola, Wasyluk.

NAYS - 16: Representatives Amaral, Ehrhardt, Gorham, Jacquard, Long, Loughlin, Malik, Menard, Moffitt, Mumford, Petrarca, Picard, Singleton, Trillo, Watson, Winfield.

18 2005-S 917 SUB B

BY Goodwin

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS -- DOMESTIC ABUSE PREVENTION

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

Representative McNamara moves passage of the act, seconded by Representatives Coderre, Landroche, Sullivan, and Ajello.

The bill marked Substitute "B" is read and passed, and the original bill, and the bill marked Substitute "A", indefinitely postponed, on a roll call vote, 43 members voting in the affirmative and 16 members voting in the negative as follows:

YEAS - 43: The Honorable Speaker Murphy and Representatives Ajello, Anguilla, Brien, Caprio, Carter, Coderre, Corvese, Costantino, Crowley, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, McNamara, Melo, Moran, Moura, Naughton, O'Neill, Pacheco, Rice, Rose, Savage, Scott, Shanley, Slater, Smith, Story, Sullivan, Voccola, Wasyluk.

NAYS - 16: Representatives Amaral, Davey, Ehrhardt, Gorham, Jacquard, Long, Loughlin, Malik, Menard, Moffitt, Mumford, Petrarca, Picard, Singleton, Trillo, Winfield.

REQUEST

Representative Long requests the journal to reflect that if he had voted on # 1 (05-H 5627 SUB A), he would have voted in the affirmative.

18a 2005-H 6530 SUB A

BY Kennedy

ENTITLED, AN ACT RELATING TO INSURANCE -- WORKERS' COMPENSATION INSURANCE FUND

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

Mr. Speaker:

I hereby move to amend 2005 -- H 6530 SUBSTITUTE A, entitled "AN ACT RELATING TO INSURANCE -- WORKERS' COMPENSATION INSURANCE FUND", as follows:

By striking all of the language following the enactment clause and inserting in place thereof the following language:

"SECTION 1. Section 20 of Chapter 410 of the 2003 Public Laws entitled "An Act Relating to Insurance – Workers' Compensation Fund" is hereby amended to read as follows:

SECTION 20. Reserves – Premium to surplus ratio – Insolvency fund. – (a) The fund shall maintain a ratio of premiums on policies written to surplus of not more than three (3) to one (1), or any greater or lesser ratio that the director of the department of business regulation deems appropriate. In determining the ratio, the director may at all times consider the net present value of future capital assessment amounts as current surplus. To facilitate the ongoing oversight of the fund, the fund shall submit to the department of business regulation quarterly and annual statements in the format and scope specified in section 27-12-2.

(b) The fund shall ~~not participate in, or be subject to,~~ the insurers' insolvency fund established under section 27-34-6.

(c) In the event of the liquidation of the fund pursuant to the Insurers' Rehabilitation and Liquidation Act, chapter 14.3 of title 27, the fund's policyholders, in their capacity as owners of the fund, shall have no distributive claims under section 27-14.3-46(8) to the liquidation estate of the fund and, upon satisfaction of any other class 1 through class 7 claims under section 27-14.3-46, the insurance commissioner, as receiver, shall distribute the residual, if any, of the fund's liquidation estate to the director of the department of labor and training; provided, that in no event shall these provisions affect the validity or priority of: (1) any claims arising from and within the coverage of any policies of the fund; or (2) claims of the director of the department of labor and training to repayment of the term note of the fund issued pursuant to section 18.

SECTION 2. There shall be established a joint study commission comprised of ten (10) members, five (5) from the house of representatives, four (4) from the majority party, to be appointed by the speaker of the house and one from the minority party to be appointed by the house minority leader; and five (5) from the senate, four (4) from the majority party, to be appointed by the president of the senate and one from the minority party to be appointed by the senate minority leader. The commission shall study and examine the stabilization, fiscal health, and proper functioning of the Rhode Island Workers' Compensation system and the Rhode Island Insurers' Insolvency Fund. Upon the passage of this act, the members of the commission shall meet at the call of the speaker of the house and the president of the senate. The speaker of the house and the president of the senate shall select co-chairpersons from among the members. Vacancies shall be filled in like manner as the original appointment. The committee shall file its report to the general assembly by April 1, 2006.

SECTION 3. This act shall take effect upon passage."

Respectfully submitted,

REPRESENTATIVE MENARD

Representatives Menard, Kennedy, Ehrhardt, Lima, Savage, Davey, Trillo, Gemma, Wasylyk, Moura, Voccola, Kennedy, Gemma, Caprio, Gorham, and Long discuss the amendment.

The motion to amend fails on a roll call vote 30 members voting in the affirmative and 32 members voting in the negative as follows:

YEAS - 30: Representatives Amaral, Brien, Caprio, Crowley, Davey, Ehrhardt, Fox, Gemma, Giannini, Gorham, Jackson, Laroche, Long, Loughlin, McManus, Menard, Moran, Mumford, Petrarca, Rose, Savage, Scott, Singleton, Smith, Story, Trillo, Voccola, Wasylyk, Watson, Winfield.

NAYS - 32: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Carter, Church, Coderre, Corvese, Costantino, Diaz, Faria, Flaherty, Gallison, Ginaitt, Handy, Jacquard, Kennedy, Kilmartin, Landroche, Lewiss, Lima, Malik, McCauley, McNamara, Melo, Moura, Naughton, O'Neill, Picard, Shanley, Slater, Sullivan.

REQUESTS

Representatives Fox and Crowley requests the journal to reflect that they had voted incorrectly on Representative Menard's last amendment they should have voted in the negative.

Representative Watson, seconded by Representative Davey moves to recommit.

The motion to recommit fails on a roll call vote 29 members voting in the affirmative and 32 members voting in the negative as follows:

YEAS - 29: Representatives Almeida, Amaral, Brien, Caprio, Crowley, Davey, Ehrhardt, Gemma, Giannini, Gorham, Laroche, Long, Loughlin, McManus, Menard, Moran, Mumford, Petrarca, Rose, Savage, Scott, Singleton, Smith, Story, Trillo, Voccola, Wasylyk, Watson, Winfield.

NAYS - 32: The Honorable Speaker Murphy and Representatives Ajello, Anguilla, Carter, Church, Coderre, Corvese, Costantino, Diaz, Faria, Flaherty, Fox, Gallison, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Landroche, Lewiss, Lima, Malik, McCauley, McNamara, Melo, Moura, Naughton, O'Neill, Picard, Shanley, Slater, Sullivan.

REQUEST

Representative Crowley requests the journal to reflect that he had voted incorrectly on the motion to recommit he should have voted in the negative

Representative Wasylyk, seconded by Representative Menard offers a written motion to amend.

FLOOR AMENDMENT TO 2005 -- H 6530 SUBSTITUTE A

AN ACT RELATING TO INSURANCE -- WORKERS' COMPENSATION INSURANCE
FUND

Mr. Speaker:

I hereby move to amend 2005 -- H 6530 SUBSTITUTE A, entitled "AN ACT RELATING TO INSURANCE -- WORKERS' COMPENSATION INSURANCE FUND", as follows:

1. On page 4, line 13, by deleting the word "kings" and inserting the word "kinds".
2. On page 5, line 6, by inserting the language "located in Rhode Island" after "employer".
3. On page 5, line 6, by deleting the language "with employees in Rhode Island", and inserting the language "regardless of which state its employees are located".
4. On page 9, line 9, by deleting the word "bust" and inserting the word "but".
5. On page 10, line 3, by inserting the language "located in Rhode Island" after "employer".
6. On page 10, line 3, by deleting the language "with employees in Rhode Island", and inserting the language "regardless of which state its employees are located".

Respectfully submitted,

REPRESENTATIVE WASYLYK

The motion to amend fails on a roll call vote 28 members voting in the affirmative and 32 members voting in the negative as follows:

YEAS - 28: Representatives Amaral, Anguilla, Brien, Caprio, Davey, Ehrhardt, Gemma, Giannini, Gorham, Laroche, Long, Loughlin, Malik, McManus, Menard, Moran, Mumford, Rose, Savage, Scott, Singleton, Smith, Story, Trillo, Voccola, Wasyluk, Watson, Winfield.

NAYS - 32: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Carter, Church, Coderre, Corvese, Costantino, Crowley, Diaz, Faria, Flaherty, Fox, Gallison, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Landroche, Lewiss, Lima, McCauley, McNamara, Melo, Moura, Naughton, O'Neill, Picard, Shanley, Slater, Sullivan.

Representative Wasyluk, seconded by Representative Menard offers a written motion to amend.

F L O O R A M E N D M E N T
TO
2005 -- H 6530 SUBSTITUTE A

AN ACT RELATING TO INSURANCE -- WORKERS' COMPENSATION INSURANCE
FUND

Mr. Speaker:

I hereby move to amend 2005 -- H 6530 SUBSTITUTE A, entitled "AN ACT RELATING TO INSURANCE -- WORKERS' COMPENSATION INSURANCE FUND", as follows:

- (1) On page 4, line 9, by deleting the language "and related coverages".
- (2) On page 4, lines 13 through 15, by deleting all language appearing on said lines.

(3) On page 4, line 16, by deleting the designation "(d)" at the beginning of the line and substituting therefore the designation "(c)".

Respectfully submitted,

REPRESENTATIVE WASYLYK

Representatives Kennedy, Wasylyk, Gorham and Ehrhardt discuss the amendment.

The motion to amend fails on a roll call vote 28 members voting in the affirmative and 33 members voting in the negative as follows:

YEAS - 28: Representatives Amaral, Brien, Caprio, Davey, Ehrhardt, Gemma, Giannini, Gorham, Jackson, Laroche, Long, Loughlin, Malik, McManus, Menard, Moran, Mumford, Petrarca, Savage, Scott, Singleton, Smith, Story, Trillo, Voccola, Wasylyk, Watson, Winfield.

NAYS - 33: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Carter, Church, Coderre, Corvese, Costantino, Crowley, Faria, Flaherty, Fox, Gallison, Ginaitt, Handy, Jacquard, Kennedy, Kilmartin, Landroche, Lewiss, Lima, McCauley, McNamara, Melo, Moura, Naughton, O'Neill, Pacheco, Picard, Shanley, Slater, Sullivan.

Representative Menard, seconded by Representative Laroche offers a written motion to amend.

F L O O R A M E N D M E N T
TO
2005 -- H 6530 SUBSTITUTE A

**AN ACT RELATING TO INSURANCE -- WORKERS' COMPENSATION INSURANCE
FUND**

Mr. Speaker:

I hereby move to amend 2005 -- H 6530 SUBSTITUTE A, entitled "AN ACT RELATING TO INSURANCE -- WORKERS' COMPENSATION INSURANCE FUND", as follows:

(1) On Page 13, lines 8 through 17, by striking all of the language.

Respectfully submitted,

REPRESENTATIVE MENARD

Representatives Menard, Costantino, and Gemma discuss the amendment.

The motion to amend fails on a roll call vote 19 members voting in the affirmative and 40 members voting in the negative as follows:

YEAS - 19: Representatives Caprio, Ehrhardt, Gemma, Giannini, Gorham, Laroche, Loughlin, McManus, Menard, Moran, Petrarca, Singleton, Smith, Story, Trillo, Voccola, Wasyluk, Watson, Winfield.

NAYS - 40: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Carter, Church, Coderre, Corvese, Costantino, Crowley, Faria, Flaherty, Fox, Gallison, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Landroche, Lewiss, Lima, Long, Malik, McCauley, McNamara, Melo, Moura, Mumford, Naughton, O'Neill, Pacheco, Picard, Rose, Savage, Shanley, Slater, Sullivan.

Representative Menard, seconded by Representative Laroche offers a written motion to amend.

F L O O R A M E N D M E N T
TO
2005 -- H 6530 SUBSTITUTE A

AN ACT RELATING TO INSURANCE -- WORKERS' COMPENSATION INSURANCE
FUND

Mr. Speaker:

I hereby move to amend 2005 -- H 6530 SUBSTITUTE A, entitled "AN ACT RELATING TO INSURANCE -- WORKERS' COMPENSATION INSURANCE FUND", as follows:

1. On page 10, lines 23 through 25, by restoring all of the stricken language.

Respectfully submitted,

REPRESENTATIVE MENARD

The motion to amend fails on a roll call vote 29 members voting in the affirmative and 32 members voting in the negative as follows:

YEAS - 29: Representatives Amaral, Anguilla, Brien, Caprio, Davey, Ehrhardt, Gemma, Giannini, Ginaitt, Gorham, Jackson, Laroche, Long, Loughlin, McManus, Menard, Moran, Mumford, Petrarca, Rose, Savage, Singleton, Smith, Story, Trillo, Voccola, Wasyluk, Watson, Winfield.

NAYS - 32: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Carter, Church, Coderre, Corvese, Costantino, Crowley, Faria, Flaherty, Fox, Gallison, Handy, Jacquard, Kennedy, Kilmartin, Landroche, Lewiss, Lima, Malik, McNamara, Melo, Moura, Naughton, O'Neill, Pacheco, Picard, Scott, Shanley, Slater, Sullivan.

Representatives Gorham, Kennedy, Trillo, Lima, Wasyluk, Gemma, Ehrhardt, Davey, Voccola, Moura, Menard, discuss the act, as amended.

Representative Crowley moves the question, seconded by Representative Faria.

The motion to move the question prevails on a roll call vote 34 members voting in the affirmative and 25 members voting in the negative as follows:

YEAS - 34: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Carter, Church, Coderre, Corvese, Costantino, Crowley, Faria, Flaherty, Fox, Gallison, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Lima, Malik, McCauley, Melo, Moura, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Slater.

NAYS - 25: Representatives Amaral, Brien, Caprio, Davey, Ehrhardt, Gemma, Giannini, Gorham, Laroche, Long, Loughlin, McManus, Menard, Moran, Mumford, Savage, Scott, Singleton, Smith, Story, Trillo, Voccola, Wasylyk, Watson, Winfield.

Representatives Watson, Long, Lima, and Kennedy continue discussion on the act, as amended.

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, on a roll call vote, 33 members voting in the affirmative and 29 members voting in the negative as follows:

YEAS - 33: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Carter, Church, Coderre, Corvese, Costantino, Crowley, Faria, Flaherty, Fox, Gallison, Ginaitt, Handy, Jacquard, Kennedy, Kilmartin, Landroche, Lewiss, Lima, Malik, McCauley, McNamara, Melo, Moran, Moura, Naughton, O'Neill, Shanley, Slater, Sullivan.

NAYS - 29: Representatives Amaral, Brien, Caprio, Davey, Ehrhardt, Gemma, Giannini, Gorham, Jackson, Laroche, Long, Loughlin, McManus, Menard, Mumford, Pacheco, Petrarca, Picard, Rose, Savage, Scott, Singleton, Smith, Story, Trillo, Voccola, Wasylyk, Watson, Winfield.

IN ORDER FOR FRIDAY, JUNE 24, 2005:

1 2005-S 454 SUB A

BY Ciccone

**ENTITLED, AN ACT RELATING TO BUSINESS AND PROFESSIONS --
HAWKERS AND PEDDLERS**

Ordered on the Calendar

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

The bill marked substitute "A" is read and passed, in concurrence, and the original bill indefinitely postponed, on a roll call vote, 45 members voting in the affirmative and 12 members voting in the negative as follows:

YEAS - 45: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Ehrhardt, Faria, Fox,

Gallison, Giannini, Ginaitt, Handy, Jackson, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Long, McCauley, McNamara, Melo, Menard, Moran, Moura, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Singleton, Smith, Sullivan, Voccola, Wasylyk, Winfield.

NAYS - 12: Representatives Amaral, Davey, Gemma, Gorham, Loughlin, McManus, Mumford, Savage, Scott, Story, Trillo, Watson.

2 2005-S 1125

BY Ruggerio

ENTITLED, AN ACT RELATING TO SPORTS, RACING, AND ATHLETICS

Ordered on the Calendar

Representative Fox moves passage of the act, seconded by Representative Corvese.

The bill marked substitute "A" is read and passed, in concurrence, and the original bill indefinitely postponed, on a roll call vote, 56 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 56: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Ehrhardt, Faria, Fox, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, McCauley, McManus, McNamara, Melo, Menard, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Scott, Singleton, Slater, Smith, Story, Sullivan, Trillo, Voccola, Wasylyk, Watson, Winfield.

NAYS - 0.

3 2005-S 1134 SUB A as amended

BY Roberts

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- THE
LONG-TERM CARE REFORM ACT OF 2005 -- NURSING
FACILITY QUALITY MONITORING AND EARLY INTERVENTION
FOR RESIDENT SAFETY

Ordered on the Calendar

Representative Fox moves passage of the act, seconded by Representatives Naughton, Ginaitt, Kennedy, Kilmartin.

The bill marked substitute "A" is read and passed, as amended, in concurrence, and the original bill indefinitely postponed, on a roll call vote, 49 members voting in the affirmative and 3 members voting in the negative as follows:

YEAS - 49: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Faria, Fox,

Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Kennedy, Kilmartin, Landroche, Lewiss, Lima, Long, McCauley, McNamara, Melo, Menard, Moran, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Scott, Singleton, Story, Sullivan, Trillo, Voccola, Wasylyk, Watson, Winfield.

NAYS - 3: Representatives Ehrhardt, Gorham, McManus.

REQUEST

Representative Ehrhardt requests the journal to reflect that he had voted incorrectly on (05-S 1134 SUB Aaa, in concurrence), he would have voted in the affirmative.

4 2005-S 1138 SUB A as amended

BY Paiva-Weed

ENTITLED, JOINT RESOLUTION REQUESTING A COMPREHENSIVE ASSESSMENT OF LONG-TERM CARE SERVICE NEEDS AND FINANCING OPTIONS IN RHODE ISLAND PURSUANT TO AN ACT RELATING TO HEALTH AND SAFETY -- LONG-TERM CARE REFORM ACT OF 2005

Ordered on the Calendar

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

The bill marked substitute "A" is read and passed, as amended, in concurrence, and the original bill indefinitely postponed, on a roll call vote, 57 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 57: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Ehrhardt, Faria, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Landroche, Lewiss, Lima, Long, Loughlin, McCauley, McManus, McNamara, Melo, Menard, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Scott, Singleton, Slater, Smith, Story, Sullivan, Trillo, Voccola, Wasylyk, Watson, Winfield.

NAYS - 0.

5 2005-S 1086 SUB A as amended

BY Lenihan

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS

Ordered on the Calendar

Read, and by unanimous consent, ordered to be placed on the Calendar for Monday, June 27, 2005.

6 2005-S 1088 SUB A as amended**BY Lenihan****ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS**

Ordered on the Calendar

Read, and by unanimous consent, ordered to be placed on the Calendar for Monday, June 27, 2005.

7 2005-S 1089 SUB A as amended**BY Sosnowski****ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS**

Ordered on the Calendar

Read, and by unanimous consent, ordered to be placed on the Calendar for Monday, June 27, 2005.

8 2005-S 1091 SUB A as amended**BY Connors****ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS**

Ordered on the Calendar

Read, and by unanimous consent, ordered to be placed on the Calendar for Monday, June 27, 2005.

9 2005-S 1092 SUB A as amended**BY Roberts****ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS**

Ordered on the Calendar

Read, and by unanimous consent, ordered to be placed on the Calendar for Monday, June 27, 2005.

10 2005-S 1135 SUB A**BY Perry****ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- THE
LONG-TERM CARE REFORM ACT OF 2005 -- NURSING
FACILITY QUALITY IMPROVEMENT**

Ordered on the Calendar

Representative Fox moves passage of the act, seconded by Representatives Gemma and Naughton.

The bill marked Substitute "A" is read and passed, in concurrence, and the original bill indefinitely postponed, on a roll call vote, 53 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 53: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Church, Coderre, Corvese, Crowley, Davey, Ehrhardt, Faria, Fox, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Kennedy, Kilmartin, Landroche, Lewiss, Lima, Long, Loughlin, McCauley, McManus, McNamara, Melo, Menard, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Scott, Singleton, Slater, Smith, Story, Sullivan, Trillo, Voccola, Wasyluk, Winfield.

NAYS - 0.

REQUEST

Representative Costantino requests the journal to reflect that if he had voted on (05-S 1135 SUB A in concurrence), he would have voted in the affirmative.

By unanimous consent, Representative Fox requests to take up 4 House bills that were amended in the Senate. There is no objection.

COMMUNICATION FROM THE SENATE

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

House Bill No. 5992 SUB A as amended (Environmental Management)

BY Long, Moffitt

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- DAM MANAGEMENT DISTRICTS (adopt ordinances creating management districts for dams) {LC1652/1/A}

The bill marked Substitute "A" is read and passed, as amended, in concurrence, and the original bill indefinitely postponed, on a motion of Representative Fox seconded by Representative Amaral, on a roll call vote, 56 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 56: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Ehrhardt, Faria, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Landroche, Lewiss, Lima, Long, Loughlin, McCauley, McManus, McNamara, Melo, Menard, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Scott, Singleton, Slater, Smith, Story, Sullivan, Trillo, Voccola, Wasyluk, Winfield.

NAYS - 0.

House Bill No. 5307 SUB B**BY** Handy, Ginaitt, Gallison, Long, Lewiss**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- ENERGY AND CONSUMER SAVINGS ACT OF 2005 (efficiency standards) {LC567/2/B}

The bill marked substitute "B" is read and passed, in concurrence, and the original bill and the bill marked Substitute "A", indefinitely postponed, on a motion of Representative Fox seconded by Representatives Naughton and Handy, on a roll call vote, 47 members voting in the affirmative and 6 members voting in the negative as follows:

YEAS - 47: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Ehrhardt, Faria, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Kennedy, Kilmartin, Landroche, Lewiss, Lima, Long, McCauley, McNamara, Melo, Menard, Moran, Moura, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Singleton, Slater, Smith, Story, Sullivan, Voccola, Winfield.

NAYS - 6: Representatives Gorham, Loughlin, Mumford, Savage, Scott, Trillo.

House Bill No. 5205 SUB B**BY** Kennedy, San Bento, Coderre E, Picard, Winfield**ENTITLED**, AN ACT RELATING TO INSURANCE -- CLAIMS ADJUSTERS (experienced adjusters not licensed in Rhode Island to engage in emergency insurance adjustment) {LC1025/1/B}

The bill marked substitute "B" is read and passed, in concurrence, and the original bill and the bill marked Substitute "A", indefinitely postponed, on a motion of Representative Fox seconded by Representative Kennedy, on a roll call vote, 51 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 51: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Ehrhardt, Faria, Fox, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Kennedy, Kilmartin, Landroche, Lewiss, Lima, Long, Loughlin, McCauley, McNamara, Melo, Menard, Moran, Moura, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Scott, Singleton, Slater, Smith, Story, Sullivan, Voccola, Winfield.

NAYS - 0.

House Bill No. 5503 SUB B (Attorney General)**BY** Kennedy, Crowley, Jackson, Rice, Lewiss**ENTITLED**, AN ACT RELATING TO PROPERTY - RHODE ISLAND REAL ESTATE TIME-SHARE ACT (purchaser's ability to cancel a contract and extend the rescission period to 10 days) {LC1962/1/B}

The bill marked substitute "B" is read and passed, in concurrence, and the original bill and the bill marked Substitute "A", indefinitely postponed, on a motion of Representative Fox seconded by Representative Watson, on a roll call vote, 54 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 54: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Davey, Ehrhardt, Faria, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Landroche, Lewiss, Lima, Long, Loughlin, McCauley, McManus, McNamara, Melo, Menard, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Scott, Singleton, Slater, Smith, Story, Sullivan, Trillo, Voccola, Winfield.

NAYS - 0.

House Bill No. 5777 SUB A as amended

BY Gallison, Ucci, Moran, Malik, Rice

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW -- UNFAIR SALES PRACTICES (exempt prepaid wireless telephone service from the requirements associated with gift certificates) {LC2178/1/A}

Read, and by unanimous consent, ordered to be placed on the Calendar for Tuesday, June 28, 2005.

Senate Bill No. 1090

BY Sheehan, Cote, Issa, Doyle, Lanzi

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS (remove legislators and legislative appointees from various boards and commissions) {LC3154/1}

Read, and by unanimous consent, ordered to be placed on the Calendar for Tuesday, June 28, 2005.

Representative Fox moves to reconsider (05-H 5262 SUB Aaa), seconded by Representative Lewiss.

The motion to reconsider prevails on a roll call vote, 51 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 51: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Faria, Fox, Gallison, Gemma, Ginaitt, Gorham, Handy, Jackson, Kilmartin, Landroche, Lewiss, Lima, Long, Loughlin, McCauley, McManus, McNamara, Melo, Menard, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Singleton, Slater, Smith, Story, Sullivan, Trillo, Voccola, Winfield.

NAYS - 0.

House Bill No. 5262 SUB A

BY Lewiss, Fox, Crowley, Pacheco

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES (create the anti-camcorder piracy act) {LC904/3/A}

Representative Ajello, seconded by Representative Lewiss offers a written motion to amend.

**FLOOR AMENDMENT
TO
2005 -- H 5262 SUBSTITUTE A**

AN ACT RELATING TO CRIMINAL OFFENSES

Mr. Speaker:

I hereby move to amend 2005 -- H 5262 SUBSTITUTE A, entitled "AN ACT RELATING TO CRIMINAL OFFENSES", as follows:

(1) On page 2, line 20, by deleting the language beginning with the word "Unless" and ending on line 21, with the language "hour.", and by inserting in place thereof the following: "In no case shall the detention be for a period exceeding one hour."

(2) On page 3, line 8, by deleting the language "in good faith believed to have" and by inserting in place thereof the following: "had reasonable grounds to believe".

Respectfully submitted,

REPRESENTATIVE AJELLO

The motion to amend prevails on a roll call vote, 48 members voting in the affirmative and 2 members voting in the negative as follows:

YEAS - 48: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Faria, Fox, Gallison, Gemma, Ginaitt, Gorham, Handy, Jackson, Kilmartin, Landroche, Lewiss, Lima, Long, McCauley, McManus, McNamara, Melo, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Picard, Rose, Savage, Singleton, Slater, Smith, Story, Sullivan, Trillo, Voccola, Winfield.

NAYS - 2: Representatives Loughlin, Petrarca.

The bill marked substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, on a roll call vote, 46 members voting in the affirmative and 5 members voting in the negative as follows:

YEAS - 46: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Faria, Fox, Gallison, Gemma, Ginaitt, Handy, Jackson, Kilmartin, Landroche, Lewiss, Lima, Long,

McCauley, McManus, McNamara, Melo, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Picard, Rose, Savage, Singleton, Slater, Smith, Story, Sullivan, Trillo, Voccola, Winfield.

NAYS - 5: Representatives Davey, Ehrhardt, Gorham, Loughlin, Petrarca.

Representative Fox moves to reconsider (05-S 44 SUB B), seconded by Representative Lewiss.

The motion to reconsider prevails on a roll call vote, 46 members voting in the affirmative and 3 members voting in the negative as follows:

YEAS - 46: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Faria, Fox, Gallison, Gemma, Ginaitt, Handy, Jackson, Kilmartin, Lewiss, Lima, Long, Loughlin, McManus, McNamara, Melo, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Singleton, Slater, Smith, Story, Sullivan, Trillo, Voccola, Winfield.

NAYS - 3: Representatives Davey, Ehrhardt, Gorham.

Senate Bill No. 44 SUB B

BY Montalbano J

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES (unlawful operation of a recording device in a motion picture theater a misdemeanor) {LC291/3/B}

Representative Ajello, seconded by Representative Lewiss offers a written motion to amend.

F L O O R A M E N D M E N T
T O
2005 -- S 44 SUBSTITUTE B

AN ACT RELATING TO CRIMINAL OFFENSES

Mr. President:

I hereby move to amend 2005 -- S 44 SUBSTITUTE B, entitled "AN ACT RELATING TO CRIMINAL OFFENSES", as follows:

(1) On page 2, line 20, by deleting the language beginning with the word "Unless" and ending on line 21, with the language "hour.", and by inserting in place thereof the following: "In no case shall the detention be for a period exceeding one hour."

(2) On page 3, line 8, by deleting the language "in good faith believed to have" and by inserting in place thereof the following: "had reasonable grounds to believe".

Respectfully submitted,

REPRESENTATIVE AJELLO

The motion to amend prevails on a roll call vote, 48 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 48: Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Ehrhardt, Faria, Fox, Gallison, Gemma, Ginaitt, Gorham, Handy, Jackson, Kilmartin, Lewiss, Lima, Long, Loughlin, McManus, McNamara, Melo, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Picard, Rose, Savage, Singleton, Slater, Smith, Story, Sullivan, Trillo, Voccola, Watson, Winfield.

NAYS - 1: Representative Petrarca.

The bill marked substitute "B" is read and passed, as amended, and the original bill and the bill marked Substitute "A", indefinitely postponed, on a roll call vote, 41 members voting in the affirmative and 6 members voting in the negative as follows:

YEAS - 41: The Honorable Speaker Murphy and Representatives Almeida, Amaral, Anguilla, Brien, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Fox, Gallison, Gemma, Ginaitt, Jackson, Kilmartin, Landroche, Lewiss, Lima, Long, McManus, McNamara, Melo, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Picard, Rose, Savage, Slater, Smith, Story, Sullivan, Trillo, Voccola, Winfield.

NAYS - 6: Representatives Ehrhardt, Gorham, Loughlin, Petrarca, Singleton, Watson.

REQUESTS

Representatives Handy and Ajello requests the journal to reflect that if they had voted on (05-S 44 Baa), they would have voted in the affirmative.

TRANSMITTAL

By unanimous consent, all matters on the clerk's desk are ordered to be transmitted to His Excellency, the Governor, to the Honorable Secretary of State, and the Honorable Senate forthwith, with the exception of bills being held.

ANNOUNCEMENTS

Representative Costantino announces there will be session on Monday, June 27, 2005 at 1:00 o'clock P.M., to hear the budget.

Happy Anniversary to Representative Gregory Schadone and his wife Christina, on June 24, 2005.

ADJOURNMENT

At 7:51 o'clock P.M. on motion of Representative Almeida, and as a further mark of respect to the memory of Steven A Zinno, Jr.; on motion of Representative Pacheco, and as a further mark of respect to the memory of John R. Cowles; on motion of Representative Amaral and as a further mark of respect to the memory of Joe Vargas; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE PETER T. GINAITT

Almighty god, whose statutes are good and gracious and whose law is truth, grant that we may enact only such just and equitable laws as are pleasing to thee. Amen

APPENDIX

TRANSMITTED TO THE GOVERNOR

House Bill No. 5503 SUB B (Attorney General)

BY Kennedy, Crowley, Jackson, Rice, Lewiss

ENTITLED, AN ACT RELATING TO PROPERTY - RHODE ISLAND REAL ESTATE TIME-SHARE ACT (purchaser's ability to cancel a contract and extend the rescission period to 10 days) {LC1962/1/B}

House Bill No. 5992 SUB A as amended (Environmental Management)

BY Long, Moffitt

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- DAM MANAGEMENT DISTRICTS (adopt ordinances creating management districts for dams) {LC1652/1/A}

House Bill No. 5307 SUB B

BY Handy, Ginaitt, Gallison, Long, Lewiss

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- ENERGY AND CONSUMER SAVINGS ACT OF 2005 (efficiency standards) {LC567/2/B}

House Bill No. 5205 SUB B

BY Kennedy, San Bento, Coderre E, Picard, Winfield

ENTITLED, AN ACT RELATING TO INSURANCE -- CLAIMS ADJUSTERS (experienced adjusters not licensed in Rhode Island to engage in emergency insurance adjustment) {LC1025/1/B}

APPENDIX

CALENDAR

SPECIAL ORDER OF BUSINESS IN ORDER FOR MONDAY, JUNE 27, 2005

1 2005-H 5270 SUB A**BY Watson****ENTITLED,** AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2006

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

IN ORDER FOR TUESDAY, JUNE 28, 2005:

1 2005-H 5777 SUB A as amended**BY Gallison****ENTITLED,** AN ACT RELATING TO COMMERCIAL LAW -- UNFAIR SALES PRACTICES

Ordered on the Calendar

2 2005-H 6430 SUB A**BY Malik****ENTITLED,** AN ACT RELATING TO VETERANS' AFFAIRS

Committee on Veterans' Affairs recommends indefinite postponement of the original bill and passage of Substitute A.

3 2005-H 6315**BY McCauley****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES

Committee on Finance recommends passage.

4 2005-H 5815**BY Landroche****ENTITLED,** AN ACT RELATING TO ALCOHOLIC BEVERAGES

Committee on Finance recommends passage.

5 2005-H 5500 SUB B**BY Lewiss****ENTITLED, AN ACT RELATING TO ELECTIONS -- GENERAL PROVISIONS**

Ordered on the Calendar

6 2005-H 5569 SUB B**BY Slater****ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
NURSING SERVICE AGENCIES**

Ordered on the Calendar

7 2005-H 6170 SUB A as amended**BY Coderre E****ENTITLED, AN ACT SEPARATION OF POWERS**

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

8 2005-H 6442**BY Moura****ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- POLICE
OFFICERS AND FIRE FIGHTERS**

Committee on Labor recommends passage.

9 2005-H 5858 SUB A**BY Landroche****ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -
WORKERS' COMPENSATION - BENEFITS**

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

10 2005-H 6146**BY Carter****ENTITLED, AN ACT RELATING TO RHODE ISLAND UNIFORM
COMMERCIAL DRIVERS' LICENSE ACT**

Committee on Corporations recommends passage.

11 2005-H 6606**BY Anguilla****ENTITLED, AN ACT RELATING TO CITIES AND TOWNS**

Committee on Corporations recommends passage.

12 2005-H 6587

BY Malik

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - GENERAL POWERS - TOWN OF WARREN

Committee on Corporations recommends passage.

13 2005-H 6137 SUB A

BY Corvese

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- GOVERNMENT OVERSIGHT AND FISCAL ACCOUNTABILITY REVIEW ACT

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

14 2005-H 5282 SUB A

BY Ginaitt

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - DENTISTS AND DENTAL HYGIENISTS

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

15 2005-H 6003 SUB A

BY Malik

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- CHECK CASHING

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

16 2005-H 6481

BY Malik

ENTITLED, AN ACT RELATING TO NAMING A BUILDING, BRIDGE, EDIFICE AND OTHER STATE CONSTRUCTIONS

Committee on Finance recommends passage.

17 2005-H 6388

BY Picard

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- GAMBLING AND LOTTERIES

Committee on Finance recommends passage.

18 2005-H 6519 SUB A

BY Corvese

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- REFUSE DISPOSAL

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

19 2005-H 5748 SUB A

BY Story

ENTITLED, AN ACT RELATING TO EDUCATION -- CURRICULUM

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

20 2005-H 6602

BY Amaral

ENTITLED, AN ACT AUTHORIZING AN INCREASE IN THE AMOUNT OF REAL, PERSONAL, AND MIXED PROPERTY WHICH THE NEWPORT COUNTY COMMUNITY MENTAL HEALTH CENTER, INC. SHALL BE ENTITLED TO TAKE, HOLD, TRANSMIT AND CONVEY, AND GRANTING EXEMPTION FROM ALL TAXATION

Committee on Corporations recommends passage.

21 2005-H 6209

BY Scott

ENTITLED, AN ACT AUTHORIZING THE CHARIHO REGIONAL SCHOOL DISTRICT TO ISSUE GENERAL OBLIGATION BONDS AND/OR NOTES NOT TO EXCEED \$99,824,000 TO FINANCE THE CONSTRUCTION, RENOVATION, IMPROVEMENT, ALTERATION, REPAIR, FURNISHING AND EQUIPPING OF SCHOOLS AND SCHOOL FACILITIES THROUGHOUT THE REGIONAL SCHOOL DISTRICT, SUCH PROJECT TO BE FINANCED IN TWO PHASES, THE SECOND PHASE NOT TO BE FINANCED BEFORE JUNE 1, 2007 AND SUBJECT TO THE CONDITIONS OF THIS ACT AS TO LEVELS OF STATE AID

Committee on Finance recommends passage.

22 2005-H 6507

BY Menard

ENTITLED, AN ACT AUTHORIZING THE TOWN OF CUMBERLAND TO FINANCE THE CONSTRUCTION OF ADDITIONS, RENOVATIONS,

IMPROVEMENTS, ALTERATIONS AND REPAIRS TO THE HIGH SCHOOL IN THE TOWN, THE EQUIPPING AND FURNISHING THEREOF AND THE PURCHASE AND INSTALLATION OF INFORMATION TECHNOLOGY INFRASTRUCTURE IN SCHOOLS AND SCHOOL FACILITIES IN THE TOWN BY THE ISSUANCE OF NOT MORE THAN \$30,000,000 BONDS AND/OR NOTES THEREFOR

Committee on Finance recommends passage.

23 2005-S 508 SUB A

BY Alves

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT
-- DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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

24 2005-S 825 SUB A

BY Tassoni

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
REGISTRATION OF VEHICLES

Committee on Veterans' Affairs recommends indefinite postponement of the original bill and passage of Substitute A in concurrence.

25 2005-S 1166

BY Connors

ENTITLED, JOINT RESOLUTION REINSTATING THE LIFE AND EXTENDING
THE REPORTING DATE OF THE SPECIAL LEGISLATIVE
COMMISSION TO STUDY TRANSIT SERVICE IN THE STATE OF
RHODE ISLAND

Ordered on the Calendar

26 2005-S 1187

BY Pichardo

ENTITLED, JOINT RESOLUTION EXTENDING THE REPORTING DATE OF
THE SPECIAL LEGISLATIVE COMMISSION TO STUDY
PREDATORY MORTGAGE LENDING PRACTICES

Ordered on the Calendar

27 2005-S 864 SUB A

BY Gallo

ENTITLED, AN ACT RELATING TO EDUCATION -- CURRICULUM

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

28 2005-S 76 SUB A as amended

BY Raptakis

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES

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

29 2005-S 1145

BY Lenihan

ENTITLED, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE HOME RULE CHARTER OF THE TOWN OF EAST GREENWICH

Committee on Corporations recommends passage in concurrence.

30 2005-S 888

BY Fogarty P

ENTITLED, AN ACT RELATING TO RHODE ISLAND UNIFORM COMMERCIAL DRIVERS' LICENSE ACT

Committee on Corporations recommends passage in concurrence.

31 2005-S 335 SUB B

BY Levesque C

ENTITLED, AN ACT RELATING TO PROPERTY - RHODE ISLAND REAL ESTATE TIME-SHARE ACT

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

32 2005-S 1160 as amended

BY Tassoni

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- HOUSING

Committee on Corporations recommends passage as amended in concurrence.

33 2005-S 1148

BY Paiva-Weed

ENTITLED, AN ACT RELATING TO PROPERTY TAX RELIEF IN THE TOWN OF JAMESTOWN

Committee on Corporations recommends passage in concurrence.

34 2005-S 265**BY Lanzi****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
GOVERNMENT OVERSIGHT AND FISCAL ACCOUNTABILITY
REVIEW ACT

Committee on Finance recommends passage in concurrence.

35 2005-S 812 SUB A**BY Roberts****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
DENTISTS AND DENTAL HYGIENISTSCommittee on Finance recommends indefinite postponement of the original bill and
passage of Substitute A in concurrence.**36 2005-S 773 SUB B****BY Felag****ENTITLED,** AN ACT RELATING TO FINANCIAL INSTITUTIONS -- CHECK
CASHINGCommittee on Finance recommends indefinite postponement of the original bill and the
Substitute A and passage of Substitute B.**37 2005-S 872****BY Breene****ENTITLED,** AN ACT AUTHORIZING THE CHARIHO REGIONAL SCHOOL
DISTRICT TO ISSUE GENERAL OBLIGATION BONDS AND/OR
NOTES NOT TO EXCEED \$99,824,000 TO FINANCE THE
CONSTRUCTION, RENOVATION, IMPROVEMENT, ALTERATION,
REPAIR, FURNISHING AND EQUIPPING OF SCHOOLS AND
SCHOOL FACILITIES THROUGHOUT THE REGIONAL SCHOOL
DISTRICT, SUCH PROJECT TO BE FINANCED IN TWO PHASES,
THE SECOND PHASE NOT TO BE FINANCED BEFORE JUNE 1,
2007 AND SUBJECT TO THE CONDITIONS OF THIS ACT AS TO
LEVELS OF STATE AID

Committee on Finance recommends passage in concurrence.

38 2005-S 1127**BY Algieri****ENTITLED,** AN ACT RELATING TO CHARLESTOWN FIRE DISTRICT

Committee on Corporations recommends passage in concurrence.

39 2005-S 961 SUB B**BY Bates****ENTITLED,** AN ACT RELATING TO WATERS AND NAVIGATION

Committee on Environment and Natural Resources recommends indefinite postponement of the original bill and the Substitute A and passage of Substitute B.

40 2005-S 39 SUB A as amended**BY Bates****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT

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

41 2005-S 548 SUB A**BY Bates****ENTITLED,** AN ACT RELATING TO INSURANCE -- UNFAIR COMPETITION
AND PRACTICES

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

42 2005-S 123 SUB A**BY Gibbs****ENTITLED,** AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT
OF LOCAL TAXES

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

43 2005-S 311**BY Blais****ENTITLED,** AN ACT RELATING TO INSURANCE -- SMALL EMPLOYER
HEALTH INSURANCE AVAILABILITY ACT

Committee on Corporations recommends passage in concurrence.

44 2005-S 929 SUB A**BY Bates****ENTITLED,** AN ACT RELATING TO ALCOHOLIC BEVERAGES

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

45 2005-S 1080**BY Sheehan**

ENTITLED, AN ACT AUTHORIZING THE TOWN OF NARRAGANSETT TO
ADOPT A TAX CLASSIFICATION PLAN

Committee on Corporations recommends passage in concurrence.

46 2005-S 549

BY Bates

ENTITLED, AN ACT RELATING TO INSURANCE

Committee on Corporations recommends passage in concurrence.

47 2005-S 327 SUB A

BY Bates

ENTITLED, AN ACT RELATING TO INSURANCE -- FIRE INSURANCE
POLICIES AND RESERVES

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

48 2005-S 1090

BY Sheehan

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS

Ordered on the Calendar

IN ORDER FOR WEDNESDAY, JUNE 29, 2005:

1 2005-H 6160

BY Faria

ENTITLED, HOUSE RESOLUTION CREATING A SPECIAL HOUSE
COMMISSION TO STUDY AUTO BODY AND SALVAGE SHOPS

Committee on Labor recommends passage.

2 2005-H 6167

BY Kilmartin

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
CERTIFICATES OF TITLE AND SECURITY INTERESTS

Committee on Corporations recommends passage.

3 2005-H 5717

BY Malik

ENTITLED, AN ACT RELATING TO LABOR RELATIONS ACT

Committee on Labor recommends passage.

4 2005-S 1035 as amended

BY Montalbano J

ENTITLED, AN ACT RELATING TO THE CLEARY SCHOOL

Committee on Corporations recommends passage as amended in concurrence.

Louis D'Antuono
Clerk of the House

Friday, June 24, 2005