

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 sixth day of January in the year of Our Lord two thousand and four.

Volume 131, No. 3

Thursday, January 8, 2004

Third Day

The House of Representatives meets at the State House in Providence, Thursday, January 08, 2004 and is called to order at 4:13 o'clock P.M., by the Honorable William J. Murphy, Speaker

The roll is called and a quorum is declared present with 72 members present and 3 members absent as follows:

PRESENT – 72: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anderson, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Enos, Faria, Flaherty, Fox, Gallison, Giannini, Ginaitt, Gorham, Handy, Harwood, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Lowe, Malik, McCauley, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Moura, Mumford, Naughton, Palumbo, Picard, Reilly, Rose, San Bento, Savage, Schadone, Scott, Shanley, Shavers, Slater, Smith, Story, Tejada, Trillo, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT – 3: Representatives Coderre, Petrarca, Sherlock

INVOCATION

The Honorable Speaker presents Representative Shavers 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 Wednesday, January 7, 2004, is approved as printed.

NEW BUSINESS**House Resolution No. 7034****BY** Montanaro, Kennedy, Anderson R, Kilmartin, Harwood**ENTITLED**, HOUSE RESOLUTION PROCLAIMING 2004 AS "THE YEAR OF POLIO AWARENESS" {LC511/1}

Representative Montanaro requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Montanaro seconded by Representative Fox and several other members of the House and by unanimous consent, on a voice vote.

House Resolution No. 7035**BY** Savage**ENTITLED**, HOUSE RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL HOUSE COMMISSION TO STUDY ALL ASPECTS OF CARE OF STUDENTS IN THE SCHOOL SETTING {LC721/1}

Representative Savage requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Savage seconded by the entire Republican Caucus and by unanimous consent, on a voice vote.

House Resolution No. 7036**BY** Kilmartin, Carter, Malik, Moura, Landroche**ENTITLED**, HOUSE RESOLUTION MEMORIALIZING THE GOVERNOR OF RHODE ISLAND TO REQUIRE ALL STATE DEPARTMENTS TO CEASE PUBLICATION AND MAILING OF NONESSENTIAL PRINTED MATERIALS {LC618/1}

Representative Kilmartin requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Kilmartin seconded by Representative McNamara Menard and Trillo and by unanimous consent, on a voice vote.

House Resolution No. 7037**BY** Williamson, Landroche, Wasylyk**ENTITLED**, HOUSE RESOLUTION COMMEMORATING THE 50TH ANNIVERSARY OF THE JUNIOR CHAMBER OF COMMERCE IN WEST WARWICK, RHODE ISLAND {LC565/1}

Representative Williamson requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Williamson seconded by Representatives Landroche, Ajello, and Anderson and by unanimous consent, on a voice vote.

House Resolution No. 7038**BY** Dennigan, Anguilla, Cerra, Lewiss, Slater**ENTITLED**, HOUSE RESOLUTION PROCLAIMING JANUARY 8, 2004 TO BE "PROFESSIONAL PET ASSISTED THERAPY AWARENESS DAY" IN THE STATE OF RHODE ISLAND {LC516/1}

Representative Dennigan requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Dennigan seconded by Representative Lima, Lewiss, Ajello, Cerra, Shavers, and Giannini and by unanimous consent, on a voice vote.

House Resolution No. 7039**BY** Corvese, Kennedy**ENTITLED**, HOUSE RESOLUTION PROCLAIMING APRIL 24TH, 2004 AS "RHODE ISLAND DAY OF REMEMBRANCE OF THE ARMENIAN GENOCIDE" IN COMMEMORATION OF THE ARMENIAN GENOCIDE FROM 1915 TO 1923 AND HONORING ARMENIAN-AMERICANS {LC268/1}

Representative Corvese requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Corvese seconded by Representatives Ajello, McCauley and several other members of the House and by unanimous consent, on a voice vote.

House Resolution No. 7040**BY** Corvese**ENTITLED**, HOUSE RESOLUTION RESPECTFULLY REQUESTING THAT THE RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT KEEP LINCOLN WOODS STATE PARK OPEN YEAR ROUND {LC269/1}

Representative Corvese requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Corvese seconded by Representative McNamara, Malik, Carter Aubin Giannini, and several other members of the House and by unanimous consent, on a voice vote.

House Resolution No. 7041**BY** Shavers, Benson, Fox, Williams, Almeida**ENTITLED**, HOUSE RESOLUTION COMMEMORATING THE CELEBRATION OF THE BIRTH OF THE REVEREND MARTIN LUTHER KING, JR. {LC551/1}

Representative Shavers requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Shavers seconded by Representative Benson, Williams, Almeida, Cerra, Picard, Ajello, and McNamara and by unanimous consent, on a voice vote.

House Bill No. 7042**BY** Kennedy, Naughton, Lewiss, Laroche, Giannini**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS {LC578/1}
01/08/2004 Introduced, referred to House Corporations**House Bill No. 7043****BY** Corvese, Schadone**ENTITLED**, AN ACT RELATING TO TARGETING SCHOOL AID {LC265/1}
01/08/2004 Introduced, referred to House Finance**House Bill No. 7044****BY** Corvese, Schadone, Giannini, Palumbo, Reilly**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES {LC256/1}
01/08/2004 Introduced, referred to House Judiciary**House Bill No. 7045****BY** Amaral, Savage, McManus, Long, Moffitt**ENTITLED**, AN ACT RELATING TO TAXATION - PROPERTY TAX RELIEF {LC11/1}
01/08/2004 Introduced, referred to House Corporations

House Bill No. 7046**BY** McHugh, Story**ENTITLED**, AN ACT RELATING TO EDUCATION -- FOUNDATION LEVEL SCHOOL SUPPORT {LC75/1}

01/08/2004 Introduced, referred to House Finance

House Bill No. 7047**BY** Giannini, Naughton, McNamara, Kennedy, Wasylyk**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS {LC330/1}

01/08/2004 Introduced, referred to House H.E.W.

House Bill No. 7048**BY** Giannini, Flaherty, Corvese, Shavers, Cerra**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- UNBORN VICTIMS OF VIOLENCE ACT {LC42/1}

01/08/2004 Introduced, referred to House Judiciary

House Bill No. 7049**BY** Giannini, McNamara, Kennedy, Wasylyk, Gallison**ENTITLED**, AN ACT RELATING TO HEALTH INSURANCE COVERAGE {LC416/1}

01/08/2004 Introduced, referred to House H.E.W.

House Bill No. 7050**BY** Giannini, McNamara, Kennedy, Wasylyk, Gallison**ENTITLED**, AN ACT RELATING TO HEALTH INSURANCE COVERAGE {LC412/1}

01/08/2004 Introduced, referred to House H.E.W.

House Bill No. 7051**BY** Giannini, McNamara, Kennedy, Wasylyk, Gallison**ENTITLED**, AN ACT RELATING TO HEALTH INSURANCE COVERAGE {LC408/1}

01/08/2004 Introduced, referred to House H.E.W.

House Bill No. 7052**BY** Trillo, Gallison, Long, Ginaitt, Amaral**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION - WATER POLLUTION {LC539/1}

01/08/2004 Introduced, referred to House Environment and Natural Resources

House Bill No. 7053**BY** Shanley, Kennedy, Lally, San Bento, Menard**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- DUTIES OF UTILITIES AND CARRIERS {LC176/1}

01/08/2004 Introduced, referred to House Corporations

House Bill No. 7054**BY** Winfield, Lewiss, Kennedy, Enos, Shanley**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- REGISTRATION OF VEHICLES {LC675/1}

01/08/2004 Introduced, referred to House Corporations

House Bill No. 7055**BY** Brien T, Picard, Laroche, Lowe, Menard**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS {LC659/1}

01/08/2004 Introduced, referred to House Corporations

House Bill No. 7056**BY** Schadone, Cerra, Coderre E, Kennedy, San Bento**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW -- CREDIT CARD SOLICITATION {LC162/1}

01/08/2004 Introduced, referred to House Corporations

House Bill No. 7057**BY** Schadone, San Bento, Lewiss, Shavers, Cerra**ENTITLED**, AN ACT RELATING TO INSURANCE -- UNFAIR CLAIMS SETTLEMENT PRACTICES ACT {LC222/1}

01/08/2004 Introduced, referred to House Judiciary

House Bill No. 7058**BY** Schadone, Lewiss**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - - LIENS AGAINST CAUSES OF ACTION {LC164/1}

01/08/2004 Introduced, referred to House Judiciary

House Bill No. 7059**BY** Lowe**ENTITLED**, AN ACT RELATING TO TAXATION -- MUNICIPAL LIEN CERTIFICATES {LC577/1}

01/08/2004 Introduced, referred to House Corporations

House Bill No. 7060**BY** Corvese, Schadone, San Bento**ENTITLED**, AN ACT RELATING TO INSURANCE -- HEALTH MAINTENANCE ORGANIZATION {LC252/1}

01/08/2004 Introduced, referred to House Corporations

House Bill No. 7061**BY** Corvese**ENTITLED**, AN ACT RELATING TO EDUCATION -- STATE AID {LC260/1}

01/08/2004 Introduced, referred to House Finance

House Bill No. 7062**BY** Corvese, Schadone, San Bento**ENTITLED**, AN ACT RELATING TO REGISTRATION OF VEHICLES {LC257/1}

01/08/2004 Introduced, referred to House Finance

House Bill No. 7063**BY** Corvese, Schadone, San Bento**ENTITLED**, AN ACT RELATING TO STATE ROADS -- CONSTRUCTION PROJECT -- APPROPRIATIONS OF BUSINESSES {LC258/1}

01/08/2004 Introduced, referred to House Finance

House Bill No. 7064**BY** Crowley, Shavers, Lewiss, Callahan**ENTITLED**, AN ACT RELATING TO TAXATION -- SALES TAX {LC274/1}

01/08/2004 Introduced, referred to House Finance

House Bill No. 7065**BY** Kilmartin, McManus, Long**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- USE OF ELECTRONIC DEVICES {LC612/1}

01/08/2004 Introduced, referred to House Corporations

House Bill No. 7066**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO UNFAIR SALES PRACTICES {LC605/1}

01/08/2004 Introduced, referred to House Corporations

House Bill No. 7067**BY** McNamara, Kilmartin, Giannini, Gallison, Dennigan**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES {LC385/1}

01/08/2004 Introduced, referred to House H.E.W.

House Bill No. 7068**BY** Trillo, Malik, Rose, Schadone, Caprio D**ENTITLED**, AN ACT RELATING TO INSURANCE -- SMALL EMPLOYER HEALTH INSURANCE {LC669/1}

01/08/2004 Introduced, referred to House Corporations

House Bill No. 7069**BY** Kilmartin, San Bento**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES {LC595/1}

01/08/2004 Introduced, referred to House Finance

House Resolution No. 7070**BY** Kilmartin, Coderre E, Dennigan, Rose, San Bento**ENTITLED**, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$250,000 FOR THE PAWTUCKET VISITOR CENTER {LC581/1}

01/08/2004 Introduced, referred to House Finance

House Bill No. 7071 (Governor)**BY** Story, Long, Moffitt, Scott, Savage**ENTITLED**, AN ACT RELATING TO VIDEO LOTTERY TERMINALS {LC652/1}

01/08/2004 Introduced, referred to House Finance

House Bill No. 7072**BY** Corvese**ENTITLED**, AN ACT RELATING TO PROPERTY SUBJECT TO TAXATION {LC266/1}

01/08/2004 Introduced, referred to House Finance

House Bill No. 7073**BY** McNamara, Kilmartin, Rose, Giannini, Malik**ENTITLED**, AN ACT RELATING TO RHODE ISLAND UNIFORM COMMERCIAL DRIVER'S LICENSE ACT {LC400/1}

01/08/2004 Introduced, referred to House Corporations

House Bill No. 7074**BY** Williamson**ENTITLED**, AN ACT RELATING TO PROPERTY -- RECORDING OF INSTRUMENTS {LC626/1}

01/08/2004 Introduced, referred to House Corporations

House Bill No. 7075**BY** Kilmartin, San Bento**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- NOTICE OF MANUFACTURER RECALL {LC586/1}

01/08/2004 Introduced, referred to House Corporations

House Bill No. 7076**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- RETIREMENT SYSTEM -- CONTRIBUTIONS AND BENEFITS {LC582/1}

01/08/2004 Introduced, referred to House Finance

House Bill No. 7077**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES -- EMISSIONS INSPECTION PROGRAM {LC609/1}

01/08/2004 Introduced, referred to House Finance

House Bill No. 7078**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO TAXATION -- SALES AND USE TAXES -- LIABILITY AND COMPUTATION {LC598/1}

01/08/2004 Introduced, referred to House Finance

House Bill No. 7079**BY** Schadone, Landroche, Winfield**ENTITLED**, AN ACT RELATING TO INSURANCE -- UNINSURED MOTORIST COVERAGE {LC167/1}

01/08/2004 Introduced, referred to House Corporations

House Bill No. 7080**BY** McHugh, Lewiss, Scott, Story**ENTITLED**, AN ACT RELATING TO LOW AND MODERATE INCOME HOUSING {LC238/1}

01/08/2004 Introduced, referred to House Corporations

House Bill No. 7081**BY** Corvese**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW - GIFT CERTIFICATES {LC262/1}

01/08/2004 Introduced, referred to House Corporations

House Bill No. 7082**BY** Brien T, Laroche, Tejada, Gallison, Winfield**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES {LC664/1}

01/08/2004 Introduced, referred to House Labor

House Bill No. 7083**BY** Corvese, Laroche, Brien T, San Bento, Almeida**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- CONTRACTORS' BONDS {LC253/1}

01/08/2004 Introduced, referred to House Labor

House Bill No. 7084**BY** Corvese, Laroche, Brien T, San Bento, Almeida**ENTITLED**, AN ACT RELATING TO SAFETY AWARENESS {LC255/1}

01/08/2004 Introduced, referred to House Labor

House Bill No. 7085**BY** Corvese, Brien T, Laroche, San Bento, Almeida**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- CORRECTIONAL OFFICERS -- ARBITRATORS {LC261/1}

01/08/2004 Introduced, referred to House Labor

House Bill No. 7086**BY** Voccola, Lowe, McCauley**ENTITLED**, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX {LC437/1}

01/08/2004 Introduced, referred to House Finance

House Bill No. 7087**BY** Lewiss, San Bento, Carter, Crowley, Naughton**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ALLOCATION FOR ART FOR PUBLIC FACILITIES ACT {LC487/1}

01/08/2004 Introduced, referred to House Finance

House Bill No. 7088**BY** Lewiss, Anguilla, San Bento, Carter, Gallison**ENTITLED**, AN ACT RELATING TO TAXATION {LC482/1}

01/08/2004 Introduced, referred to House Finance

House Bill No. 7089**BY** Fox, Carter, Benson, Gallison, Slater**ENTITLED**, AN ACT RELATING TO MILITARY SERVICE -- MILITARY SERVICE DEBT RELIEF ACT {LC313/1}

01/08/2004 Introduced, referred to House Corporations

House Bill No. 7090**BY** Gallison, Giannini, Lewiss, Shavers, Aubin**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW -- GIFT CERTIFICATES {LC674/1}

01/08/2004 Introduced, referred to House Corporations

House Bill No. 7091**BY** Voccola, Moran, Lowe**ENTITLED**, AN ACT RELATING TO LOST OR MISSING CHILDREN {LC434/1}

01/08/2004 Introduced, referred to House Corporations

House Bill No. 7092**BY** Voccola, Moran, Lowe**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- REGISTRATION OF VEHICLES {LC433/1}

01/08/2004 Introduced, referred to House Corporations

House Resolution No. 7093**BY** Voccola, Cerra**ENTITLED**, HOUSE RESOLUTION RESPECTFULLY REQUESTING THE STATE TRAFFIC COMMISSION TO INSTALL A TRAFFIC LIGHT IN THE TOWN OF JOHNSTON {LC444/1}

01/08/2004 Introduced, referred to Jt. Committee on Highway Safety

House Resolution No. 7094**BY** Voccola, Cerra**ENTITLED**, HOUSE RESOLUTION RESPECTFULLY REQUESTING THE STATE TRAFFIC COMMISSION TO INSTALL A PEDESTRIAN TRAFFIC LIGHT IN THE TOWN OF JOHNSTON {LC445/1}

01/08/2004 Introduced, referred to Jt. Committee on Highway Safety

House Resolution No. 7095**BY** Voccola, Cerra**ENTITLED**, HOUSE RESOLUTION RESPECTFULLY REQUESTING THE STATE TRAFFIC COMMISSION INSTALL A TRAFFIC SIGNAL IN THE TOWN OF JOHNSTON {LC446/1}

01/08/2004 Introduced, referred to Jt. Committee on Highway Safety

House Bill No. 7096**BY** McNamara, Kilmartin**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- TRAFFIC CONTROL DEVICES {LC291/1}

01/08/2004 Introduced, referred to Jt. Committee on Highway Safety

House Bill No. 7097**BY** Voccola, Tejada**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- RIGHT TO DISCOVERY {LC435/1}

01/08/2004 Introduced, referred to House Judiciary

House Bill No. 7098**BY** Voccola, Tejada**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- BAIL AND RECOGNIZANCE {LC468/1}

01/08/2004 Introduced, referred to House Judiciary

House Bill No. 7099**BY** Lewiss, San Bento, Carter, Anguilla, Lally**ENTITLED**, AN ACT RELATING TO PROPERTY -- POWERS {LC506/1}

01/08/2004 Introduced, referred to House Judiciary

House Bill No. 7100**BY** Lewiss, Anguilla, San Bento, Carter, Lally**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY - LEVY AND SALE ON EXECUTION {LC490/1}

01/08/2004 Introduced, referred to House Judiciary

House Bill No. 7101**BY** Schadone, Cerra, Shavers, Malik, Rose**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES {LC236/1}

01/08/2004 Introduced, referred to House Judiciary

House Bill No. 7102**BY** Schadone, Anderson R, Montanaro, Jacquard**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- ASSAULTS {LC158/1}

01/08/2004 Introduced, referred to House Judiciary

House Bill No. 7103**BY** Schadone, Lewiss, Jacquard**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- BURGLARY AND BREAKING AND ENTERING {LC165/1}

01/08/2004 Introduced, referred to House Judiciary

House Bill No. 7104**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO TOBACCO SALES {LC588/1}

01/08/2004 Introduced, referred to House Judiciary

House Bill No. 7105**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO PROPERTY -- RESIDENTIAL LANDLORD AND TENANT ACT {LC600/1}

01/08/2004 Introduced, referred to House Judiciary

House Bill No. 7106**BY** Kilmartin, McManus, Long**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES {LC590/1}

01/08/2004 Introduced, referred to House Judiciary

House Bill No. 7107**BY** Kilmartin, San Bento**ENTITLED**, AN ACT RELATING TO MISCELLANEOUS RULES {LC589/1}

01/08/2004 Introduced, referred to House Judiciary

House Bill No. 7108**BY** McNamara, Malik, Enos, Laroche, Lally**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- CODE OF ETHICS {LC285/1}

01/08/2004 Introduced, referred to House Judiciary

House Bill No. 7109**BY** Corvese**ENTITLED**, AN ACT RELATING TO DOMESTIC RELATIONS -- UNIFORM LAW ON PATERNITY {LC251/1}

01/08/2004 Introduced, referred to House Judiciary

House Bill No. 7110**BY** Corvese**ENTITLED**, AN ACT RELATING TO VICTIM'S RIGHTS {LC263/1}

01/08/2004 Introduced, referred to House Judiciary

House Bill No. 7111**BY** Kilmartin, San Bento**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- FALSE PERSONATION {LC596/1}

01/08/2004 Introduced, referred to House Judiciary

House Bill No. 7112**BY** McHugh**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- OPEN MEETINGS {LC72/1}

01/08/2004 Introduced, referred to House Judiciary

House Bill No. 7113**BY** Schadone, Lewiss, Anderson R, Montanaro, Ajello**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- CHILDREN {LC163/1}

01/08/2004 Introduced, referred to House Judiciary

House Bill No. 7114**BY** Palumbo, McCauley, Lally**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- WEAPONS {LC136/1}

01/08/2004 Introduced, referred to House Judiciary

House Bill No. 7115**BY** Schadone, Giannini, Slater, Corvese, Rose**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- FETAL PROTECTION ACT {LC160/1}

01/08/2004 Introduced, referred to House Judiciary

House Bill No. 7116**BY** Corvese, Schadone, Giannini, Palumbo, Reilly**ENTITLED**, AN ACT RELATING TO ABORTION {LC264/1}

01/08/2004 Introduced, referred to House Judiciary

House Bill No. 7117**BY** Corvese, Schadone, Giannini, Palumbo, Reilly**ENTITLED**, AN ACT RELATING TO INFORMED CONSENT FOR ABORTION {LC254/1}

01/08/2004 Introduced, referred to House Judiciary

House Bill No. 7118**BY** Corvese, Schadone, Giannini, Palumbo, Reilly**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH CARE RIGHTS OF CONSCIENCE ACT {LC250/1}

01/08/2004 Introduced, referred to House Judiciary

House Bill No. 7119**BY** McNamara, Malik, Cerra, Lally, Anguilla**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES -- TRAFFIC CONTROL DEVICES {LC226/1}

01/08/2004 Introduced, referred to House Judiciary

House Bill No. 7120**BY** McNamara, Kilmartin, Giannini, Gallison, Anguilla**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- BICYCLE FACILITIES {LC386/1}

01/08/2004 Introduced, referred to House Judiciary

House Bill No. 7121**BY** Dennigan, Anguilla, Almeida, Slater**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- PROHIBITION OF SMOKING IN PUBLIC PLACES OF EMPLOYMENT ACT {LC367/1}

01/08/2004 Introduced, referred to House Labor

House Bill No. 7122**BY** Lewiss, San Bento, Shanley, Carter, Kennedy**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- PUBLIC UTILITIES COMMISSION {LC499/1}

01/08/2004 Introduced, referred to House Corporations

CALENDAR

From the Calendar is taken:

In order for Thursday, January 8, 2004:

1. (04-H 7004) An Act relating to towns and cities – low and moderate income housing.

Ordered on the Calendar.

Representative Menard moves passage of the act, seconded by Representatives Winfield, Lowe, Reilly, Malik, Kennedy, and several other members of the House.

By unanimous consent, Representative Menard, seconded by Representatives Winfield, Kennedy, Malik, McNamara, Lowe and several other members of the House offers the following written motion to amend.

FLOOR AMENDMENT

TO

2004 -- H 7004

AN ACT RELATING TO TOWNS AND CITIES -- LOW AND MODERATE INCOME HOUSING

Mr. Speaker:

I hereby move to amend 2004 -- H 7004, entitled "AN ACT RELATING TO TOWNS AND CITIES -- LOW AND MODERATE INCOME HOUSING", as follows:

On page 1, by deleting all the language after the enactment clause and inserting in place thereof the following:

"SECTION 1. Section 45-53-4 of the General Laws in Chapter 45-53 entitled "Low and Moderate Income Housing" is hereby amended to read as follows:

45-53-4. Procedure for approval of construction of low or moderate income housing. -- Any public agency, nonprofit organization, or limited equity housing cooperative proposing to build low or moderate income housing may submit to the zoning board of review, established under section 45-24-56, a single application for a ~~comprehensive permit~~ special exception to build that housing in lieu of separate applications to the applicable local boards. In the case of a private developer, this procedure is only available for low or moderate income housing proposals which remain as low or moderate income rental housing for a period of not less than thirty (30) years from initial occupancy. The zoning board of review shall immediately notify each local board, as applicable, of the filing of the application, by sending a copy to the local boards and to other parties entitled to notice of hearings on applications ~~under the zoning ordinance~~ for special exceptions and shall, within thirty (30) days of the receipt of the application, hold a public hearing on the application. ~~The chair of the state housing appeals board shall, by regulation, provide for review by planning boards in cases of applications involving land development projects or subdivisions.~~ The zoning board of review has the same power to issue permits or approvals that any local board or official who would otherwise act with respect to the application, including, but not limited to, the power to attach to the permit or approval, conditions, and requirements with respect to height, site plan, size, or shape, or building materials, as are consistent with the terms of this section. In reviewing the ~~comprehensive permit~~ special exception request, the zoning board may deny the request for any of the following reasons: if the proposal is inconsistent with local needs, including, but not limited to, the needs identified in an approved comprehensive plan, and local zoning ordinances and procedures promulgated in conformance with the comprehensive plan; if the proposal is not in conformance with the comprehensive plan; if the community has met or has plans to meet the standard of ten percent (10%) of the units or, in the case of an urban town or city, fifteen percent (15%) of the occupied rental housing units as defined in section 45-53-3(2)(i) being low and moderate income housing; or if concerns for the environment and the health and safety of current residents have not been adequately addressed. The zoning board shall render a decision, based upon a majority vote of the board, within forty (40) days after the termination of the public hearing and, if favorable to the applicant, shall immediately issue a decision approving the application. If the hearing is not convened or a decision is not rendered within the time allowed, unless the time has been extended by mutual agreement between the zoning board and the applicant, the application is deemed to have been allowed and the approval shall issue immediately. Any person aggrieved by the issuance of an approval may appeal to the supreme court.

SECTION 2. This act shall take effect upon passage."

Respectfully submitted,

REPRESENTATIVE RENE MENARD

Representatives Gorham, Menard, Kennedy, Benson, Long and McHugh discuss the amendment. The motion to amend prevails on a roll call vote 68 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 68: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anderson, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coogan, Corvese, Costantino, Crowley, Dennigan, Enos, Faria, Flaherty, Fox, Gallison, Giannini, Ginaitt, Gorham, Handy, Harwood, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Lowe, Malik, McCauley, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Mumford, Naughton, Palumbo, Picard, Reilly, Rose, Savage, Schadone, Scott, Shanley, Shavers, Slater, Smith, Story, Tejada, Trillo, Voccola, Wasylyk, Williams, Williamson, Winfield.

NAYS - 0.

Representatives Gorham and Fox discuss the act, as amended.

Read and passed, as amended on a roll call vote, 69 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 69: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anderson, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coogan, Corvese, Costantino, Crowley, Dennigan, Enos, Faria, Flaherty, Fox, Gallison, Giannini, Ginaitt, Gorham, Handy, Harwood, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Lowe, Malik, McCauley, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Moura, Mumford, Naughton, Palumbo, Picard, Reilly, Rose, Savage, Schadone, Scott, Shanley, Shavers, Slater, Smith, Story, Tejada, Trillo, Voccola, Wasylyk, Williams, Williamson, Winfield.

NAYS - 0.

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.

ANNOUNCEMENT

Representative Kilmartin announces that the Committee on Rules will meet today, and Tuesday January 13, 2004, at the rise of the House, in Room 203 of the State House.

ADJOURNMENT

At 4:46 o'clock P.M. on motion of Representatives Moffitt and Scott, and as a further mark of respect to the memory of George Kenyon; on motion of Representative Shanley, and as a further mark of respect to the memory of Ninette Bouchard seconded by Representatives Fox and Scott the House adjourns, on a unanimous rising vote.

Linda M. McElroy

Recording Clerk

Appendix

INVOCATION

MAXINE L. SHAVERS

Lord may it be Thy will, not our own, which governs our deliberations this day. Amen
