

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. 22

Wednesday, March 3, 2004

Twenty Second Day

The House of Representatives meets at the State House in Providence, Wednesday, March 3, 2004 and is called to order at 4:22 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 2 members absent as follows:

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

ABSENT – 2: Representatives Corvese, Jacquard

INVOCATION

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

(For Invocation, see Appendix, this Journal.)

CORRECTION

By unanimous consent, the House Journal of Tuesday, March 2, 2004 is hereby corrected by deleting the New House Rules from the Appendix of the Journal. (For correct version of New House Rules, see appendix of this journal.)

APPROVAL OF RECORD

By unanimous consent, the House Journal of Tuesday, March 2, 2004, is approved as corrected.

REPORTS OF COMMITTEES**TRANSFER OF BILLS**

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

House Bill No. 7820**BY** Schadone

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY {LC1427/1}
03/03/2004 Read and transferred to the House Committee on Labor

COMMITTEE ON CORPORATIONS

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

Senate Bill No. 2468**BY** Montalbano J

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF GREENVILLE INSULATION CO., INC. {LC2701/1}
03/03/2004 Placed on House Calendar

NEW BUSINESS**House Resolution No. 8227****BY** Slater, Naughton, Shanley, Dennigan, Williams

ENTITLED, HOUSE RESOLUTION EXPRESSING OUR DEEPEST SYMPATHY ON THE PASSING OF THE GENERAL ASSEMBLY'S FORMER TWENTY-FIVE YEAR EMPLOYEE MARY E. "MARY BETH" JOHNSON {LC2881/1}

Representative Slater requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Slater seconded by Representatives McNamara, Naughton, Kilmartin, Gorham and by unanimous consent, on a rising vote.

House Resolution No. 8228**BY** Naughton, Ginaitt, Shanley, Malik, Kennedy**ENTITLED**, HOUSE RESOLUTION HONORING JOHN STOLGITIS ON HIS RETIREMENT AFTER 35 YEARS OF DEDICATED SERVICE IN RHODE ISLAND FISH AND WILDLIFE MANAGEMENT {LC2800/1}

Representative Naughton requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Naughton seconded by Representatives Enos, Lally, Kennedy and by unanimous consent, on a voice vote.

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.

ANNOUNCEMENTS

Representative Kennedy announces that the Committee on Corporations will meet today, at the rise of the House, in Room 203 of the State House.

Representative Handy announces that the Committee on Health, Education and Welfare will meet today, at the rise of the House, in Room 135 of the State House.

Representative Almeida announces that the Committee on Labor will meet today, at the rise of the House, in Room 135 of the State House.

Representative Flaherty announces that the Committee on Judiciary will meet today, at the rise of the House, in Room 205 of the State House.

GUESTS

At 4:23 o'clock P.M. the Honorable Speaker yields the rostrum to Representatives Malik and Story.

By unanimous consent, Representatives Malik and Story address the members of the House and welcomes to the House Chambers as guests the 2003 Division II Barrington Eagles Football Team Champions along with their Coaching Staff: Head Coach Bill McCagney (14th season!) Coaches Mike Gesmondi, Steve Lenz, Glen Salgueiro, Jared VanceRy, Jim Anderson, Patrick Jackson and players Pat Meehan, Dan Allen, Jeff Wardyga, Chris Toolin, Matt Coffey, Stefan Marszalek, Ben Miga, Matt DeSisto, Nick Rubino, Kyle Kirwin, Brandon Fleet, Matt Froncillo, Chris Belanger, John Terhune, Douglas Coffey, Brian Weinstein, Dan McGonagle, Zach Cohen, Klark Eaton, Brett Azar, Ryan Wirth, Pat Brockway, Nick Palumbo, Bill Orall, Ian

Schachne, Pete Howell, Dan Bernstein, Scott Marszalek, Adrian Narvaez, Zach Place, Ryan Callahan, Kevin Ganley, Mark Cirillo, Matt Capone, Erik Wagoner, Dan O'Connell, Sean Kelly, Keith Lopes, Andrew Brockway, Matt Elliott, Shane Scott, Mark Dolan, Robert Fazioli, John Anderson, Chris Coury, Dan Movsesian, Scott D'Allesandro, Joshua McShane, Chase Pomeranz, Brenden Azar, Chris Allard, Joe Goniprow, Jeb-Stuart Ferria, Andrew Krupski, Alex deGalley, Tom August, Sean Wirth, and Andrew Pilling.

At 4:28 o'clock P.M. the Honorable Speaker returns to the rostrum.

The Honorable Speaker congratulates the Barrington Eagles Football Champions.

Representative McHugh welcomes to the Chambers Dan Brody, his intern from Brown University.

ADJOURNMENT

At 4:38 o'clock P.M. on motion of Representative Dennigan, and as a further mark of respect to the memory of Anthony DeFalco seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy

Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE HENRY C. ROSE

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

APPENDIX

CALENDAR

IN ORDER FOR TUESDAY, MARCH 9, 2004:

1 2004-H 7286

BY Gallison

ENTITLED, AN ACT CREATING THE PRUDENCE ISLAND WATER DISTRICT

Committee on Corporations recommends passage.

2 2004-S 2468

BY Montalbano J

**ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF GREENVILLE INSULATION CO., INC.**

Committee on Corporations recommends passage in concurrence.

Louis D'Antuono
Clerk of the House

Wednesday, March 3, 2004

APPENDIX

HOUSE RULES

2004 -- H- 7032 SUBSTITUTE A AS AMENDED

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LC00724/SUB A/2
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2004

HOUSE RESOLUTION

ADOPTING RULES OF THE HOUSE OF REPRESENTATIVES FOR THE YEARS 2003-2004

Introduced By: Representative Peter F. Kilmartin

Date Introduced: January 08, 2004

Referred To: House Rules

RESOLVED, That the following rules of the House of Representatives be adopted for the government of the House of Representatives for the years 2003-2004:

First - Of the Speaker

(1) The Speaker shall: take the chair each day at the hour to which the House shall have adjourned, call the members to order, and, if a quorum be present, proceed to business; refer bills and resolutions upon introduction; preserve order and decorum; speak as other members on general questions, calling some other member to the chair; decide all questions of order subject to appeal to the House; and have on every appeal the right to assign reasons for any decision, and to put the question without further debate.

(2) The Speaker shall propound all questions in the order in which they are moved, unless the subsequent motion be previous in its nature, except that in naming sums and fixing times the largest sum and the longest time shall be put first. The Speaker shall rise to put a question, but may state it or read a paper sitting. On a voice

vote, if the Speaker doubts, or a division be called for, the Clerk of the House shall call the roll. The Speaker shall declare all votes.

(3) The Speaker may, but shall not be obliged to, vote on any question.

(4) The Speaker may appoint a member as First Deputy Speaker who shall preside over the sessions of the House during the absence of the Speaker from the chair; may appoint a Senior Speaker pro tempore and a Deputy Speaker pro tempore who, in case of a vacancy in the office of the Speaker and Deputy Speaker, or in case these officers are absent at the hour to which the House stands adjourned, shall call the House to order and shall preside until the Speaker pro tempore or a Speaker, as the case may require, is elected by ballot. In case of a vacancy in the office of Speaker, Deputy Speaker, Senior Speaker pro tempore and Deputy Speaker pro tempore, or in case these officers are absent at the hour to which the House stands adjourned, the Clerk of the House, or, in his or her absence, the recording clerk shall call the House to order and shall preside until a Speaker pro tempore or a Speaker, as the case may require, is elected by ballot. In the absence of the Speaker, Deputy Speaker, Senior Speaker pro tempore, Deputy Speaker pro tempore and clerks, less than a quorum may elect a Speaker pro tempore or clerk pro tempore, who shall perform all the duties of the Speaker and clerks respectively and be clothed with all their powers.

Secondly - Of the Order of Business

(5)(a) A representative desiring to introduce a bill or resolution shall file the same with the Clerk of the House. Bills and resolutions so filed prior to the convening of the session on a given legislative day shall be in order for the first reading, and, where appropriate, assignment to committee, on that day. Bills and resolutions so filed after the convening of the session on a given legislative day shall be in order for the first reading, and, where appropriate, assignment to committee, on the next legislative day and shall be considered a part of that day's business, provided that the Speaker may in his or her discretion allow exceptions to this provision. The Clerk of the House shall cause the title and numbers of all bills and resolutions introduced to be published in the House Journal for the day on which said bill or resolution is deemed, as herein provided, to have been introduced.

(b) At the commencement of each day's session the roll shall be called, or taken by use of the electronic voting system and if a quorum be present, the recording clerk shall read the journal of the previous day. Except as provided in rule 6, the order of business after the approval of the journal shall be as follows:

- (i) Reports of standing and select committees.
- (ii) Introduction and reference of new business.
- (iii) Communications, including communications from the Senate.
- (iv) Unfinished business in which the House was engaged at the time of last adjournment.
- (v) Consent calendar.
- (vi) Calendar.
- (vii) Introduction of guests and announcements.
- (viii) Matters of personal privilege.
- (ix) Recess or adjournment.

(6) The calendar shall consist of all bills and resolutions reported from committees, all special orders, and all other matters ordered placed thereon by the House. The calendar shall be kept by the Clerk of the House and the matters thereon shall be arranged in the order in which they are reported or referred thereto, and shall be considered in the same order, except that a special order for an hour certain shall be taken up at the time specified, and a special order for which the hour has not been designated shall take precedence of the other business on the calendar. The calendar shall be posted in the chamber of the House, and shall be printed and distributed and made available electronically to the members daily. The calendar for the day shall be in order at the expiration of thirty (30) minutes from the time the Speaker announces a quorum present upon the opening roll call, unless it is sooner reached in the regular course of business, and during its consideration no other business shall intervene. All business on the calendar not disposed of at the time of adjournment shall be first in order on the calendar for the next succeeding day. Whenever, at the time the calendar is taken up, there should be on the Speaker's table any business to be referred to a committee under the rules, such business shall be in order for reference after the calendar is disposed of, and, if any such business is not referred to a committee, it shall be first in order after the reading of the journal on the next succeeding day, for reference.

(7) There shall be a consent calendar on which shall be entered such bills and resolutions as the Speaker, the Majority Leader and the Minority Leader or their designees shall agree upon, and shall be proposed to the

House by the Majority Leader or the designee of the Majority Leader in the form of a motion to move the consent calendar. The consent calendar shall contain bills for the restoration of corporate charters ~~and bills concerning the solemnization of matrimony~~ (which shall be assigned to the consent calendar immediately upon introduction), and other bills and resolutions which are of a routine or non-controversial nature, and in no event shall the consent calendar be considered as a substitute for the regular calendar. Matters of substance shall be placed on the regular calendar and be fully debated and considered by the membership according to these rules. No bill or resolution shall be included on the consent calendar on the date the consent calendar is moved unless copies of the consent calendar in the same form as shall be moved have been made available to the membership no later than two (2) legislative days prior to the day on which the consent calendar shall be proposed to be moved. All bills and resolutions included on the consent calendar shall be made available in printed form and/or electronically to the Majority Leader, the Minority Leader, the State House library and the Clerk of the House at the same time that copies of the consent calendar are made available under this rule. At the request of a member any bill or resolution shall be removed from those included in the motion. All bills and resolutions designated for action on the consent calendar shall be passed on motion without discussion unless, at any time prior to the motion for passage, a member requests removal of a bill or resolution from the consent calendar in which case such bill or resolution shall be so removed and placed on the regular calendar. Any bill or resolution so removed shall be considered as having appeared on the regular calendar for a period of time equivalent to that during which it appeared on the consent calendar.

Thirdly - Of Decorum and Debates

(8) When any member is about to speak in debate, or to deliver any matter to the House, he or she shall activate his or her recognition button, and when recognized rise and proceed by respectfully addressing the Speaker.

(9) When two (2) or more members seek to be recognized, the Speaker shall select the member who is to speak first.

(10) No member shall speak more than twice to the same question without the leave of the House, nor more than once until every member choosing to speak shall have spoken, nor for longer than five (5) minutes without the leave of the House. The first two (2) clauses of this rule shall not apply to the Majority and Minority Leaders and Whips nor to the principal sponsor or floor manager of any bill, resolution or amendment on the floor.

(11) If any member, in speaking or otherwise, transgresses any rule of the House, the Speaker shall, or any member may, call him or her to order, in which case the member called to order shall immediately sit down, unless permitted by the Speaker to explain and the House shall, if appealed to, decide on the case but without debate.

(12) While the Speaker is putting any question, or addressing the House, or when a member is speaking, none shall entertain private discourse in person or by phone, nor walk between the member who is addressing the Speaker and the chair. At no time while the House is in session shall any person use audible cell phones or audible pagers in the House Chamber.

(13) When a motion is made and seconded, it shall be stated by the Speaker, or, being in writing, shall be handed to the Speaker and read by the Clerk of the House before debate. Any motion shall be reduced to writing before debate whenever the Speaker or any member shall so request.

(14) Any bill or resolution of more than one section shall be passed upon by section, at the request of any member. With the leave of the Speaker, a section that is susceptible of division shall be divided and put separately upon the propositions of which it is compounded, but a motion to strike out and substitute shall not be divided.

(15) After a motion is stated by the Speaker, or read by the clerk, it shall be deemed to be in possession of the House, but any motion may be withdrawn by the mover at any time before a decision or amendment, except a motion to reconsider, which shall not be withdrawn after the time has elapsed within which it might originally have been made.

(16) No motion or proposition of a subject different from that under consideration shall be admitted under color of amendment.

(17) When a question is under debate no motion shall be received, except to adjourn, for the previous question, to take a recess, to lay on the table, to fix a time for closing debate, to postpone indefinitely, to postpone to a day certain, to commit, or to amend, which several questions shall have precedence in the order in which they

are here arranged.

(18) Motions to commit shall have precedence in the following order: to a standing committee of the House, to a select committee of the House, to a joint standing committee, to a joint select committee.

(19) When a time for a meeting of the House shall have been previously fixed upon, a motion to adjourn shall be always in order, except as provided in rule 23, and that motion, the motion to lay on the table, to take from the table, to reconsider, for the previous question, to take a recess, and for the vote, shall be decided without debate.

(20) No member shall vote on any question of private property in the event of which he or she is immediately and particularly interested.

(21) No member shall speak or vote, unless within the bar of the House. Every member (except as provided in rule 3) who shall be in the House when the question is put, shall give his or her vote, unless prior thereto the Speaker shall excuse him or her, in accordance with the Code of Ethics statute (36-14-6). No member may vote for another member, nor activate another member's voting machine except by the express direction of that member who is present in the House chamber. No one may occupy the vacant seat of a member.

(22)(a) The electronic voting system may be used to record attendance and quorums, and shall be used to record all votes on public bills (as defined in rule 31(c)) and votes on rule changes and suspensions. It shall be used for other votes by request of a member, and, at the discretion of the Speaker, for recording the seconds to any motion.

(b) In the event the machine is not to be used or is not operating properly, all votes and other determinations may be taken as otherwise required by House rules, either by voice vote, division vote or by calling the roll alphabetically and recording the ayes and nays. If a member's voting device is out of order, he or she shall rise and announce it to the presiding officer and call his or her vote orally prior to the declaration of the result of the vote. Every member may vote providing he or she is in the chamber of the House at the time the vote is in progress. Any member who is not in the chamber at such time, but returns before the machine is locked, shall be permitted to vote.

(c) The electronic voting system shall be under the control of the presiding officer and shall be operated by such personnel as the Speaker of the House so designates. At a reasonable time, prior to any vote being taken, the presiding officer shall announce that a vote is about to be taken. When any member other than the Speaker of the House is presiding, he or she shall direct the voting clerk to record his or her vote as if cast at his or her voting station. Until the completion of the voting, no member shall be recognized, and no other business shall be transacted.

(d) When sufficient time has elapsed for each member to vote prior to locking the machine, the presiding officer shall ask if any member present desires to vote or change his or her vote. The presiding officer shall then order the machine locked and activate the recording process. When the vote is completely recorded, the clerk shall advise the presiding officer of the result; and the presiding officer shall announce the result to the House and the result shall be recorded in the journal. No vote may be changed after the system has been locked and the vote recorded.

(e) When a division is called for, those in the affirmative or the negative, as the case may be, shall cast their votes accordingly and the voting clerk shall activate the recording equipment so as to reflect only the numerical count. When the vote is completely recorded, the clerk shall advise the presiding officer of the result; and the presiding officer shall announce the result to the House. (In the event the electronic voting system is not operating properly, the division vote shall be conducted as otherwise provided in House rules).

(f) After the question has been put, but before the system is locked, any member may call for a statement of the question.

(g) While the presiding officer is putting the question, or the vote is being recorded, no member shall speak or leave his or her place. After a vote has been ordered there shall be no debate whatever.

(h) In case of a tie vote the question shall be lost.

(i) Upon late arrival, a member may report his or her presence to the recording clerk which shall be recorded in the journal.

(23) There shall be a motion for the previous question, which shall always be in order and which shall not be debated, and which may be moved and ordered upon any bill or section thereof, amendment, motion, resolution or question which is debatable, any of which shall be considered as the main question for the purpose

of applying the previous question. When a motion for the previous question has been made, no other motion shall be entertained by the Speaker until it has been put to the House and decided. All incidental questions of order arising after a motion for the previous question has been made, and before the vote has been taken on the main question, shall be decided whether on appeal or otherwise without debate. When the previous question has been ordered, a motion to reconsider such vote shall not be in order, and no motion to adjourn or take a recess while a quorum is present shall be entertained between the taking of such vote and the taking of the vote on the main question, but ten (10) minutes shall be allowed for further debate upon the main question during which no member shall speak more than three (3) minutes, and a further period of ten (10) minutes, if desired, shall be allowed for debate to the member introducing the bill or question to be acted upon, or to the member or members to whom he or she may yield the floor, at the close of which time, or at the close of the first ten (10) minutes, in case the introducer does not desire to so use his or her time, the vote on the main question shall be taken. If incidental questions of order are raised after the previous question has been ordered, the time occupied in deciding such question shall be deducted from the time allowed for debate.

(24) When any vote is passed, any member voting in the majority may move to reconsider on the same or the next legislative day, except as provided in rule 23: and when a motion for reconsideration has been decided, it shall not be reconsidered. A motion to reconsider shall not be debated.

Fourthly - Of Committees

(25)(a) The following standing committees shall be appointed each year in the month of January or as soon as convenient after the adoption of House Rules, viz:

- A committee on corporations
- A committee on environment and natural resources
- A committee on finance
- A committee on health, education and welfare
- A committee on judiciary
- A committee on labor
- A committee on rules
- A committee on separation of powers
- A committee on veterans' affairs.

(b) The Speaker shall appoint all standing committees and create such other subcommittees and committees as may be required from time to time and appoint thereto. All subcommittees and committees shall have proportionate minority membership when feasible. The Speaker, in consultation with the Minority Leader, shall be the appointing authority for minority membership on standing committees and subcommittees thereof, joint committees, boards and commissions. All vacancies occurring in any committee and subcommittee after they have once been named shall be filled in like manner by the Speaker.

(c) A committee shall not vote upon any bill in the absence of a quorum, which shall consist of a majority of the committee's membership.

(d) All committee meetings shall be open to the public, but public participation shall be limited to testimony on the matters before the committee. The chair of any committee may limit the length of a witness' testimony in order to afford all witnesses the opportunity to be heard.

(e) It shall be the duty of the committee on finance to take into consideration all propositions relative to the revenue, to inquire into the state of the public debt and to report from time to time their opinion thereon and such propositions relative thereto as to them shall seem expedient.

Upon introduction of the annual state budget to the House on behalf of the Governor, the budget shall be referred to the finance committee. Within two (2) weeks following receipt thereof, the finance committee's fiscal advisor shall provide to each member of the House a brief but thorough summary of budget issues. Within three (3) weeks following the receipt of the budget, the committee shall schedule such meetings as it deems necessary to receive comment on the budget as a whole from all House members who wish to appear before it for that purpose.

(26)(a) Committees shall take into consideration all such petitions, resolves, bills, matters or things as may be referred to them by the House with power to report by bill or otherwise; provided, however, that committees shall, whenever possible, consider all bills of substantially the same or of a similar nature at the same time in a manner that is otherwise in conformity with these rules.

(b) A committee shall not consider any public bill or resolution not previously distributed in print and electronically to its members except by unanimous consent of the members present.

(c) The Chair of every committee shall post, in print and electronically, at least forty-eight (48) hours prior to any committee meeting, a list by number and title of the bills and resolutions to be heard at that meeting. The Chair shall limit such listings to the number of bills or resolutions he or she reasonably expects can be taken up by the committee at that meeting. Any bill or resolution so posted which the committee is not able to take up at the stated meeting must be re-posted as stated above and shall be placed at the top of such subsequent posted list. Such postings shall be made electronically and on the House bulletin board. Copies of all posted bills or resolutions shall be provided in print and electronically to all committee members and principal sponsors. A committee shall not hear any said bill or resolution without such notice except by the consent of a majority of its members and with at least one (1) day's notification to the principal sponsor. The sponsor may, however, waive such one-day notification.

(d) Every standing committee shall meet at least once weekly if any requests for hearings on or consideration of bills or resolutions are pending before it. The right to be heard on any such bill or resolution shall be granted upon request to the principal sponsor thereof as provided in these rules, and provided further, however, that any such request shall be made in writing to the Chair, a copy of which is to be given to the reading clerk, no later than ten (10) calendar days following referral of the bill or resolution to the committee; and provided further that, in any even-numbered year, any such request to be heard on any bill or resolution referred to the committee during the immediately preceding session shall be made in writing to the Chair not later than the last legislative day in the month of January, and shall be posted electronically and in print. No committee shall hear more than twenty-five (25) bills (exclusive of city and town bills and those to be placed on the consent calendar) at any one (1) meeting.

(e) Upon receipt of a written request by the Chair for committee consideration from the principal House sponsor of a bill or resolution, a copy of which is to be given to the recording clerk, the committee shall grant to said principal House sponsor a hearing on any said bill or resolution within thirty (30) calendar days of the request, and provided further, that said committee shall grant to the principal House sponsor consideration of his or her bill or resolution within eight (8) legislative days of the committee hearing, unless a later date is otherwise agreed to by the said principal sponsor and the Chair of the Committee. The principal sponsor with the concurrence of the Chair, may cancel a scheduled hearing with twenty-four (24) hours' notice to the Chair, which notice shall be posted electronically. A hearing postponed twice at the sponsor's request need not be re-scheduled. The deadline for requests for hearings and consideration shall be the first legislative day after the last day for bill introduction. For the purpose of the rule, consideration shall mean a majority vote on one (1) of the following:

(i) a motion to report the bill or resolution to the House with a recommendation of passage;

(ii) a motion to report the bill or resolution as amended, or in substitute form, to the House with a recommendation of passage; or

(iii) a motion to report the bill or resolution to the House without recommendation, provided that such action shall require the affirmative vote of four-fifths (4/5) of the members present.

In the event of a tie vote on any of the motions specified in (i), (ii) or (iii) hereof, the bill or resolution shall be lost.

The originals of bills or resolutions which have failed in committee shall be transmitted by the committee clerks to the Secretary of State for the State Archives, with an appropriate notation thereon.

(f) Once a committee has considered a bill or resolution the principal House sponsor shall be notified in writing or electronically by the end of the second legislative day following such action including the vote tally within the committee and the date thereof, prior to the report being made to the full House. Committee Chairs shall bring reports of committee actions to the floor no later than two (2) weeks following the committee votes thereon, provided that this shall not apply to the Committee on Finance. A committee member may move reconsideration of any vote taken so long as the subject matter of the vote remains in the possession of the committee.

Bills or resolutions concerning appropriations, revenue or expenditures shall not be subject to the above time limits.

(g) In the event a committee shall fail to afford consideration to any bill or resolution within the prescribed time, the principal sponsor may report such failure to the Speaker of the House and the Speaker shall

order the immediate discharge of the bill or resolution from a committee to the House floor.

(h) All bills or resolutions reported from committee shall be placed on the calendar or, pursuant to the restrictions of these rules, on the consent calendar for the required period of time according to these rules before House consideration. Bills and resolutions reported from committees and received by the Clerk of the House prior to the convening of the session on a given legislative day shall be deemed to have been received, and therefore in order to be placed upon the appropriate calendar, as of that day. Bills and resolutions so received after the convening of the session on a given legislative day shall be deemed to have been received, and therefore in order to be placed upon the appropriate calendar, on the next legislative day and shall be considered a part of that day's business.

House Rule 26(e) through (h) shall not apply to any bill or resolution which shall have originated in the Senate.

(i) No public bill or resolution which originated in the House shall be considered by a House committee unless the committee has held a hearing on that bill or resolution no later than one (1) week prior to April 11, 2003 (or April 8, 2004, in the case of 2004), and thereafter the committees of the House shall not consider public bills or resolutions except those which have been acted upon by the Senate and transmitted by the Senate to the House of Representatives, provided however, that the committee on finance may hear and consider such House bills, acts or resolutions as it deems to have a fiscal impact after April 11, 2003 (or April 8, 2004, in the case of 2004), except as provided in section (j) hereof, and provided further, that each other House committee may complete consideration of not more than three (3) House bills or resolutions after said date, on which such committee had not been able to complete action, upon approval by the Speaker of a written request from the Chair. All such requests must be filed with the Clerk of the House no later than April 11, 2003 (or April 8, 2004, in the case of 2004). Reporting deadlines shall not apply during 2003 to the committees newly created by these Rules.

(j) No House bill which relates to an individual's pension or retirement shall be accepted as a committee report from the committee on finance unless it shall have been considered by the committee on or before April 11, 2003 (or April 8, 2004, in the case of 2004), and shall have been heard in the committee no later than one (1) week prior to that date.

(27)(a) Committees shall keep permanent minutes of their meetings and hearings, and all committee votes shall be recorded by total vote and by the individual votes of committee members. Said minutes and recorded votes shall be public records and shall be available to any member and to any person upon request.

(b) Each committee shall, on the last legislative day of each week, file with the clerk of the House and with legislative data services a list of all measures on which formal action was taken and a copy of the recorded vote tally on each such measure.

(28) After appointment by the Speaker, the members of each committee shall forthwith meet, and if a quorum be present and upon being called to order by the vice chair of said committee, appointed by the Speaker, shall proceed to elect by majority vote the chair of said committee. The Speaker shall appoint the vice chair and secretary of each committee. In the event that the chair of a committee is unable to serve due to incapacity for medical or other reasons, the Speaker may appoint an acting chair for the period of such incapacity, which acting chair shall have all of the powers and duties of the chair.

(29) (a) The Speaker may appoint from time to time subcommittees of a given standing committee, which shall consist only of members of the committee from which it was appointed. The chair of each standing committee shall be considered a member of each subcommittee of such committee. Each subcommittee may hear testimony on bills and resolutions falling within the subject matter of its charge and shall report to the committee from which it was appointed. Subcommittees will otherwise conduct themselves in conformity with these rules.

(b) The Speaker shall appoint the chair of each subcommittee.

Fifthly - Of Bills and Petitions

(30)(a) No bill or resolution shall be considered or acted upon by the House if objection is made unless the same has been considered by, reported, or recalled from a committee thereof, or from a joint committee.

(b) When a bill or resolution is postponed indefinitely, the same shall not be acted upon again during the session. If the reading of any printed or written paper be objected to, it shall be determined by a vote of the House without debate.

(c) No bill or resolution shall be passed or concurred in without two (2) readings. The first reading shall

take place by acceptance of the bill or resolution and publication in the House Journal and the second after it has been placed upon the calendar. No bill or resolution upon the calendar shall be taken up for consideration unless copies thereof, in the form in which it was reported from committee, shall have been made available in print or electronically to the members no later than the rise of the House on the legislative day preceding the day on which it shall be in order for consideration. No matter of business on the calendar shall be considered upon its merits prior to the legislative day after it shall have been placed on the calendar except by unanimous consent of the House.

(d) No more than forty (40) public bills shall be considered upon their merits during any one (1) legislative day, provided, however, that House bills returned from the Senate may be considered notwithstanding this limit and provided further, that Senate bills which are duplicates of and identical to House bills, and House bills returned from the Senate, may without objection be bundled and passed by one vote; provided, that the membership is given twenty-four (24) hours notice in advance.

(e) The budget bill shall be prepared by the Legislative Council. The budget bill shall not be considered by the House unless copies thereof as approved by the finance committee have been available to the members for ~~five (5)~~ seven (7) calendar days. No amendment which is intended to make a substantive change in the budget bill may be offered other than by the Chair of the finance committee, except with the agreement of two-thirds (2/3) of the members present, unless the text thereof shall have been submitted to the Legislative Council and made available to the members two (2) calendar days prior to the day on which the budget bill shall be in order for consideration.

(f) An amendment which was germane when prepared, and which was offered in a timely fashion, but is no longer germane because of an intervening amendment, may, with the agreement of the majority leader and minority leader, be revised orally or in writing by the sponsor without renewed compliance with the requirements hereof.

(g) After the 50th legislative day, bills or resolutions received back from the Senate with amendments requiring House concurrence shall, with the agreement of the House sponsor and the Majority Leader, be placed on the calendar in order for the day upon which they are received.

(31) (a) There shall be attached to every public bill or resolution when first introduced an explanation of such bill or resolution indicating the proposed changes, and/or the statute or existing law which such bill or resolution purports to amend. Each original bill or resolution introduced shall be accompanied by at least six (6) copies which may be typewritten or reproduced by any legible mechanical process, and the Clerk of the House may decline to receive and process bills and resolutions not accompanied by such copies.

(b) When any bill or resolution is offered which is intended to amend any part or parts of an existing statute, any part or parts intended to be stricken shall be contained in the bill or resolution and by appropriate mechanical mark, shall be crossed out. All new matter contained in the bill or resolution shall be underlined, so that the new matter may be easily discerned. Existing language not intended to be amended shall be reproduced without change.

(c) "Public bill" shall include all bills or resolutions which in any way have general application throughout the state or which are of a nature for which the constitution requires special treatment, and bills which relate to an individual's pension or retirement benefits. Bills or resolutions of a private or local nature shall not be considered "Public bills" and shall include: those which pertain to a particular city or town or local entity; those making claims against the state; those which pertain to private corporation charters and amendments thereto and restoration thereof, and to amendments to authorize holdings by non-profit organizations of a charitable, civic, library or like nature; resolutions memorializing congress, or of congratulations or expressing sympathy or condolences; resolutions requesting the several departments of state government to grant some privilege, consideration or relief; and others of like private and local nature.

(d) All bills and resolutions, private as well as public, shall be prepared by the Legislative Council, and the Clerk of the House may decline to accept for introduction any bill, resolution or transmittal not in conformity herewith. Once introduced and referred, all bills and resolutions shall be printed and made available electronically, except resolutions of congratulation and condolence.

(e) All bills and resolutions which have been introduced at the request of any lobby group, individual or other entity shall be identified in writing by letter sent by the principal sponsor to the committee chair to which said bill or resolution has been referred. Said letter shall contain the name and address of the lobby group,

individual or other entity which has requested the introduction of said bill or resolution and made a part of the public committee record and sent to the State House Library in accordance with Rule 27(b).

(f) A prime sponsor may withdraw a bill or resolution previously introduced at any time, upon written request to the Clerk of the House on a form which the Clerk of the House shall provide.

(g)(i) A bill or resolution may be filed by any member or member-elect by registered mail at state expense or in person with the Clerk of the House at any time from November 15 to the day prior to the commencement of the regular annual session. The clerk shall immediately date and number such bill or resolution and order it printed, and made available for the first reading on the second day of the succeeding session.

(ii) Only the bills or resolutions filed by members elected and qualified shall receive the first reading.

(iii) In the event that any member or member-elect shall die after filing and before the first reading, the death of said member or member-elect shall constitute automatic withdrawal of said bill or resolution and automatic withdrawal of the number of said bill or resolution and said number shall not be used again during the legislative session; provided, however, that where a bill or resolution shall have had more than one sponsor, said bill or resolution and number shall not be withdrawn and the member whose name appears second on said bill or resolution shall become the prime sponsor.

(32) No petition shall be received unless the object thereof, and the name of the petitioner or one of the petitioners shall appear thereon.

(33) Counsel may be heard on petitions of a private nature, and in all matters affecting private rights, before the committee to which such matters may be referred, and not before the House.

(34) A member may introduce a public bill or resolution after the second Thursday in February only if, one (1) day previous to such introduction, the member shall have notified the House of his or her intention to introduce said bill or resolution by reading the title and giving a brief explanation of the contents thereof. A member may avail himself or herself of the opportunity afforded by this rule three (3) times only in each calendar year, and in no event after the fortieth (40th) legislative day, provided that these limitations shall not apply to municipal bills, bills to create or extend the reporting dates of study commissions, appropriations and budget bills (regular or supplemental) or to bills which under these rules are eligible for placement on the consent calendar, and provided further that this rule shall not apply (with the approval of the Speaker) to the chairs of committees.

House committees may, but shall not be obliged to, hear and consider public bills or resolutions approved for introduction pursuant to this rule notwithstanding the provisions of Rule 26(i).

(35) No measure without a body or substantive content shall be accepted at any time, nor shall a substitute bill be accepted which is not consistent with the title and substance of the original bill.

(36) Amendments, articles or sections of the State budget shall concern only appropriations, expenditures, revenue or matters related thereto.

Sixthly -- Of Admission to the Floor

(37)(a) No person or persons, except currently elected members of the general assembly, legislative staff and authorized representatives of the public press, as provided in the rule next following, shall be admitted to the floor of the house during the session thereof, except by the express invitation of the speaker for a designated purpose. The speaker may make special provision for admission to the floor of the House during the session thereof for persons, who by reason of disability, are unable to gain access to the House galleries. All persons so admitted by the Speaker to the floor of the House during the session thereof shall be present for the sole purpose of observing the proceedings of the House and shall remain seated, refrain from conversation, maintain the decorum of the House and no such person shall contact, address, speak or gesture to, or communicate in any way with any House member while present on the floor of the House. Any House member who observes conduct in violation of House Rules shall immediately notify the Speaker thereof and the Speaker shall forthwith take appropriate corrective action and may order the removal of the offending person.

(b) During House sessions, admission to the House lounge is limited to currently serving House members, House staff and authorized representatives of the public press.

(c) Smoking shall be prohibited in the House chamber, House galleries and committee rooms.

(38) Authorized representatives of the public press may be admitted by the Speaker to the floor of the House and assigned seats under such regulations as he or she may from time to time prescribe. Such press representatives as shall be admitted shall have no privilege upon the floor other than to pass to and from the seats assigned to them.

Seventhly -- Miscellaneous

(39) No vote or act which has been passed by the House shall be sent by the clerk to the Senate or to the Governor before the expiration of the time limit for its reconsideration under rule 24, except those passed on the last day and those which shall have been reconsidered.

(40) In the event a bill is amended or substituted by a committee for floor action, the sponsor or sponsors of that bill may elect, in writing, to have their names disassociated from said bill and the committee report shall reflect this election.

(41) The Speaker shall, at the request of any nineteen (19) members, compel the retention of all members present, and also, in the absence of a quorum, at the request of any nineteen (19) members, shall compel the attendance of absent members, by his/her warrant, under his/her hand and seal, attested by the recording clerk and directed to the sheriff and his or her deputies of the county where the General Assembly is setting.

(42) All writs, warrants and subpoenas issued by order of the House shall be under the hand and seal of the Speaker, attested by either clerk.

(43) It shall be the duty of the sheriff in attendance upon the General Assembly, or either of his/her deputies, to execute the command of the House, from time to time, together with all such process, issued by authority thereof, as shall be directed to him/her by the Speaker.

(44)(a) No rule shall be repealed or amended, except by two-thirds (2/3) of the members voting; nor shall the operation of any rule be temporarily suspended except by two-thirds (2/3) of the members voting, and the agreement of the majority leader and the minority leader and such action may be taken with reference to any rule, except that Rule 22 (a) may not be suspended and Rule 49 may be suspended only by four-fifths (4/5) of the members present. The application of this rule as it pertains to the temporary suspension of the rules shall not be subject to amendment or repeal. Any motion to repeal, amend or suspend any rule shall be a debatable motion under these rules.

(b) At the beginning of a legislative session, the rules of the previous legislative session shall remain in full force and effect until the permanent rules of the House for the current session have been prepared, presented, debated and adopted by a majority vote of the House.

(45)(a) No amendment to a pending bill or resolution may be considered by the House, except by unanimous consent, unless copies of the same shall be on the desks of the members in typed form or accessible electronically.

(b) When an amendment proposed to any pending measure is laid on the table, it shall not carry with it or prejudice such measure.

(c) The motion to lay on the table and the motion to take from the table shall be non-debatable; provided, however, that the mover of an amendment shall be allowed two (2) minutes to reply when a motion is made to table his or her amendment; whereupon the Speaker shall put the question on the motion to table.

(46) After the close of each legislative year the recording clerk shall make on the journal of the House an entry of all matters then remaining on the calendar, together with all unfinished business pending before the House or its committees, and the Clerk of the House shall prepare a docket of such matters and business, cause the same to be printed, and shall distribute the same to the members of the General Assembly and, in even-numbered years, to the members-elect of the next General Assembly.

(47) "Mason's Manual of Legislative Procedure," most recent edition, published by the National Conference of State Legislatures, shall govern procedure in the House in all cases in which its provisions are not inconsistent with applicable law or these rules.

(48) On any day any member of the House may present a petition in writing to discharge a committee from further consideration of a public bill or resolution which has been referred to a committee, and by no other procedure, but only one petition may be presented for a public bill or resolution during the course of a session. The petition shall be placed in the custody of the recording clerk of the House who shall arrange some convenient place for the signatures of the members to be placed thereon in the presence of said clerk; provided, however, that the member presenting such petition may take custody of the petition and solicit signatures. Such member shall attest to the authenticity of each signature so solicited by initialing the same. A signature may be withdrawn by a member at any time before the petition receives sufficient signatures to become effective, and such petitions shall become effective, and shall serve to discharge a committee from further consideration of the public bill or resolution and shall cause said public bill or resolution to be placed upon the

calendar for action, when any thirty-four (34) representatives shall have affixed their signatures thereto. Until after the fiftieth (50th) legislative day no petition shall be presented for signatures to discharge a public bill or resolution unless the same shall have been in the possession of the committee for no less than sixteen (16) legislative days. During House consideration of any discharged public bill or resolution, no motion to recommit or lay on the table shall be entertained by the Speaker until every member desiring to be heard has been recognized.

(49) Sessions of the House during the legislative session shall convene at 4 p.m. and shall adjourn by 10 p.m.; provided, that the House may provide by resolution that the House convene at another hour and place.

(50) Except with respect to present and former members of the General Assembly, general officers, members of the judiciary, and elected state and federal officials, all expressions in the nature of condolences and in the nature of congratulations shall be presented in omnibus bills which shall be in order for introduction and consideration only on the last legislative day of each week, which shall not require concurrent action and which, upon passage, shall be forthwith transmitted to the Secretary of State.

(51) Any bill or resolution which has been introduced in one (1) session need not be reintroduced in the succeeding session unless the same shall have been defeated in committee or on the floor of either house; provided, however, that no general election shall have intervened.

The concurrence of both houses in the same session shall be necessary for the enactment of all laws.

(52)(a) A member may claim the floor on a question of personal privilege to reply to criticism, or to discuss anything clearly derogatory, or which reflects upon his or her character, that appears in the press or other public medium, but not to discuss favorable references to himself or herself nor to reply to generalized criticism of the House which does not refer to him or to her specifically.

(b) No member is permitted to attack another member of the House personally, nor to make false statements about, or question the integrity of, another member.

(53) In the event of the calling of an extraordinary session of the General Assembly by the Governor, or a reconvened session by the Speaker of the House or the President of the Senate, said session shall be conducted pursuant to the foregoing rules; provided, however, that the requirement for prior posting of bills by committees contained in Rule 26(c), the limitation on consideration of House bills by House committees contained in Rule 26(i), the prohibition on reading a bill a second time on the same day it was given first reading and the two (2) day calendar requirement contained in Rule 30(c), and the deadline for new introductions contained in Rule 34, shall not be applicable during such extraordinary sessions, and provided further that any bill or resolution for consideration of which the session is called shall have been provided to the members at least twenty-four (24) hours prior to the opening of the session.

(54) On the first legislative day of every week that the House of Representatives is in session, the Speaker shall announce, from the chair, the day that five minute speeches, so-called, will be entertained. At the end of legislative business on the day aforementioned, the Speaker shall declare the House in informal session, i.e., no motion shall be in order, except that to adjourn, at the close of five-minute speeches, then proceed to entertain five-minute speeches. Each member so recognized shall be allotted five (5) minutes in which to address the House on any matter subject to these rules. No member can yield his or her time to another.

(55) No person on the floor of the chamber shall dress in a manner offensive to the decorum of the House.