

**State of Rhode Island and Providence Plantations**

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**JOURNAL**  
**-OF THE-**  
**HOUSE OF REPRESENTATIVES**

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**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.**

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Volume 132, No. 48

Tuesday, May 17, 2005

Forty-eighth Day

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The House of Representatives meets at the State House in Providence, Tuesday, May 17, 2005 and is called to order at 4:12 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 73 members present and 2 members absent as follows:

PRESENT - 73: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Williams, Winfield.

ABSENT – 2: Representatives Voccola, Williamson.

**INVOCATION**

The Honorable Speaker presents Representative Palumbo 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, May 12, 2005 is approved as printed.

**ANNIVERSARY ANNOUNCEMENT**

Representative Matthew McHugh and Mrs. Kim McHugh

**NEW BUSINESS****House Bill No. 6492**

**BY** Rice, Gallison

**ENTITLED**, AN ACT RELATING TO THE TOWN OF PORTSMOUTH (amendments to the Portsmouth Home Rule Charter) {LC3290/1}

05/17/2005 Introduced, referred to House Corporations

**House Bill No. 6493**

**BY** Rice, Gallison

**ENTITLED**, AN ACT RELATING TO THE TOWN OF PORTSMOUTH (amendments to the Portsmouth Home Rule Charter) {LC3267/1}

05/17/2005 Introduced, referred to House Corporations

**House Bill No. 6494**

**BY** Loughlin

**ENTITLED**, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE PORTSMOUTH HOME RULE CHARTER {LC3261/1}

05/17/2005 Introduced, referred to House Corporations

**House Bill No. 6495**

**BY** Long, Jackson, Coderre E, Amaral, Savage

**ENTITLED**, AN ACT RELATING TO MUTUAL AID AGREEMENT WITH BORDERING STATES (provide mutual aid and assistance for all police services) {LC3179/1}

05/17/2005 Introduced, referred to House Corporations

**House Bill No. 6496**

**BY** Long, Coderre E, Amaral, Moura, Savage

**ENTITLED**, AN ACT RELATING TO HIGHWAYS (cities and towns to require a performance bond from utilities and contractors who alter roadways in order to assure proper restoration of the road) {LC3196/1}

05/17/2005 Introduced, referred to House Corporations

**House Resolution No. 6497**

**BY** Gemma, Gorham

**ENTITLED**, HOUSE RESOLUTION CELEBRATING THE 70TH ANNIVERSARY OF ALDRICH JUNIOR HIGH SCHOOL {LC3308/1}

Representative Gemma requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Gemma seconded by Representative Gorham and by unanimous consent, on a voice vote.

**House Resolution No. 6498****BY** Savage, Story, Melo, Rose, Moura**ENTITLED**, HOUSE RESOLUTION RESPECTFULLY REQUESTING THE DIRECTOR OF THE RHODE ISLAND DEPARTMENT OF TRANSPORTATION TO CONDUCT A SAFETY REVIEW OF THE WAMPANOAG TRAIL {LC3315/1}

Representative Savage requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Savage seconded by Representatives Rose, Story, Amaral, Malik, Melo, and Faria by unanimous consent, on a voice vote.

**House Resolution No. 6499****BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC3328/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Fox seconded by Representative Watson and by unanimous consent, on a voice vote.

**House Resolution No. 6500****BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC3329/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Fox seconded by Representative Watson by unanimous consent, on a rising vote.

**House Resolution No. 6501****BY** Sullivan, Landroche, Moffitt, Gorham, Murphy**ENTITLED**, HOUSE RESOLUTION COMMEMORATING THE 100TH ANNIVERSARY OF THE FOUNDING OF OUR LADY OF CZENSTOCHOWA CHURCH {LC3327/1}

Representative Sullivan requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Sullivan seconded by Representatives Moffitt, Landroche, Gorham, and Gemma by unanimous consent, on a voice vote.

**COMMUNICATION FROM THE SENATE**

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

**Senate Bill** No. 791 SUB A

**BY** McCaffrey, Caprio F

**ENTITLED**, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS (modify the secretary of state's entity name standard) {LC2412/1/A}

05/17/2005 Referred to House Corporations

**Senate Bill** No. 822

**BY** McCaffrey

**ENTITLED**, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS (amend various sections of the Rhode Island Business Corporation Act) {LC2407/1}

05/17/2005 Referred to House Corporations

**Senate Bill** No. 908

**BY** Goodwin, Ruggerio

**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- REGULATION OF SALES (unlawful drinking and use of ID cards) {LC1232/1}

05/17/2005 Referred to House Corporations

**Senate Bill** No. 44 SUB A

**BY** Montalbano J

**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- UNLAWFUL OPERATION OF A RECORDING DEVICE (unlawful operation of a recording device in a motion picture theater a misdemeanor) {LC291/1/A}

05/17/2005 Referred to House Finance

**Senate Bill** No. 1038

**BY** Ruggerio, Ciccone, Goodwin, Metts, Caprio F

**ENTITLED**, AN ACT RELATING TO THE DOWNCITY SECTION OF PROVIDENCE {LC3035/1}

05/17/2005 Referred to House Finance

**Senate Bill** No. 108

**BY** Raptakis, Polisena, Damiani, McCaffrey, Pichardo

**ENTITLED**, AN ACT RELATING TO CRIMINALS -- CORRECTIONAL INSTITUTIONS (sentencing and parole guidelines/carjacking) {LC419/1}

05/17/2005 Referred to House Judiciary

**Senate Bill** No. 371

**BY** Revens

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- BEDDING AND UPHOLSTERED FURNITURE (flame retardant materials) {LC1876/1}  
05/17/2005 Referred to House H.E.W.

**FROM THE DESK IS TAKEN**

**House Bill** No. 5494 SUB A

**BY** Moura, Corvese, Schadone, Long, McCauley

**ENTITLED**, AN ACT RELATING TO INSURANCE -- UNFAIR CLAIMS SETTLEMENT PRACTICES ACT (declare the refusal to honor a direction to pay to be an unfair claims practice) {LC169/1/A}

Representative Moura moves to reconsider (05-H 5494 SUB A), seconded by Representative Fox. The motion to reconsider prevails by unanimous consent, on a voice vote.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
HOUSE OF REPRESENTATIVES

AFFIDAVIT

I, Al Gemma, State Representative, District 20, 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 5494 SUB A
2. (Nature of the potential conflict) I have the following interest in the matter:  
I own an auto body shop and have to obtain rental cars for customers.
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.

Al Gemma  
Representative, District 20

State of Rhode Island  
County of Providence

Subscribed and sworn to before me this 17<sup>th</sup> day of May AD, 2005

David W. Dumas  
Notary Public

Representative Gemma 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

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
HOUSE OF REPRESENTATIVES

AFFIDAVIT

I, Peter Petrarca, State Representative, District 44, 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 5494 SUB A
2. (Nature of the potential conflict) I have the following interest in the matter:  
Legal Counsel to Rental/Leasing Company
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.

Peter Petrarca  
Representative, District 44

State of Rhode Island  
County of Providence

Subscribed and sworn to before me this 17<sup>th</sup> day of May AD, 2005

David W. Dumas  
Notary Public

Representative Petrarca 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

Representative Moura moves passage of the act, seconded by Representatives Corvese, Kennedy and Fox.

Representative Moura, seconded by Representatives Corvese and Kennedy offers a written motion to amend.

**FLOOR AMENDMENT  
TO  
2005 -- H 5494 SUBSTITUTE A**

AN ACT RELATING TO INSURANCE -- UNFAIR CLAIMS SETTLEMENT PRACTICES  
ACT

Mr. Speaker:

I hereby move to amend 2005 -- H 5494 SUBSTITUTE A, entitled "AN ACT RELATING TO INSURANCE -- UNFAIR CLAIMS SETTLEMENT PRACTICES ACT", as follows:

1. On page 2, line 18, by removing the word "or".

2. On page 2, line 19, by deleting the number and language on lines 19 through 21 and substituting the following language:

"(17) Engaging in any act or practice of intimidation, coercion, threat or misrepresentation of consumers rights, for or against any insured person or entity to use a particular rental car company for motor vehicle replacement services or products; provided, however, nothing shall prohibit any insurance company, agent or adjuster from providing to such insured person or entity the names of a rental car company with which arrangements have been made with respect to motor vehicle replacement services; provided, that the rental car company is licensed pursuant to Rhode Island general laws section 31-5-33; or

(18) Refusing to honor a "direction to pay" executed by an insured indicating that the insured wishes to have the insurance company directly pay his or her motor vehicle replacement vehicle rental benefit to the rental car company of the consumer's choice; provided, that the rental car company is licensed pursuant to Rhode Island general laws section 31-5-33. Nothing in this section shall be construed to prevent the insurance company's ability to question or challenge the amount charged, in accordance with its policy provisions, and the requirements of the department of business regulations."

Respectfully submitted,

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REPRESENTATIVE MOURA

The motion to amend prevails on a roll call vote 66 members voting in the affirmative and 0 members voting in the negative as follows:

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

NAYS - 0.

**REQUEST**

Representative Menard requests the journal to reflect that if he had voted on the amendment to (05-H 5494 SUB A), he would have voted in the affirmative.

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, on a roll call vote, 65 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 65: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Picard, Rose, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Wasyluk, Watson, Williams, Winfield.

NAYS - 0.

**REQUEST**

Representative Costantino requests the journal to reflect that if he had voted on (05-H 5494 SUB Aaa), he 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.

**CALENDAR**

From the Calendar are taken:

**IN ORDER FOR TUESDAY, MAY 17, 2005:****1 2005-H 5041 as amended****BY Crowley****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --  
NEWPORT COUNTY CONVENTION AND VISITORS' BUREAU**

Ordered on the Calendar



Representative Crowley moves passage of the act, as amended, in concurrence, seconded by Representatives Jackson, Rice, and Gallison.

Representatives Watson and Gorham discuss the act, as amended, in concurrence.

Representative Gorham, seconded by Representative Mumford offers a written motion to amend.

**FLOOR AMENDMENT  
TO  
2005 -- H 5041, AS AMENDED**

AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- NEWPORT COUNTY  
CONVENTION AND VISITORS' BUREAU

Mr. Speaker:

I hereby move to amend 2005 -- H 5041, As Amended entitled "AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- NEWPORT COUNTY CONVENTION AND VISITORS' BUREAU", as follows:

(1) On page 1, line 1, by deleting the wording "Section" and inserting the wording "Sections 42-105-1 and".

(2) On page 1, line 2, by deleting the word "is" and inserting in place thereof the word "are".

(3) On page 1, between lines 2 and 3 by inserting the following language:

"42-105-1. Newport County convention and visitors' bureau -- Creation. -- (a) There is The City of Newport and the towns of Middletown, Portsmouth, Jamestown, Tiverton, and Little Compton are authorized, to created and established a public corporation of the state having a distinct legal existence from the state and not constituting a department of state government, which is a governmental agency and public instrumentality of the state, to be known as the "Newport County convention and visitors' bureau" with those the powers as are set forth in this chapter.

(b) The exercise by the corporation bureau of the powers conferred by this chapter shall be deemed and held to be the performance of an essential governmental function of the state said cities and towns for public purposes. It is the intent of the general assembly by the passage of this chapter, to vest in the corporation bureau all powers, authority, rights, privileges, and titles which may be necessary to enable it to accomplish the purposes herein set forth, and this chapter and the powers granted hereby shall be liberally construed in conformity with those purposes.

(c) (1) The corporation bureau and its corporate existence shall continue until terminated by law or until the corporation shall cease entirely and continuously to conduct or be involved in any business whatsoever in the furtherance of its purposes.

(2) Upon termination of the existence of the corporation bureau, all its rights and properties shall pass to and be vested in the state. At no time shall the assets or other property of the corporation inure to the benefit of any person or other bureau, corporation or entity."

Respectfully submitted,

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REPRESENTATIVE GORHAM

Representatives Gorham and Davey discuss the amendment.

The motion to amend fails on a roll call vote 28 members voting in the affirmative and 41 members voting in the negative as follows:

YEAS - 28: Representatives Amaral, Brien, Caprio, Davey, DeSimone, Ehrhardt, Giannini, Gorham, Laroche, Long, Loughlin, Malik, McCauley, McHugh, McManus, Menard, Moffitt, Mumford, Palumbo, Petrarca, Savage, Scott, Singleton, Story, Trillo, Ucci, Watson, Winfield.

NAYS - 41: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Carter, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, Faria, Flaherty, Fox, Gallison, Gemma, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Lima, McNamara, Melo, Moran, Moura, Naughton, O'Neill, Picard, Rice, Rose, San Bento, Schadone, Shanley, Slater, Sullivan, Williams.

Representative Gorham, seconded by Representative Trillo offers a written motion to amend.

**FLOOR AMENDMENT  
TO  
2005 -- H 5041 As Amended**

AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- NEWPORT COUNTY  
CONVENTION AND VISITORS' BUREAU

Mr. Speaker:

I hereby move to amend 2005 -- H 5041 As Amended, entitled "AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- NEWPORT COUNTY CONVENTION AND VISITORS' BUREAU", as follows:

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

"SECTION 1. Section 42-105-2 of the General Laws in Chapter 42-105 entitled "Newport County Convention and Visitors' Bureau" is hereby amended to read as follows:

42-105-2. Composition. -- (a) (i) The Newport County convention and visitors' bureau shall be comprised of ~~thirteen (13)~~ sixteen (16) members, ~~who are residents of Newport County~~ as follows: ~~four (4) members of the house of representatives of whom may be members of the general public appointed in lieu of legislative appointments, no more than three (3) from the same political party, selected by the speaker; three (3) members from the senate, no more than two (2) from the same political party, selected by the president of the senate of whom may be members of the general public appointed in lieu of legislative appointments; one appointed by the governor; one shall be a councilperson chosen by the city council of the city of Newport; one shall be a councilperson chosen by the town council of the town of Middletown; and three (3) public members, who shall be appointed by a majority of the members appointed by the speaker and president of the senate. Public members shall serve for a term of two (2) years or until a successor is appointed. All other members shall serve at the pleasure of their respective appointing authorities.~~

(ii) All members of the bureau as of the effective date of this act shall cease to be members of the authority on the effective date of this act, and the bureau shall thereupon be reconstituted as follows:

(A) Sixteen (16) members of the public shall be appointed by the governor. In making said appointments, the governor shall give due consideration to the appointees' background and qualifications regarding municipal government, the hotel, restaurant, bed and breakfast, and attraction industry. Due consideration shall also be given to the appointees familiarity with the convention and tourism industry in Newport County.

(iii) All members of the public shall be appointed to serve terms of two (2) years. Members of the bureau shall be eligible for reappointment.

(b) The members of the Newport County convention and visitors' bureau shall serve without compensation and the governor shall give due consideration to ~~shall be~~ residents of Newport County in making such appointments.

(c) The Newport County convention and visitors' bureau shall meet every other month at a time to be designated by the chairperson. Special meetings of the authority may be called by the chairperson in accordance with the open meetings law. The chairperson shall be elected by the membership of the authority.

SECTION 2. This act shall take effect on January 1, 2006."

Respectfully submitted,

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REPRESENTATIVE GORHAM

Representatives Gemma, Gorham, Story, Crowley, Trillo, Rice, McHugh, Jackson and Davey discuss the amendment.

Representative Kilmartin rises on a point of order for Representative Gorham to speak germane to the amendment. The Honorable Speaker rules for Representative Gorham to speak to the amendment.

Representative Gorham continues discussion on the amendment.

The motion to amend fails on a roll call vote 25 members voting in the affirmative and 45 members voting in the negative as follows:

YEAS - 25: Representatives Amaral, Caprio, Davey, DeSimone, Diaz, Ehrhardt, Giannini, Gorham, Laroche, Long, Loughlin, McManus, Menard, Mumford, Palumbo, Petrarca, Savage, Scott, Singleton, Story, Trillo, Ucci, Wasylyk, Watson, Winfield.

NAYS - 45: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Brien, Carter, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, Faria, Flaherty, Fox, Gallison, Gemma, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Lima, Malik, McCauley, McHugh, McNamara, Melo, Moffitt, Moran, Moura, Naughton, O'Neill, Picard, Rose, San Bento, Schadone, Slater, Smith, Sullivan, Williams.

**REQUEST**

Representative Rice requests the journal to reflect that if she had voted on the amendment to (05-H 5041aa), she would have voted in the negative.

Read and passed, as amended, in concurrence, on a roll call vote, 48 members voting in the affirmative and 21 members voting in the negative as follows:

YEAS - 48: The Honorable Speaker Murphy and Representatives Ajello, Anguilla, Carter, Church, Coderre, Corvese, Crowley, Dennigan, Diaz, Faria, Flaherty, Fox, Gallison, Gemma, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McNamara, Melo, Moran, Moura, Naughton, O'Neill, Petrarca, Picard, Rose, San Bento, Schadone, Scott, Shanley, Slater, Sullivan, Ucci, Wasyluk, Williams.

NAYS - 21: Representatives Amaral, Brien, Caprio, Davey, DeSimone, Ehrhardt, Giannini, Gorham, Laroche, McManus, Menard, Moffitt, Mumford, Palumbo, Savage, Singleton, Smith, Story, Trillo, Watson, Winfield.

**REQUEST**

Representative Rice requests the journal to reflect that if she had voted on (05-H 5041aa, in concurrence), she 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.

**2 2005-H 6249****BY Flaherty****ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES**

Committee on Corporations recommends passage.

Read, and by unanimous consent, ordered to be placed on the Calendar for Wednesday, May 18, 2005.

**3 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.

Read, and by unanimous consent, ordered to be placed on the Calendar for Tuesday, May 31, 2005.

**4 2005-H 5191****BY Lima****ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS**

Committee on Labor recommends passage.

Representative Faria moves passage of the act, seconded by Representative Lima.

Read and passed, on a roll call vote, 68 members voting in the affirmative and 2 members voting in the negative as follows:

YEAS - 68: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Giannini, Ginaitt, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Williams, Winfield.

NAYS - 2: Representatives Gorham, McManus.

**5 2005-H 5553****BY Diaz****ENTITLED, HOUSE RESOLUTION HONORING CESAR ESTRADA CHAVEZ  
(1927-1993)**

Committee on Labor recommends passage.

Representative Faria moves passage of the resolution, seconded by Representatives Williams, Slater, Amaral, Moura, McCauley, Almeida, Lima, Diaz, Ucci, Ajello, Kilmartin, Gemma, and Handy.

Read and passed, on a roll call vote, 70 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 70: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

**6 2005-H 5718****BY Carter****ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS --  
MECHANICAL TRADES**

Committee on Labor recommends passage.

Representative Faria moves passage of the act, seconded by Representatives Carter and Almeida.

Representatives Watson, Faria and McCauley discuss the act.

Read and passed, on a roll call vote, 65 members voting in the affirmative and 4 members voting in the negative as follows:

YEAS - 65: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Corvese, Costantino, Crowley, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Ucci, Wasylyk.

NAYS - 4: Representatives Davey, Trillo, Watson, Winfield.

**7 2005-H 5849****BY Moura****ENTITLED, AN ACT RELATING TO LABOR - PRIVACY PROTECTION**

Committee on Labor recommends passage.

Representative Faria moves passage of the act, seconded by Representatives Almeida, Rice, Handy, and Moura.

Representative Moura, seconded by Representatives Faria, Carter, and Kilmartin offers a written motion to amend.

**F L O O R   A M E N D M E N T  
T O  
2005 -- H 5849**

AN ACT RELATING TO LABOR - PRIVACY PROTECTION

Mr. Speaker:

I hereby move to amend 2005 -- H 5849, entitled "AN ACT RELATING TO LABOR - PRIVACY PROTECTION", as follows:

On page 1, immediately following line 13, by adding the following language:

"(d) The rights and remedies provided herein shall be in addition to, and not supersede, any other rights and remedies provided by statute or common law."

Respectfully submitted,

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REPRESENTATIVE PAUL E. MOURA

The motion to amend prevails on a roll call vote 70 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 70: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Winfield.

NAYS - 0.

Representative Caprio, seconded by Representatives Faria offers a written motion to amend.

**FLOOR AMENDMENT  
TO  
2005 -- H 5849**

**AN ACT RELATING TO LABOR - PRIVACY PROTECTION**

Mr. Speaker:

I hereby move to amend 2005 -- H 5849, entitled "AN ACT RELATING TO LABOR - PRIVACY PROTECTION", as follows:

On page 1, line 7, by deleting the word "changing" and inserting in place thereof the language "employees to change their".

Respectfully submitted,

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REPRESENTATIVE CAPRIO

Representative Caprio discusses the amendment.

The motion to amend prevails on a roll call vote 67 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 67: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Costantino, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Winfield.

NAYS - 0.

Representatives Moffitt and Moura discuss the act, as amended.

Read and passed, as amended, 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, Anguilla, Brien, Caprio, Carter, Church, Coderre, Costantino, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Winfield.

NAYS - 0.

**8 2005-H 5327**

**BY Lally**

**ENTITLED, AN ACT RELATING TO RESIDENTIAL LANDLORD AND TENANT**

Committee on Judiciary recommends passage.

Read, and by unanimous consent, ordered to be placed on the Calendar for Wednesday, May 18, 2005.

**9 2005-H 6491**

**BY Lima**

**ENTITLED, HOUSE RESOLUTION CREATING A SPECIAL HOUSE  
COMMISSION TO EXAMINE THE ISSUE OF LICENSING  
BUILDERS AND CONTRACTORS**

Ordered on the Calendar



Representative Lima moves passage of the resolution, seconded by Representatives Moffitt, Lally, Malik, Naughton, Diaz, Slater, Sullivan, Almeida, Gallison, and Faria.

Representative Gorham discusses the resolution.

Read and passed, on a roll call vote, 70 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 70: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Wasylk, Watson, 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.

#### **PERSONAL PRIVILEGE**

Representative Slater rises on a point of personal privilege in regards to a newspaper article.

#### **GUESTS**

Representative Naughton welcomes to the House Chamber as guests the March of Dimes Lobby Day Participants as follows: Board of Directors: Dan Dwyer-Chair; Diane Hurley, Ken Knox, Robert Pirri, Mary Sadlier, Josie Santilli, Lisa Schaffran, Kristen Sherman, David Salit, Samara Viner-Brown, James Messier; Staff: Betsy Akin-State Director, Dawn Cardeiro, Lauren Goldenberg, Jennifer Gagnon; Volunteers: Dawn Andrews, Edith Burnett, Christina Shaw, and Kristi Zonno.

Representative San Bento also welcomes Jennifer Gagnon.

Representative Diaz welcomes to the House Brenda Bell Caffè and Jessie Caffè, Delegation from the Urban League of Rhode Island.

Representative Ajello introduces her intern, Zoe Bell, from Brown University.

### ADJOURNMENT

At 5:16 o'clock P.M. on motion of Representatives Ajello and Mumford, and as a further mark of respect to the memory of Robert Spink Davis; on motion of the Honorable Speaker Murphy and Representative Carter, and as a further mark of respect to the memory of Pauline E. Forchione, Maria Ann Landry, and Marie T. Benedetti; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

**Linda M. McElroy**  
**Recording Clerk**

**APPENDIX**

**INVOCATION**

**REPRESENTATIVE PETER G. PALUMBO**

Almighty God, we ask that you help us as we try to make Rhode Island a better place. Amen

APPENDIX

TRANSMITTED TO THE GOVERNOR

**House Bill No. 5041** as amended

**BY** Crowley, Rice, Jackson, Gallison

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

NEWPORT COUNTY CONVENTION AND VISITORS' BUREAU (reconstitute) {LC463/1}

## APPENDIX

## CALENDAR

## IN ORDER FOR WEDNESDAY, MAY 18, 2005:

**1 2005-H 6249****BY Flaherty****ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES**

Committee on Corporations recommends passage.

**2 2005-H 5327****BY Lally****ENTITLED, AN ACT RELATING TO RESIDENTIAL LANDLORD AND TENANT**

Committee on Judiciary recommends passage.

**3 2005-H 5816 SUB A****BY Coderre E****ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS**

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

## IN ORDER FOR THURSDAY, MAY 19, 2005:

**1 2005-H 5640****BY Lewiss****ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - UNDERAGE POSSESSION**

Committee on Judiciary recommends passage.

**2 2005-H 5305****BY Ginaitt****ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- SALE OF WATER**

Committee on Corporations recommends passage.

**3 2005-H 5911 SUB A****BY Ginaitt****ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- MERCURY REDUCTION AND EDUCATION ACT**

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

**4 2005-H 6430****BY Malik****ENTITLED, AN ACT RELATING TO VETERANS' AFFAIRS**

Ordered on the Calendar

**5 2005-H 5717****BY Malik****ENTITLED, AN ACT RELATING TO LABOR RELATIONS ACT**

Committee on Labor recommends passage.

**6 2005-H 5850****BY Moura****ENTITLED, AN ACT RELATING TO LABOR AND PAYMENT OF DEBTS BY CONTRACTORS**

Committee on Labor recommends passage.

**7 2005-H 5650****BY Moura****ENTITLED, AN ACT RELATING TO EMPLOYMENT OF WOMEN AND CHILDREN**

Committee on Labor recommends passage.

**8 2005-H 5649 SUB A****BY Moura****ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- EMPLOYMENT OF WOMEN AND CHILDREN**

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

**IN ORDER FOR TUESDAY, MAY 24, 2005:****1 2005-H 5089 SUB A****BY Gallison****ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES**

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

**IN ORDER FOR WEDNESDAY, MAY 25, 2005:****1 2005-H 5349****BY Anguilla****ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- ARREST**

Committee on Judiciary recommends passage.

**2 2005-H 5316 SUB A****BY O'Neill****ENTITLED, AN ACT RELATING TO THE PUBLIC UTILITIES AND CARRIERS**

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

**3 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.

**4 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.

**IN ORDER FOR THURSDAY, MAY 26, 2005:****1 2005-H 5759 SUB A****BY Kilmartin****ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -  
SUNDAY BUSINESS**

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

**2 2005-H 6192****BY Jacquard****ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- REFUSE  
DISPOSAL**

Committee on Environment and Natural Resources recommends passage.

**IN ORDER FOR TUESDAY, MAY 31, 2005:**

**1 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.

**Louis D'Antuono**  
**Clerk of the House**

**Tuesday, May 17, 2005**