

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 second day of January in the year of Our Lord two thousand and seven.

Volume 134, No. 44

Thursday, May 3, 2007

Forty-fourth Day

The House of Representatives meets at the State House in Providence, Thursday, May 3, 2007 and is called to order at 4:15 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 69 members present and 6 members absent as follows:

PRESENT - 69 The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson.

ABSENT - 6: Representatives Crowley, Lewiss, Rice, San Bento, Scott, Winfield.

INVOCATION

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

(For Invocation, see Appendix, this Journal.)

APPROVAL OF RECORD

By unanimous consent, the House Journal of Wednesday, May 2, 2007 is approved as printed.

ANNOUNCEMENT

Representative Peter Lewiss is out of town and will be unable to attend session Thursday, May 3, 2007.

REPORTS OF COMMITTEE**COMMITTEE ON JUDICIARY**

Representative Lally, for the Committee on Judiciary, reports back the following measures, with recommendation of passage:

House Bill No. 5420

BY Melo, Rose, Ucci, Almeida

ENTITLED, AN ACT RELATING TO HIGHWAYS -- CONSTRUCTION AND MAINTENANCE OF STATE ROADS {LC1680/1}

05/03/2007 Placed on House Calendar

House Bill No. 5774 SUB A

BY Giannini, Mattiello, Brien, Baldelli-Hunt, Ucci

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - TRESPASS AND VANDALISM (make it an offense to use graffiti in any way on any private residence, office, business or commercial property) {LC2188/1/A}

05/03/2007 Placed on House Calendar

House Bill No. 5652 SUB A

BY Scott, Jackson, Lewiss

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY (increase the amount of the homestead exemption) {LC1971/1/A}

05/03/2007 Placed on House Calendar

NEW BUSINESS**House Bill No. 6365**

BY Walsh, Lewiss

ENTITLED, AN ACT RELATING TO THE TOWN OF NEW SHOREHAM -- PARKING FEES {LC3007/1}

05/03/2007 Introduced, referred to House Municipal Government

House Bill No. 6366

BY Slater, Diaz, Almeida, Dennigan, Naughton

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - CONFIDENTIALITY OF HEALTH CARE COMMUNICATIONS AND INFORMATION ACT {LC2842/1}

05/03/2007 Introduced, referred to House H.E.W.

House Bill No. 6367**BY** Wasylyk**ENTITLED**, AN ACT RELATING TO EDUCATION -- THE FACULTY AND COLLEGE EXCELLENCE ACT OF 2007 {LC2970/1}

05/03/2007 Introduced, referred to House Finance

House Resolution No. 6368**BY** Gallison, Gablinske**ENTITLED**, HOUSE RESOLUTION CONGRATULATING SERGEANT CHRISTOPHER MOY ON HIS RETIREMENT FROM THE BRISTOL POLICE DEPARTMENT {LC2999/1}

Representative Gallison requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Gallison seconded by Representatives Malik, Gablinske and many other members of the House by unanimous consent, on a voice vote.

With the agreement of the Majority and the Minority, Representative Pacheco requests to place (07-H 6369) on the top of the Calendar for Tuesday, May 8th. There is no objection.**House Resolution No. 6369****BY** Pacheco, Fox, Handy, Ajello, Segal**ENTITLED**, HOUSE RESOLUTION RESPECTFULLY REQUESTING THE UNITED STATES CONGRESS TO ELIMINATE THE PROPOSED \$19 BILLION DOLLAR BUDGET CUT TO THE 2008 FEDERAL EDUCATION BUDGET {LC2821/1}

05/03/2007 Placed on House Calendar

RULE 17**The following bills were received pursuant to Rule 17:**

Representative Walsh-An Act relating to Town of New Shoreham

Representative Slater-An Act relating to Businesses and Professions

Representative Wasylyk-An Act relating to Education

COMMUNICATION FROM THE SENATE

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

Senate Bill No. 134 SUB A

BY Cote

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES (repeal the provisions of Chapter 640 of the 2006 Public Laws regarding rules of the road for bikeways) {LC906/1/A}

05/03/2007 Referred to House Environment and Natural Resources

CALENDAR

From the Calendar are taken:

IN ORDER FOR THURSDAY, MAY 3, 2007:

1 2007-H 6030 SUB A as amended

BY Rice

ENTITLED, AN ACT RELATING TO TAXATION -- REAL ESTATE CONVEYANCE TAX

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

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

By unanimous consent, Representative Fox, offers Representative Rice's written motion to amend, seconded by Representatives Coderre, Slater and Williamson.

FLOOR AMENDMENT TO 2007 -- H 6030 SUBSTITUTE A AS AMENDED

AN ACT RELATING TO TAXATION -- REAL ESTATE CONVEYANCE TAX

Mr. Speaker:

I hereby move to amend 2007 -- H 6030 SUBSTITUTE A, AS AMENDED entitled "AN ACT RELATING TO TAXATION -- REAL ESTATE CONVEYANCE TAX", as follows:

By deleting all the language following the enactment clause and substituting therefor the following:

"SECTION 1. Section 44-25-1 of the General Laws in Chapter 44-25 entitled "Real Estate Conveyance Tax" is hereby amended to read as follows:

44-25-1. Tax imposed -- Payment -- Burden. -- (a) There is imposed, on each deed, instrument, or writing by which any lands, tenements, or other realty sold is granted, assigned, transferred, or conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his or her or their direction, when the consideration paid exceeds one hundred dollars (\$100), a tax at the rate of two dollars (\$2.00) for each five hundred dollars (\$500) or fractional part of it which is paid for the purchase of the property (inclusive of the value of any lien or encumbrance remaining at the time of sale), which tax is payable at the time of making,

execution, delivery, acceptance or presenting for recording of the instrument. In the absence of an agreement to the contrary, the tax shall be paid by the grantor.

(b) In the event no consideration is actually paid for the lands, tenements, or realty, the instrument of conveyance shall contain a statement to the effect that the consideration is such that no documentary stamps are required.

(c) The tax administrator shall contribute to the distressed community relief program the sum of thirty cents (\$.30) per two dollars (\$2.00) of the face value of the stamps to be distributed pursuant to section 45-13-12. The state shall retain sixty cents (\$.60) for state use. The balance of the tax shall be retained by the municipality collecting the tax. Provided, however, in fiscal years 2004 and 2005, from the proceeds of this tax, the tax administrator shall deposit as general revenues the sum of ninety cents (\$.90) per two dollars (\$2.00) of the face value of the stamps. The balance of the tax is retained by the municipality collecting the tax. Beginning in fiscal year 2008, any municipality may set aside a portion of the balance of the tax retained by the municipality for the acquisition, preservation, and protection of open space within the municipality.

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

Respectfully submitted,

REPRESENTATIVE RICE

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LC00108/6

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Representatives Gorham and Ucci discuss the amendment.

The motion to amend prevails on a roll call vote 50 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 50: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Caprio, Carter, Church, Coderre, Costantino, Dennigan, DeSimone, Ehrhardt, Fellela, Flaherty, Fox, Gablinske, Gemma, Giannini, Ginaitt, Gorham, Handy, Jacquard, Kennedy, Lima, Long, Loughlin, Malik, Mattiello, McCauley, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Slater, Story, Sullivan, Ucci, Vaudreuil, Walsh, Williams, Williamson.

NAYS - 0.

Representative Gorham discusses the act, as amended.

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, on a roll call vote, 54 members voting in the affirmative and 2 members voting in the negative as follows.

YEAS - 54: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Lima, Loughlin, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Picard, Rose, Savage, Schadone, Segal, Serpa, Silva, Slater, Story, Sullivan, Ucci, Vaudreuil, Walsh, Williams, Williamson.

NAYS - 2: Representatives Petrarca, Shanley.

2 2007-H 6360

BY Williamson

ENTITLED, AN ACT RELATING TO TAXATION - PROPERTY SUBJECT TO TAXATION

Ordered on the Calendar

Representative Williamson moves passage of the act, seconded by Representative Serpa.

Read and passed, on a roll call vote, 56 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 56: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Caprio, Carter, Church, Coderre, Corvese, Costantino, DeSimone, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Slater, Story, Sullivan, Ucci, Vaudreuil, Walsh, Williams, Williamson.

NAYS - 0.

3 2007-H 6361

BY Williamson

ENTITLED, AN ACT RELATING TO TAXATION - PROPERTY SUBJECT TO TAXATION

Ordered on the Calendar

Representative Williamson moves passage of the act, seconded by Representatives Serpa, Carter and many other members of the House.

Read and passed, on a roll call vote, 55 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 55: The Honorable Speaker Murphy and Representatives Ajello, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Slater, Story, Sullivan, Ucci, Vaudreuil, Walsh, Williams.

NAYS - 0.

4 2007-H 6362**BY Williamson****ENTITLED, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION**

Ordered on the Calendar

Representative Williamson moves passage of the act, seconded by Representatives Serpa and Carter.

Read and passed, on a roll call vote, 55 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 55: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Lima, Long, Loughlin, Malik, Mattiello, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Slater, Story, Sullivan, Ucci, Vaudreuil, Walsh, Williams, Williamson.

NAYS - 0.

5 2007-H 6363**BY Williamson****ENTITLED, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION**

Ordered on the Calendar

Representative Williamson moves passage of the act, seconded by Representatives Serpa and Carter.

Read and passed, on a roll call vote, 55 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 55: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Caprio, Carter, Church, Coderre, Corvese, Costantino, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jacquard, Kennedy, Lally, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Slater, Story, Sullivan, Ucci, Vaudreuil, Walsh, Williams, Williamson.

NAYS - 0.

6 2007-H 6364**BY Williamson****ENTITLED, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION**

Ordered on the Calendar

Representative Williamson moves passage of the act, seconded by Representatives Serpa, Carter, Gallison and Moffitt.

Read and passed, on a roll call vote, 56 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 56: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Caprio, Carter, Church, Corvese, Costantino, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Slater, Story, Sullivan, Ucci, Vaudreuil, Walsh, Williams, Williamson.

NAYS - 0

TRANSMITTAL

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

7 2007-H 5529**BY Lally****ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - COMMISSION ON JUDICIAL TENURE AND DISCIPLINE**

Committee on Separation of Powers recommends passage.

Representative DeSimone moves passage of the act, seconded by Representatives Coderre and many other members of the House.

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

YEAS - 59: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Slater, Story, Sullivan, Ucci, Vaudreuil, Walsh, Williams.

NAYS - 0.

8 2007-H 6032**BY Ajello****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND
GOVERNMENT--TRADE**

Committee on Separation of Powers recommends passage.

Representative DeSimone moves passage of the act, seconded by Representatives Gemma, Ajello, Handy, Naughton, Slater Coderre, Gallison and Serpa.

Representatives Gorham and Ajello discuss the act.

NOW PRESIDING

At 5:37o'clock P.M. the Honorable Speaker Murphy yields the rostrum to the Honorable Speaker Pro Tempore Lima.

Representatives Ehrhardt and DeSimone discuss the act.

Read and passed, on a roll call vote, 48 members voting in the affirmative and 11 members voting in the negative as follows.

YEAS - 48: Representatives Ajello, Almeida, Baldelli-Hunt, Caprio, Carter, Church, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Kennedy, Kilmartin, Lally, Lima, Malik, Mattiello, McCauley, McNamara, Melo, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Schadone, Segal, Serpa, Shanley, Silva, Slater, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson.

NAYS - 11: Representatives Ehrhardt, Gorham, Long, Loughlin, McManus, Menard, Moffitt, Mumford, Savage, Singleton, Story.

REQUEST

Representative Coderre requests the journal to reflect that if she had voted on (07-H 6032), she would have voted in the affirmative.

9 2007-H 5903**BY Loughlin****ENTITLED, AN ACT RELATING TO TAXATION - EXCISE ON MOTOR
VEHICLES AND TRAILERS**

Committee on Separation of Powers recommends passage.

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

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

YEAS - 59: Representatives Ajello, Almeida, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lima, Long, Loughlin, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson.

NAYS - 0.

10 2007-H 5700

BY McManus

**ENTITLED, AN ACT RELATING TO LIBRARIES -- THE RHODE ISLAND
INFORMATION RESOURCES MANAGEMENT BOARD**

Committee on Separation of Powers recommends passage.

Representative DeSimone moves passage of the act, seconded by Representatives Moffitt, McManus and Dennigan.

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

YEAS - 59: Representatives Ajello, Almeida, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lima, Long, Loughlin, Mattiello, McCauley, McManus, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson.

NAYS - 0.

11 2007-H 5696

BY San Bento

**ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - DEVELOPMENT
IMPACT FEE ACT**

Committee on Municipal Government recommends passage.

Read, and by unanimous consent, ordered to be placed on the Calendar for Thursday, May 10, 2007.

12 2007-H 5572 SUB A**BY Jackson****ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS**

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

Representative Kennedy moves passage of the act, seconded by Representatives Lally and Jackson.

Representatives Gorham and Jackson discuss the act.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, on a roll call vote, 53 members voting in the affirmative and 7 members voting in the negative as follows.

YEAS - 53: Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, DeSimone, Diaz, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lima, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williamson.

NAYS - 7: Representatives Ehrhardt, Gorham, Long, Loughlin, Moffitt, Mumford, Watson.

13 2007-H 5564**BY Lewiss****ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
PROCEDURE GENERALLY -- THE UNIFORM COMMERCIAL
CODE**

Committee on Corporations recommends passage.

Representative Kennedy moves passage of the act, seconded by Representative Kilmartin.

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

YEAS - 59: Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Lally, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson.

NAYS - 0.

14 2007-H 5800 SUB A**BY Mattiello****ENTITLED,** AN ACT RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS -- MOTOR VEHICLES -- DECEPTIVE TRADE PRACTICES

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

Representative Kennedy moves passage of the act, seconded by Representatives Mattiello, Almeida and Jacquard.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, on a roll call vote, 56 members voting in the affirmative and 2 members voting in the negative as follows.

YEAS - 56: Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Lally, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Slater, Story, Sullivan, Ucci, Vaudreuil, Walsh, Williams, Williamson.

NAYS - 2: Representatives Gorham, Mumford.

15 2007-H 5565**BY Silva****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- RETAIL SALE OF GASOLINE

Committee on Corporations recommends passage.

By unanimous consent, Representative Kennedy moves to commit to the Committee on Finance, seconded by Representative Fox. There is no objection.

Read and committed to the Committee on Finance.

16 2007-H 6038 SUB A**BY McNamara****ENTITLED,** AN ACT RELATING TO INSURANCE - INDIVIDUAL HEALTH INSURANCE COVERAGE

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

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

By unanimous consent, Representative Kennedy, seconded by Representative Coderre offers a written motion to amend.

**FLOOR AMENDMENT
TO
2007 -- H 6038 SUBSTITUTE A**

**AN ACT RELATING TO INSURANCE - INDIVIDUAL HEALTH INSURANCE
COVERAGE**

Mr. Speaker:

I hereby move to amend 2007 -- H 6038 SUBSTITUTE A, entitled "AN ACT RELATING TO INSURANCE - INDIVIDUAL HEALTH INSURANCE COVERAGE", as follows:

(1) On page 8, line 2, by inserting the following language after the language "statute."

"For the Basic Wellness Health Benefit Plan described in section 27-18.5-10, the rates proposed to be charged and the plan design to be offered by any carrier shall be filed by the carrier at the office of the health insurance commissioner no less than thirty (30) days prior to their proposed date of use. The carrier shall be required to establish that the rates proposed to be charged, and the plan design to be offered, are consistent with the proper conduct of its business and with the interest of the public. The health insurance commissioner may approve, disapprove, or modify the rates, and/or approve or disapprove the plan design proposed to be offered by the carrier. Any disapproval by the health insurance commissioner of a plan design proposed to be offered shall be based on a determination that the plan design is not consistent with the criteria established pursuant to section 27-18.5-10."

(2) On page 8, line 10, by deleting the language "27-18.5-10" and inserting in place thereof the language "27-50-10".

Respectfully submitted,

REPRESENTATIVE BRIAN KENNEDY

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LC01821/3
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The motion to amend prevails on a roll call vote 62 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 62: Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Lally, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson.

NAYS - 0.

Representatives Gorham and Kennedy discuss the act, as amended.

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, on a roll call vote, 60 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 60: Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lima, Long, Loughlin, Malik, Mattiello, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williamson.

NAYS - 0.

17 2007-H 5801 SUB A

BY Mattiello

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS - DECEPTIVE TRADE PRACTICES

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

Representative Kennedy moves passage of the act, seconded by Representative Mattiello.

By unanimous consent, Representative Kennedy, seconded by Representative Mattiello offers Representative Mattiello's written motion to amend.

**FLOOR AMENDMENT
TO
2007 -- H 5801 SUBSTITUTE A**

**AN ACT RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS
- DECEPTIVE TRADE PRACTICES**

Mr. Speaker:

I hereby move to amend 2007 -- H 5801 SUBSTITUTE A, entitled "AN ACT RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS - DECEPTIVE TRADE PRACTICES", as follows:

On page 1, line 16, by deleting the words "or used".

Respectfully submitted,

REPRESENTATIVE MATTIELLO

The motion to amend prevails on a roll call vote 57 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 57: Representatives Ajello, Almeida, Baldelli-Hunt, Carter, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lima, Long, Loughlin, Malik, Mattiello, McManus, McNamara, Melo, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williamson.

NAYS - 0.

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, on a roll call vote, 52 members voting in the affirmative and 2 members voting in the negative as follows.

YEAS - 52: Representatives Ajello, Almeida, Baldelli-Hunt, Caprio, Carter, Church, Costantino, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Kennedy, Kilmartin, Lally, Lima, Long, Loughlin, Malik, Mattiello, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Ucci, Vaudreuil, Walsh, Wasylyk, Williamson.

NAYS - 2: Representatives Gorham, Watson.

REQUEST

Representative Sullivan requests the journal to reflect that if he had voted on (07-H 5801 SUB A, as amended), he would have voted in the affirmative.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
HOUSE OF REPRESENTATIVES

STATEMENT OF CONFLICT OF INTEREST PURSUANT TO RIGL 36-14-6

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: (07-H 5549 SUB A)

2. (Nature of the potential conflict) I have the following interest in the matter:

I own a body shop.

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

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

Subscribed and sworn to under the penalties for perjury before me this 3rd day of May, 2007.

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

STATEMENT OF CONFLICT OF INTEREST PURSUANT TO RIGL 36-14-6

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: (07-H 5549 SUB A)

2. (Nature of the potential conflict) I have the following interest in the matter:

Legal Counsel to Auto Body Repair Facility

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

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

Subscribed and sworn to under the penalties for perjury before me this 3rd day of May, 2007.

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

18 2007-H 5549 SUB A

BY Corvese

**ENTITLED, AN ACT RELATING TO INSURANCE - UNFAIR CLAIMS
SETTLEMENT PRACTICES ACT**

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

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

Representative Ehrhardt requests to vote in sections. The Honorable Speaker Pro Tempore rules it is divisible.

Representatives Gorham and Corvese discuss the act.

Sub Section C, Page 3, Lines 11-13 prevails on a roll call vote, 45 members voting in the affirmative and 11 members voting in the negative as follows.

YEAS - 45: Representatives Ajello, Almeida, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Gablinske, Gallison, Giannini, Ginaitt, Handy, Jacquard, Kennedy, Kilmartin, Lally, Lima, Long, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, Pacheco, Picard, Rose, Schadone, Segal, Serpa, Shanley, Silva, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams.

NAYS - 11: Representatives Amaral, Ehrhardt, Gorham, Loughlin, McManus, Moffitt, Mumford, Savage, Singleton, Story, Watson.

The remainder of the bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, on a roll call vote, 49 members voting in the affirmative and 8 members voting in the negative as follows.

YEAS - 49: Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Gablinske, Gallison, Giannini, Ginaitt, Handy, Jacquard, Kennedy, Kilmartin, Lally, Lima, Long, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, O'Neill, Pacheco, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Story, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams.

NAYS - 8: Representatives Ehrhardt, Gorham, Loughlin, McManus, Moffitt, Mumford, Singleton, Watson.

REQUEST

Representative Jackson requests the journal to reflect that if he had voted on (07-H 5549 SUB A), he would have voted in the affirmative.

19 2007-H 5303 SUB A

BY Pacheco

**ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - PASCOAG
UTILITY DISTRICT**

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

Representative Kennedy moves passage of the act, seconded by Representatives Pacheco and Church.

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

YEAS - 57: Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Story, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams.

NAYS - 0.

20 2007-H 5566 SUB A as amended

BY Segal

**ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS --
RENEWABLE ELECTRIC GENERATION**

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

Representative Kennedy moves passage of the act, seconded by Representatives Williams, Almeida, Gemma, Naughton, Ginaitt and Sullivan.

By unanimous consent, Representative Kennedy, seconded by Representative Amaral offers a written motion to amend.

FLOOR AMENDMENT
TO
2007 -- H 5566 SUBSTITUTE A, AS AMENDED

AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- RENEWABLE
ELECTRIC GENERATION

Mr. Speaker:

I hereby move to amend 2007 -- H 5566 SUBSTITUTE A, AS AMENDED, entitled "AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- RENEWABLE ELECTRIC GENERATION", as follows:

(1) On page 1, line 7, by deleting the words "one megawatt" and inserting in place thereof the words "five hundred (500) kilowatts (kw)".

(2) On page 1, line 8, by deleting the phrase "two (2) megawatts" and inserting in place thereof the phrase "one megawatt".

(3) On page 1, line 18, by deleting the words "one megawatt" and inserting in place thereof the language "five hundred (500) kilowatts".

(4) On page 2, line 5, by deleting the abbreviation "DSM" and inserting in place thereof the words "Demand Side Management".

(5) On page 3, by deleting lines 13 and 14 in their entirety.

(6) On page 2, line 15, by deleting the subsection designation "(d)" and inserting in place thereof the subsection designation "(c)".

(7) On page 2, line 17, by deleting the subsection designation "(e)" and inserting in place thereof the subsection designation "(d)". Respectfully submitted,

REPRESENTATIVE KENNEDY

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LC01342/3

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The motion to amend prevails on a roll call vote 55 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 55: Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Kennedy, Kilmartin, Lally, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Story, Sullivan, Ucci, Vaudreuil, Walsh, Wasyluk, Watson, Williams.

NAYS - 1: Representative Gorham.

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, on a roll call vote, 58 members voting in the affirmative and 2 members voting in the negative as follows.

YEAS - 58: Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Kennedy, Kilmartin, Lally, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Singleton, Story, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams.

NAYS - 2: Representatives Gorham, Watson.

21 2007-H 5742

BY Story

ENTITLED, AN ACT RELATING TO INSURANCE -- LIFE INSURANCE

Committee on Corporations recommends passage.

Representative Kennedy moves passage of the act, seconded by Representatives Long and Story.

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

YEAS - 59: Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Singleton, Story, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams.

NAYS - 0.

22 2007-H 5734 SUB A

BY Kilmartin

**ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- THE
USE OF THE NAME OF FINANCIAL INSTITUTIONS**

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

Representative Kennedy moves passage of the act, seconded by Representatives Kilmartin, Jacquard and Gemma.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, on a roll call vote, 59 members voting in the affirmative and 1 member voting in the negative as follows.

YEAS - 59: Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Singleton, Story, Sullivan, Ucci, Vaudreuil, Walsh, Watson, Williams.

NAYS - 1: Representative Gorham.

23 2007-H 5735 SUB A

BY Kilmartin

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- RADON CONTROL

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

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

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

YEAS - 61: Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Singleton, Story, Sullivan, Ucci, Vaudreuil, Walsh, Wasyluk, Watson, Williams.

NAYS - 0.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
HOUSE OF REPRESENTATIVES

STATEMENT OF CONFLICT OF INTEREST PURSUANT TO RIGL 36-14-6

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: (07-H 5550)

2. (Nature of the potential conflict) I have the following interest in the matter:

I own a body shop.

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

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

Subscribed and sworn to under the penalties for perjury before me this 3rd day of May, 2007.

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

STATEMENT OF CONFLICT OF INTEREST PURSUANT TO RIGL 36-14-6

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: (07-H 5550)

2. (Nature of the potential conflict) I have the following interest in the matter:

Legal Counsel to Auto Body Repair Facility

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

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

Subscribed and sworn to under the penalties for perjury before me this 3rd day of May, 2007.

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

24 2007-H 5550

BY Corvese

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
AUTOMOBILE BODY REPAIR SHOPS

Committee on Corporations recommends passage.

Representative Kennedy moves passage of the act, seconded by Representatives Corvese, Long and Amaral.

By unanimous consent, Representative Kennedy, seconded by Representative Long offers a written motion to amend.

F L O O R A M E N D M E N T
TO
2007 -- H 5550

AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- AUTOMOBILE BODY
REPAIR SHOPS

Mr. Speaker:

I hereby move to amend 2007 -- H 5550, entitled "AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- AUTOMOBILE BODY REPAIR SHOPS", as follows:

(1) By deleting all of the language after the enactment clause and inserting in lieu thereof the following:

"SECTION 1. Chapter 5-38 of the General Laws entitled "Automobile Body Repair Shops" is hereby amended by adding thereto the following section:

5-38-31. Designation of representative in writing. -- The owner of a motor vehicle shall not designate another person or entity to authorize repairs to a motor vehicle unless the vehicle's

owner shall confirm in writing that the authorization given to a licensed auto body repair facility is his or her choice of facility.

SECTION 2. Chapter 27-8 of the General Laws entitled "Casualty Insurance Generally" is hereby amended by adding thereto the following section:

27-8-19. Designation of representative in writing. -- (a) The owner of a motor vehicle shall not designate another person or entity to authorize repairs to a motor vehicle unless the vehicle's owner shall confirm in writing that the authorization given to a licensed auto body repair facility is his or her choice of facility.

(b) An insurance company may not authorize repairs to a motor vehicle on behalf of the vehicle's owner in violation of subsection (a) above.

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

Respectfully submitted,

REPRESENTATIVE KENNEDY

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LC02025/2
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Representatives Gorham and Kennedy discuss the amendment.

The motion to amend prevails on a roll call vote 55 members voting in the affirmative and 2 members voting in the negative as follows:

YEAS - 55: Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Caprio, Carter, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Giannini, Ginaitt, Handy, Jackson, Kennedy, Kilmartin, Lally, Lima, Long, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Singleton, Story, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson.

NAYS - 2: Representatives Gorham, Watson.

Read and passed, as amended, on a roll call vote, 52 members voting in the affirmative and 1 member voting in the negative as follows.

YEAS - 52: Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Caprio, Carter, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Giannini, Ginaitt, Handy, Jackson, Kilmartin, Lima, Long, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Singleton, Story, Sullivan, Ucci, Vaudreuil, Walsh, Watson, Williams, Williamson.

NAYS - 1: Representative Gorham.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
HOUSE OF REPRESENTATIVES

STATEMENT OF CONFLICT OF INTEREST PURSUANT TO RIGL 36-14-6

I, Richard Singleton, State Representative, District 52, 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: (07-H 5741 SUB A)

2. (Nature of the potential conflict) I have the following interest in the matter:

I was producer in insurance industry which the bill addresses

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.

RICHARD SINGLETON
REPRESENTATIVE

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

Subscribed and sworn to under the penalties for perjury before me this 3rd day of May, 2007.

DAVID W. DUMAS
NOTARY PUBLIC

Representative Singleton 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

25 2007-H 5741 SUB A

BY Ehrhardt

**ENTITLED, AN ACT RELATING TO INSURANCE - INSURANCE PRODUCERS
- PRODUCER LICENSING ACT**

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

Representative Kennedy moves passage of the act, seconded by Representative Ehrhardt.

Representative Menard requests to vote in sections. The Honorable Speaker Pro Tempore rules it is divisible.

Page 3, Section 27.24-4 prevails on a roll call vote, 55 members voting in the affirmative and 2 members voting in the negative as follows.

YEAS - 55: Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Ehrhardt, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Lima, Long, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Story, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson.

NAYS - 2: Representatives Menard, Picard.

The remainder of the bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, on a roll call vote, 57 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 57: Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Segal, Serpa, Shanley, Silva, Story, Sullivan, Ucci, Vaudreuil, Walsh, Watson, Williams, Williamson.

NAYS - 0.

26 2007-H 5370 SUB A

BY Jacquard

**ENTITLED, AN ACT RELATING TO COMMERCIAL LAW -- GENERAL
REGULATORY PROVISIONS -- DECEPTIVE TRADE PRACTICES**

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

Representative Kennedy moves passage of the act, seconded by Representative O'Neill.

Representatives Wasylyk and Jacquard discuss the act.

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

YEAS - 56: Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Savage, Schadone, Segal, Serpa, Shanley, Silva, Singleton, Story, Sullivan, Ucci, Vaudreuil, Walsh, Williams, Williamson.

NAYS - 0.

27 2007-H 5732

BY Lally

ENTITLED, AN ACT RELATING TO PROPERTY - LABOR AND LABOR RELATIONS - CONSTRUCTION TRUST

Committee on Corporations recommends passage.

Representative Kennedy moves passage of the act, seconded by Representative Lally.

By unanimous consent, Representative Kennedy, seconded by Representative Lally offers a written motion to amend.

**FLOOR AMENDMENT
TO
2007 -- H 5732**

**AN ACT RELATING TO PROPERTY - LABOR AND LABOR RELATIONS -
CONSTRUCTION TRUST**

Mr. Speaker:

I hereby move to amend 2007 -- H 5732, entitled "AN ACT RELATING TO PROPERTY - LABOR AND LABOR RELATIONS - CONSTRUCTION TRUST", as follows:

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

SECTION 1. Title 34 of the General Laws entitled "PROPERTY" is hereby amended by adding thereto the following chapter:

CHAPTER 27.2

THE RHODE ISLAND CONSTRUCTION TRUST ACT

34-27.2-1. Short title. -- This chapter shall be known and may be cited as "The Rhode Island Construction Trust Act."

34-27.2-2. Legislative findings. -- The general assembly finds and declares that the uniqueness of the construction industry requires a special system to ensure that payment is received by those businesses, contractors and owners who expend materials and/or labor prior to the completion of a construction project, but then must wait to be made financially compensated for the materials and/or labor. The general assembly also recognizes that once the materials and labor are placed into the building, or other construction project, it is impossible to reclaim the goods or services so that the only means of compensation is to receive monetary payment. In

addition, the general assembly finds that the comprehensive bankruptcy reform act of 2005 expanded section 523(a) of the Uniform Code of chapter 13, and created a new section known as UC Bankruptcy Code 1328 that gives building material suppliers recourse when a contractor, "commits fraud or defalcation while acting in a fiduciary capacity." Under the new UC Bankruptcy Code 1328, if any person commits fraud or defalcation while acting in a fiduciary capacity, embezzlement, or larceny the debt is nondischargeable under chapter 7 (liquidation), chapter 11 (adjustment of debt) or chapter 13 (reorganization).

34-27.2-3. Definitions. -- The following definitions apply in the interpretations of the provisions of this chapter, unless the context requires another meaning:

(1) "Express Trust" means funds that have been paid by an owner, for or in connection with materials used in an improvement of real property, which are to be held by a contractor or subcontractor, in express trust, for material men. Any such contractor or subcontractor who accepts money from any owner or contractor shall become the trustee of the express trust that is created under this act. The amounts received by such contractor or subcontractor under or in connection with each building project shall be a separate trust and the contractor or subcontractor, or any successor and/or assign of such contractor or subcontractor that hold such trust funds, shall be a trustee thereof. These funds are not required to be held in any separate account by a contractor or subcontractor. Such trust shall be effective against and shall have priority over any interest of a party seeking payment from such contractor or subcontractor for claims other than those that are due and owing by reason of the specific building project for which the trust was created, whether such creditors are foreign attachment or other judicial lien creditors, a trustee in bankruptcy or similar creditors or representatives or creditors of the contractor or subcontractor.

(2) "Material men" means those retailers of lumber who are engaged in the business primarily of selling lumber and building materials to contractors, subcontractors, or repairmen to be used for the construction, erection, alteration, or repairing a building or other structure or in the making of any other improvements on land or the preparation thereof, and whose lumber and building material sales comprise of at least fifty percent (50%) of their total sales as defined in section 44-19-41.

34-27.2-4. Funds held in trust. -- (a) Any moneys paid under a contract by an owner to a contractor, or by the owner or contractor to a subcontractor, for work done for or about a building by any subcontractor shall be held in express trust by the contractor or subcontractor, as trustee, for those subcontractors who did work for or about the building, for purposes of paying those subcontractors or any successor and/or assign of such contractor or subcontractor that hold such funds.

(b) Any money paid under a contract by an owner to a contractor, or by the owner or contractor to a subcontractor, for supplies provided by materialmen in contract for the construction, repair, remodeling, improvement or renovation of any building or structure shall be held in an express trust by the contractor or subcontractor for the materialmen or any successor and/or assign of such contractor or subcontractors that holds such trust funds.

(c) Nothing contained in this chapter shall be construed as requiring moneys held in express trust by a contractor or subcontractor under subsection (a) or (b) of this section to be placed in a separate account.

(d) The existence of trust funds shall not prohibit the filing or enforcement of a labor, mechanic or material men's lien against the affected real property by any lien claimant, nor shall the filing of such a lien release the holder of the funds from the obligations created under Rhode

Island law.

SECTION 2. No Express Trust shall be required for a federal, state or municipal project.

SECTION 3. This act shall take effect upon passage.

Respectfully submitted,

REPRESENTATIVE KENNEDY

=====
LC02227/3
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The motion to amend prevails on a roll call vote 57 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 57: Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Kennedy, Kilmartin, Lally, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Singleton, Story, Sullivan, Ucci, Vaudreuil, Walsh, Williams.

NAYS - 0.

Read and passed, as amended, on a roll call vote, 56 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 56: Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lima, Long, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Schadone, Segal, Shanley, Silva, Singleton, Story, Sullivan, Ucci, Vaudreuil, Walsh, Williams, Williamson.

NAYS - 0.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
HOUSE OF REPRESENTATIVES

STATEMENT OF CONFLICT OF INTEREST PURSUANT TO RIGL 36-14-6

I, William McManus, State Representative, District 46, 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: (07-H 5805 SUB A)

2. (Nature of the potential conflict) I have the following interest in the matter:

Employed at CVS Pharmacy

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.

WILLIAM MCMANUS
REPRESENTATIVE

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

Subscribed and sworn to under the penalties for perjury before me this 3rd day of May, 2007.

DAVID W. DUMAS
NOTARY PUBLIC

Representative McManus 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

28 2007-H 5805 SUB A

BY Palumbo

**ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- PROMOTION
OF PAPER BAG USE**

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

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

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, on a roll call vote, 56 members voting in the affirmative and 2 members voting in the negative as follows.

YEAS - 56: Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Menard, Moffitt, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Schadone, Segal, Shanley, Silva, Singleton, Story, Sullivan, Ucci, Vaudreuil, Walsh, Wasyluk, Williams, Williamson.

NAYS - 2: Representatives Gorham, Mumford.

REQUEST

Representative McManus requests that the journal reflect that he voted in error on the previous bill.

29 2007-H 5712 SUB A

BY Kennedy

ENTITLED, AN ACT RELATING TO INSURANCE -- INDIVIDUAL HEALTH INSURANCE COVERAGE

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

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

By unanimous consent, Representative Kennedy, seconded by Representative Corvese offers a written motion to amend.

FLOOR AMENDMENT TO 2007 -- H 5712 SUBSTITUTE A

AN ACT RELATING TO INSURANCE -- INDIVIDUAL HEALTH INSURANCE COVERAGE

Mr. Speaker:

I hereby move to amend 2007 -- H 5712 SUBSTITUTE A, entitled "AN ACT RELATING TO INSURANCE -- INDIVIDUAL HEALTH INSURANCE COVERAGE", as follows:

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

"SECTION 1. Section 27-18.5-3 of the General Laws in Chapter 27-18.5 entitled "Individual Health Insurance Coverage" is hereby amended to read as follows:

27-18.5-3. Guaranteed availability to certain individuals. -- (a) Notwithstanding any of the provisions of this title to the contrary, all health insurance carriers that offer health insurance coverage in the individual market in this state shall provide for the guaranteed availability of

coverage to an eligible individual or an individual who has had health insurance coverage, including coverage in the individual market, or coverage under a group health plan or coverage under 5 U.S.C. section 8901 et seq. and had that coverage continuously for at least twelve (12) consecutive months and who applies for coverage in the individual market no later than sixty-three (63) days following termination of the coverage, desiring to enroll in individual health insurance coverage, and who is not eligible for coverage under a group health plan, part A or part B or title XVIII of the Social Security Act, 42 U.S.C. section 1395c et seq. or 42 U.S.C. section 1395j et seq., or any state plan under title XIX of the Social Security Act, 42 U.S.C. section 1396 et seq. (or any successor program) and does not have other health insurance coverage (provided, that eligibility for the other coverage shall not disqualify an individual with twelve (12) months of consecutive coverage if that individual applies for coverage in the individual market for the primary purpose of obtaining coverage for a specific pre-existing condition, and the other available coverage excludes coverage for that pre-existing condition) and may not:

- (1) Decline to offer the coverage to, or deny enrollment of, the individual; or
- (2) Impose any preexisting condition exclusion with respect to the coverage.

(b) Notwithstanding any of the provisions of this title to the contrary, all health insurance carriers that offer health insurance coverage in the individual market in this state shall provide a minimum of one thirty (30) day open enrollment period every twelve (12) months. For the purposes of this section, open enrollment shall mean a period during which the carrier shall make an offer of coverage to and enroll every individual who agrees to pay the applicable premium, without respect to whether such individual is an eligible individual as defined in section 27-28.5-2.

~~(b)~~(c) (1) All health insurance carriers that offer health insurance coverage in the individual market in this state shall offer all policy forms of health insurance coverage. Provided, the carrier may elect to limit the coverage offered so long as it offers at least two (2) different policy forms of health insurance coverage (policy forms which have different cost-sharing arrangements or different riders shall be considered to be different policy forms) both of which:

- (i) Are designed for, made generally available to, and actively market to, and enroll both eligible and other individuals by the carrier; and
- (ii) Meet the requirements of subparagraph (A) or (B) of this paragraph as elected by the carrier:

(A) If the carrier offers the policy forms with the largest, and next to the largest, premium volume of all the policy forms offered by the carrier in this state; or

(B) If the carrier offers a choice of two (2) policy forms with representative coverage, consisting of a lower-level coverage policy form and a higher-level coverage policy form each of which includes benefits substantially similar to other individual health insurance coverage offered by the carrier in this state and each of which is covered under a method that provides for risk adjustment, risk spreading, or financial subsidization.

(2) For the purposes of this subsection, "lower-level coverage" means a policy form for which the actuarial value of the benefits under the coverage is at least eighty-five percent (85%) but not greater than one hundred percent (100%) of the policy form weighted average.

(3) For the purposes of this subsection, "higher-level coverage" means a policy form for which the actuarial value of the benefits under the coverage is at least fifteen percent (15%) greater than the actuarial value of lower-level coverage offered by the carrier in this state, and the actuarial value of the benefits under the coverage is at least one hundred percent (100%) but not greater than one hundred twenty percent (120%) of the policy form weighted average.

(4) For the purposes of this subsection, "policy form weighted average" means the average actuarial value of the benefits provided by all the health insurance coverage issued (as elected by the carrier) either by that carrier or, if the data are available, by all carriers in this state in the individual market during the previous year (not including coverage issued under this subsection), weighted by enrollment for the different coverage. The actuarial value of benefits shall be calculated based on a standardized population and a set of standardized utilization and cost factors.

(5) The carrier elections under this subsection shall apply uniformly to all eligible individuals in this state for that carrier. The election shall be effective for policies offered during a period of not shorter than two (2) years.

~~(e)~~(d) (1) A carrier may deny health insurance coverage in the individual market to an eligible individual if the carrier has demonstrated to the director that:

(i) It does not have the financial reserves necessary to underwrite additional coverage; and

(ii) It is applying this subsection uniformly to all individuals in the individual market in this state consistent with applicable state law and without regard to any health status-related factor of the individuals and without regard to whether the individuals are eligible individuals.

(2) A carrier upon denying individual health insurance coverage in this state in accordance with this subsection may not offer that coverage in the individual market in this state for a period of one hundred eighty (180) days after the date the coverage is denied or until the carrier has demonstrated to the director that the carrier has sufficient financial reserves to underwrite additional coverage, whichever is later.

~~(d)~~(e) Nothing in this section shall be construed to require that a carrier offering health insurance coverage only in connection with group health plans or through one or more bona fide associations, or both, offer health insurance coverage in the individual market.

~~(e)~~(f) A carrier offering health insurance coverage in connection with group health plans under this title shall not be deemed to be a health insurance carrier offering individual health insurance coverage solely because the carrier offers a conversion policy.

~~(f)~~(g) Except for any high risk pool rating rules to be established by the Office of the Health Insurance Commissioner (OHIC) as described in this section, nothing in this section shall be construed to create additional restrictions on the amount of premium rates that a carrier may charge an individual for health insurance coverage provided in the individual market; or to prevent a health insurance carrier offering health insurance coverage in the individual market from establishing premium rates or modifying applicable copayments or deductibles in return for adherence to programs of health promotion and disease prevention.

~~(g)~~(h) OHIC may pursue federal funding in support of the development of a high risk pool for the individual market, as defined in section 27-18.5-2, contingent upon a thorough assessment of any financial obligation of the state related to the receipt of said federal funding being presented to, and approved by, the general assembly by passage of concurrent general assembly resolution. The components of the high risk pool program, including, but not limited to, rating rules, eligibility requirements and administrative processes, shall be designed in accordance with section 2745 of the Public Health Service Act (42 U.S.C. section 300gg-45) also known as the State High Risk Pool Funding Extension Act of 2006 and defined in regulations promulgated by the office of the health insurance commissioner on or before October 1, 2007.

~~(h)~~(i) (1) In the case of a health insurance carrier that offers health insurance coverage in the individual market through a network plan, the carrier may limit the individuals who may be

enrolled under that coverage to those who live, reside, or work within the service areas for the network plan; and within the service areas of the plan, deny coverage to individuals if the carrier has demonstrated to the director that:

(i) It will not have the capacity to deliver services adequately to additional individual enrollees because of its obligations to existing group contract holders and enrollees and individual enrollees; and

(ii) It is applying this subsection uniformly to individuals without regard to any health status-related factor of the individuals and without regard to whether the individuals are eligible individuals.

(2) Upon denying health insurance coverage in any service area in accordance with the terms of this subsection, a carrier may not offer coverage in the individual market within the service area for a period of one hundred eighty (180) days after the coverage is denied.

SECTION 2. Chapter 27-18.5 of the General Laws entitled "Individual Health Insurance Coverage" is hereby amended by adding thereto the following section:

27-18.5-10. Risk adjustment mechanism. – (a) Each health insurance carrier that offers health insurance coverage in the individual market in this state shall report to the commissioner no later than March 31st of each year:

(i) the total claims incurred by insureds in the individual market and paid by the carrier in the prior calendar year plus the carrier's reserve for claims incurred by insureds in the individual market but not yet paid;

(ii) amounts paid by the carrier in premium assistance to low income individuals, if any;
and

(iii) the total earned premium for the prior calendar year for coverage in the individual market.

(b) The format of the information required to be submitted in accordance with subdivision (a) of this section shall be defined by regulations promulgated by the commissioner. Upon receipt of the required information, the commissioner shall calculate an overall medical loss ratio for the individual market which shall be equal to the reported claims of all carriers offering coverage in the individual market divided by the total earned premium collected by such carriers for coverage in the individual market.

(c)(i) If a health insurance carrier in the individual market has a reported medical loss ratio that is less than the overall medical loss ratio for the individual market determined by the commissioner, such carrier shall be assessed seventy-five percent (75%) of the difference between the carriers' reported claims and the overall medical loss ratio determined by the commissioner multiplied by the carriers' reported earned premium. The carrier shall be required to pay the assessment amount to the commissioner within thirty (30) days of being notified of such carrier's assessment obligation. Any such assessment shall be used to reimburse any other health insurance carrier in the individual market in accordance with subdivision (c)(ii).

(ii) A health insurance carrier in the individual market that has a reported medical loss ratio greater than the overall medical loss ratio for the individual market shall be entitled to be paid an amount equal to seventy-five (75%) of the difference between the carriers' reported claims and the overall medical loss ratio determined by the commissioner multiplied by the carriers' reported earned premium.

(d) For the purposes of this section, the term "reported claims" shall mean the claims incurred and paid for individual health insurance coverage plus a reserve for claims incurred but not yet paid, plus amounts paid by in premium assistance to low income individuals, as reported

by each carrier in the individual market pursuant to subsection 27-18.5-10(a). The term "total earned premium" shall mean premium collected for coverage in the individual market in this state before reinsurance.

SECTION 3. Section 42-62-13 of the General Laws in Chapter 42-62 entitled "Catastrophic Health Insurance Plan Act" is hereby amended to read as follows:

42-62-13. Rates charged. -- (a) The rates proposed to be charged or a rating formula proposed to be used by any insurer or health maintenance organization under this section to employers, the state or any political subdivision of the state, or individuals, shall be filed by the insurer or health maintenance organization at the office of the ~~health insurance commissioner~~ director of business regulation. This section does not apply to any entity subject to section 27-19-1 et seq., and/or section 27-20-1 et seq. The rates proposed to be charged by those entities shall be governed by the provisions of section 27-19-1 et seq., and/or section 27-20-1 et seq. Within sixty (60) days after receipt of the application, the ~~director, commissioner or his or her the director's designee,~~ may shall hold a hearing on all rates proposed for health insurance coverage offered in the individual market as defined in subsection 27-18.5-2(10) upon not less than ten (10) days' written notice prior to the hearings. With respect to an application relating to any other rates subject to the department's jurisdiction, the director, or his or her designee, may hold a hearing upon not less than ten (10) days written notice prior to the hearing. The notice shall be published by the director in a newspaper or newspapers having aggregate general circulation throughout the state at least ten (10) days prior to the hearing. The notice shall contain a description of the rates proposed to be charged, and a copy of the notice shall be sent to the applicant and to the ~~consumer protection~~ insurance advocacy unit of the department of attorney general. Further, the applicant shall provide notice of the proposed rate increase for health insurance coverage in the individual market as defined in section 27-18.5-2 to all subscribers subject to the proposed rate increase, by mail, at least ten (10) days prior to the hearing.

(b) Filings with the attorney general's office: The applicant shall provide a copy of the filing on all rates proposed for health insurance coverage offered in the individual market to the insurance advocacy unit of the department of the attorney general simultaneously with the filing at the office of the health insurance commissioner.

(c) Procedures: At any hearing held under this section, the applicant shall be required to establish that the rates proposed to be charged or the rating formula proposed to be used are consistent with the proper conduct of its business and with the interest of the public. Any documents presented in support of a filing of proposed rates under this section shall be made available for public examination at any time and place that the director may deem reasonable. The director, or the director's designee, upon that hearing may administer oaths, examine and cross-examine witnesses, receive oral and documentary evidence, and shall have the power to subpoena witnesses, compel their attendance and require the production of all books, papers, records, correspondence, or other documents which he or she deems relevant. Any designee who shall conduct a hearing pursuant to this section shall report his or her findings in writing to the director within eighty (80) days of the filing with a recommendation for approval, disapproval, or modification of the rates proposed to be charged by the applicant. The recommended decision shall become part of the record. The director shall make and issue a decision not later than ten (10) days following the issuance of the recommended decision or, if the director hears the application without the appointment of a designee, as soon as is reasonably possible following the completion of the hearing on the proposed rate change. The decision may approve, disapprove, or modify the rates proposed to be charged by the applicant. Insurers requesting

changes in rates shall underwrite the reasonable expenses of the department of business regulation in connection with the hearing, including any costs related to advertisements, stenographic reporting, and expert witnesses fees. Notwithstanding any other provisions of law, the filing of proposed rates or a rating formula and the holding and conduct of any hearings in connection with these proposed rates or rating formula shall be pursuant to this section.

(b) Whenever the term "designee" is used in this section, it shall mean a person who is impartial, a member in good standing of the Rhode Island bar and a person who is sufficiently acquainted with the rules of evidence as used in the superior court of the state so as to enable that person to conduct a hearing as designee of the director. The reasonable per diem cost of the designee as appointed by the director shall be paid by the ~~insurers~~ applicants requesting changes in the rates.

SECTION 4. This act shall take effect on March 1, 2008."

Respectfully submitted,

REPRESENTATIVE KENNEDY

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LC02204/2
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The motion to amend prevails on a roll call vote 57 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 57: Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Segal, Serpa, Shanley, Silva, Singleton, Story, Sullivan, Ucci, Vaudreuil, Walsh, Williams.

NAYS - 0.

Representatives Gorham, Kennedy, Caprio and Costantino discuss the act, as amended.

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, on a roll call vote, 56 members voting in the affirmative and 6 members voting in the negative as follows.

YEAS - 56: Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lima, Long, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Moffitt, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Sullivan, Ucci, Vaudreuil, Walsh, Williams, Williamson.

NAYS - 6: Representatives Caprio, Gorham, Loughlin, McManus, Mumford, Watson.

Representative Gorham requests to hold the act on the desk. There is no objection.

30 2007-H 5569 SUB A

BY Williamson

ENTITLED, AN ACT RELATING TO INSURANCE -- NONPROFIT HOSPITAL SERVICE CORPORATIONS

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

Read, and by unanimous consent, ordered to be placed on the Calendar for Thursday, May 10, 2007.

31 2007-H 5778

BY O'Neill

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- CORRECTIONS DEPARTMENT

Committee on Judiciary recommends passage.

Representative Lally moves passage of the act, seconded by Representative O'Neill.

Read and passed, on a roll call vote, 63 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 63: Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson.

NAYS - 0.

32 2007-H 5724

BY Moffitt

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY -- CAUSES OF ACTION

Committee on Judiciary recommends passage.

Read, and by unanimous consent, ordered to be placed on the Calendar for Thursday, May 10, 2007.

33 2007-H 5620

BY Menard

ENTITLED, AN ACT RELATING TO ELECTIONS -- RHODE ISLAND
CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORTING

Committee on Judiciary recommends passage.

Representative Lally moves passage of the act, seconded by Representative Mumford.

By unanimous consent, Representative Lally seconded by Representative Menard offers a written motion to amend.

**FLOOR AMENDMENT
TO
2007 -- H 5620**

AN ACT RELATING TO ELECTIONS -- RHODE ISLAND CAMPAIGN CONTRIBUTIONS
AND EXPENDITURES REPORTING

Mr. Speaker:

I hereby move to amend 2007 -- H 5620, entitled "AN ACT RELATING TO ELECTIONS -- RHODE ISLAND CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORTING", as follows:

(1) On page 3, line 2, by inserting the following language immediately following the language "section." "Provided however, if the last day of the month falls on a weekend or a holiday the report shall be due on the following business day."

(2) On page 3, line 30, by inserting the following language, immediately following the language "section." "Provided however, if the last day of the month falls on a weekend or a holiday, the report shall be due on the following business day."

Respectfully submitted,

REPRESENTATIVE LALLY

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LC01678/2
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The motion to amend prevails on a roll call vote 59 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 59: Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lima, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Sullivan, Ucci, Vaudreuil, Walsh, Watson, Williams.

NAYS - 0.

Read and passed, as amended, on a roll call vote, 57 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 57: Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lima, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Slater, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Watson, Williamson.

NAYS - 0.

34 2007-H 5328

BY Lally

**ENTITLED, AN ACT RELATING TO ELECTIONS -- PARTY COMMITTEES
AND CONVENTIONS**

Committee on Judiciary recommends passage.

Representative Lally moves passage of the act, seconded by Representative Coderre.

Read and passed, on a roll call vote, 62 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 62: Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Watson, Williams, Williamson.

NAYS - 0.

35 2007-H 5654

BY Ajello

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

Committee on Judiciary recommends passage.

Representative Lally moves passage of the act, seconded by Representatives Ajello, Almeida, Picard, Walsh and Pacheco.

Read and passed, on a roll call vote, 51 members voting in the affirmative and 5 members voting in the negative as follows.

YEAS - 51: Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Fox, Gablinske, Gallison, Gemma, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lima, Long, Malik, Mattiello, McCauley, McManus, Melo, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Savage, Schadone, Segal, Serpa, Shanley, Silva, Singleton, Story, Sullivan, Ucci, Vaudreuil, Walsh, Williams.

NAYS - 5: Representatives Ehrhardt, Gorham, Loughlin, Trillo, Watson.

36 2007-H 5780

BY Ajello

ENTITLED, AN ACT RELATING TO CRIMINALS -- CORRECTIONAL INSTITUTIONS

Committee on Judiciary recommends passage.

Read, and by unanimous consent, ordered to be placed on the Calendar for Thursday, May 10, 2007.

37 2007-H 6350

BY Lima

ENTITLED, HOUSE RESOLUTION RESPECTFULLY REQUESTING THAT ALL RHODE ISLAND CITY AND TOWN POLICE DEPARTMENTS ENFORCE CURRENT HANDICAPPED PARKING LAWS

Ordered on the Calendar

Read, and by unanimous consent, ordered to be placed on the Calendar after item # 43 as # 43A.

38 2007-H 5972

BY Sullivan

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - COMPUTER CRIME

Committee on Judiciary recommends passage.

Read, and by unanimous consent, ordered to be placed on the Calendar for Tuesday, May 8, 2007.

39 2007-H 5025

BY Melo

ENTITLED, AN ACT RELATING TO PROPERTY -- FENCES

Committee on Judiciary recommends passage.

Representative Lally moves passage of the act, seconded by Representatives Coderre and Melo.

By unanimous consent, Representative Lally, seconded by Representatives Melo offers Representative Melo's written motion to amend.

F L O O R A M E N D M E N T
TO
2007 -- H 5025

AN ACT RELATING TO PROPERTY -- FENCES

Mr. Speaker:

I hereby move to amend 2007 -- H 5025, entitled "AN ACT RELATING TO PROPERTY -- FENCES", as follows:

On page 1, line 13, by deleting the word "or" and inserting in placed thereof the word "and".

Respectfully submitted,

REPRESENTATIVE MELO

=====
LC00270/2
=====

Representative Lally discusses the amendment.

The motion to amend prevails on a roll call vote 59 members voting in the affirmative and 2 members voting in the negative as follows:

YEAS - 59: Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lima, Long, Loughlin, Mattiello, McCauley, McManus, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Williams, Williamson.

NAYS - 2: Representatives Gorham, Watson.

Representative Watson discusses the act, as amended.

NOW PRESIDING

At 5:35 o'clock P.M. the Honorable Speaker Pro Tempore Lima yields the rostrum to the Honorable Speaker Murphy

Read and passed, as amended, on a roll call vote, 58 members voting in the affirmative and 5 members voting in the negative as follows.

YEAS - 58: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lima, Long, Malik, Mattiello, McCauley, McManus, Melo, Menard, Moffitt, Naughton, O'Neill, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Sullivan, Ucci, Vaudreuil, Walsh, Williams, Williamson.

NAYS - 5: Representatives Gorham, Loughlin, Mumford, Trillo, Watson.

40 2007-H 5104 SUB A

BY Corvese

ENTITLED, AN ACT RELATING TO FUNERAL SERVICE ESTABLISHMENTS

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

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

By unanimous consent, Representative Kennedy, seconded by Representative Corvese offers Representative Corvese's written motion to amend.

**FLOOR AMENDMENT
TO
2007 -- H 5104 SUBSTITUTE A**

AN ACT RELATING TO FUNERAL SERVICE ESTABLISHMENTS

Mr. Speaker:

I hereby move to amend 2007 -- H 5104 SUBSTITUTE A, entitled "AN ACT RELATING TO FUNERAL SERVICE ESTABLISHMENTS", as follows:

1. On page 1, line 4, by inserting after the word "hours" the word "annually".
2. On page 1, line 6, by inserting after the word "of" the word "annual".

Respectfully submitted,

REPRESENTATIVE CORVESE

=====
LC00067/3
=====

Representative Kennedy discusses the amendment.

The motion to amend prevails on a roll call vote 58 members voting in the affirmative and 4 members voting in the negative as follows:

YEAS - 58: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Jacquard, Lally, Long, Loughlin, Malik, Mattiello, McCauley, Melo, Menard, Mumford, Naughton, O'Neill, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson.

NAYS - 4: Representatives Gorham, McManus, Moffitt, Watson.

Representatives Watson and Corvese discuss the act, as amended.

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, on a roll call vote, 58 members voting in the affirmative and 6 members voting in the negative as follows.

YEAS - 58: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Lally, Lima, Long, Loughlin, Malik, Mattiello, McCauley, Menard, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson.

NAYS - 6: Representatives Gorham, McManus, Moffitt, Mumford, Trillo, Watson.

41 2007-H 5674

BY Winfield

**ENTITLED, AN ACT BUSINESSES AND PROFESSIONS -- SPEECH
PATHOLOGY AND AUDIOLOGY**

Committee on Health, Education & Welfare recommends passage.

Read, and by unanimous consent, ordered to be placed on the Calendar for Tuesday, May 8, 2007.

42 2007-H 6077

BY Kilmartin

**ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES --
REGULATION OF SALES**

Committee on Judiciary recommends passage.

Read, and by unanimous consent, ordered to be placed on the Calendar for Wednesday, May 9, 2007.

43 2007-H 5211 SUB A**BY Rice****ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES**

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

Representative Lally moves passage of the act, seconded by Representative Williamson.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, on a roll call vote, 62 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 62: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Lally, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Sullivan, Ucci, Vaudreuil, Walsh, Wasyluk, Williams, Williamson.

NAYS - 0.

43A 2007-H 6350**BY Lima****ENTITLED, HOUSE RESOLUTION RESPECTFULLY REQUESTING THAT ALL RHODE ISLAND CITY AND TOWN POLICE DEPARTMENTS ENFORCE CURRENT HANDICAPPED PARKING LAWS**

Ordered on the Calendar

Representative Lima moves passage of the act, seconded by Representatives Coderre, Shanley, Lally and many other members of the House.

Read and passed, on a roll call vote, 63 members voting in the affirmative and 1 member voting in the negative as follows.

YEAS - 63: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Lally, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Picard, Rose, Savage, Schadone, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Watson, Williams, Williamson.

NAYS - 1: Representative Petrarca.

On suggestion of Majority Leader Fox, and by unanimous consent, the remainder of the Calendar for today is continued to Tuesday, May 8, 2007..

TRANSMITTAL

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

ANNOUNCEMENTS

Representative Williamson wishes Representative Anastasia Williams a Happy "29th Birthday on May 6th.

Representative Gallison congratulates Representative Joanne Giannini and her husband Stephen on their 27th anniversary.

Representative Almeida congratulates Majority Leader Fox on being chosen the Honorary Co-Chairman of the 15th Annual Dr. Martin Luther King Scholarship Fund.

Representative Mumford wishes a Happy Birthday to her daughter-in-law Siobhan Mumford.

Representative Costantino announces that the Committee on Finance will meet at the rise of the House, in Room 35 of the State House.

Representative Giannini announces that the Committee on Constituent Services will meet Tuesday, May 8th, at the rise of the House.

ADJOURNMENT

At 5:48 o'clock P.M. on motion of Representative Moffitt and the entire Coventry Delegation, and as a further mark of respect to the memory of Audrey Cornell; on motion of Representative Watson, and as a further mark of respect to the memory of Dr. Augustine Capotosto, Jr.; seconded by Representatives Fox and Gorham the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE ROGER A. PICARD

Thank you God for Your presence here with us and Your blessings on this Assembly today and every day. Amen.

APPENDIX

CALENDAR

IN ORDER FOR TUESDAY, MAY 8, 2007:

1 2007-H 6369**BY Pacheco****ENTITLED,** HOUSE RESOLUTION RESPECTFULLY REQUESTING THE UNITED STATES CONGRESS TO ELIMINATE THE PROPOSED \$19 BILLION DOLLAR BUDGET CUT TO THE 2008 FEDERAL EDUCATION BUDGET

Ordered on the Calendar

2 2007-H 5972**BY Sullivan****ENTITLED,** AN ACT RELATING TO CRIMINAL OFFENSES - COMPUTER CRIME

Committee on Judiciary recommends passage.

3 2007-H 5674**BY Winfield****ENTITLED,** AN ACT BUSINESSES AND PROFESSIONS -- SPEECH PATHOLOGY AND AUDIOLOGY

Committee on Health, Education & Welfare recommends passage.

4 2007-H 5093**BY Petrarca****ENTITLED,** AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION

Committee on Veterans' Affairs recommends passage.

5 2007-H 5094**BY Petrarca****ENTITLED,** AN ACT RELATING TO TAXATION - PROPERTY SUBJECT TO TAXATION

Committee on Veterans' Affairs recommends passage.

6 2007-H 5219**BY Winfield****ENTITLED,** AN ACT RELATING TO TAXATION

Committee on Veterans' Affairs recommends passage.

7 2007-H 5902 SUB A**BY Loughlin****ENTITLED,** AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE --
DECORATIONS

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

8 2007-H 5135**BY Carter****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
REGISTRATION OF VEHICLES

Committee on Veterans' Affairs recommends passage.

9 2007-H 6144**BY Slater****ENTITLED,** HOUSE RESOLUTION URGING THE GOVERNOR TO PROVIDE
MEANINGFUL ASSISTANCE TO HELP IDENTIFY AND ENROLL
CHILDREN WHO QUALIFY FOR MEDICAID AND RITECARE
PROGRAMS

Committee on Finance recommends passage.

10 2007-H 6255**BY Fox****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
ENERGY FACILITY SITING ACT

Committee on Corporations recommends passage.

11 2007-H 6256**BY Fox****ENTITLED,** AN ACT TO INCORPORATE NATIONAL GRID GAS COMPANY

Committee on Corporations recommends passage.

12 2007-H 5120 SUB A**BY Carter****ENTITLED,** AN ACT RELATING TO SPECIAL LICENSE FOR
MOTORCYCLES, MOTOR SCOOTERS AND OTHER DRIVEN
CYCLES

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

13 2007-H 5666 SUB A**BY San Bento****ENTITLED,** AN ACT RELATING TO BUSINESS AND PROFESSIONS -
OPTOMETRISTS

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

14 2007-H 5052**BY San Bento****ENTITLED,** AN ACT RELATING TO ELECTIONS -- PRIMARIES

Committee on Judiciary recommends passage.

15 2007-H 5262**BY Amaral****ENTITLED,** AN ACT RELATING TO CRIMINAL OFFENSE -- WEAPONS

Committee on Judiciary recommends passage.

16 2007-H 6227 SUB A**BY Lewiss****ENTITLED,** AN ACT RELATING TO ELECTIONS -- STATE BOARD OF
ELECTIONS

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

17 2007-H 6215**BY Pacheco****ENTITLED,** AN ACT RELATING TO ELECTIONS -- REGISTRATION OF
VOTERS

Committee on Judiciary recommends passage.

18 2007-H 6228**BY Lewiss****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
DEPARTMENT OF STATE

Committee on Judiciary recommends passage.

19 2007-H 6229 SUB A**BY Lewiss****ENTITLED,** AN ACT RELATING TO ELECTIONS -- PRIMARIES FOR
ELECTION OF DELEGATES TO NATIONAL CONVENTIONS AND
FOR PRESIDENTIAL PREFERENCE

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

20 2007-H 5385**BY Jacquard****ENTITLED,** AN ACT RELATING TO CRIMINAL OFFENSES - POLICE OFFICERS

Committee on Judiciary recommends passage.

21 2007-S 105**BY Walaska****ENTITLED,** AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY -- THE UNIFORM COMMERCIAL CODE

Committee on Corporations recommends passage in concurrence.

IN ORDER FOR WEDNESDAY, MAY 9, 2007:**1 2007-H 6077****BY Kilmartin****ENTITLED,** AN ACT RELATING TO ALCOHOLIC BEVERAGES -- REGULATION OF SALES

Committee on Judiciary recommends passage.

2 2007-H 5432 SUB A**BY Picard****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- RESIDENTIAL REAL ESTATE TRANSACTIONS

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

3 2007-H 5909 SUB A**BY Handy****ENTITLED,** AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS

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

4 2007-H 5912 as amended**BY Lewiss****ENTITLED,** AN ACT RELATING TO INSURANCE - HEALTH INSURANCE - - COPAYMENTS

Committee on Corporations recommends passage as amended.

5 2007-H 5556 SUB A**BY San Bento****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- THE STATE BUILDING CODE

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

6 2007-H 5739 SUB A**BY Singleton****ENTITLED,** AN ACT RELATING TO PROPERTY - REVERSE MORTGAGES

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

IN ORDER FOR THURSDAY, MAY 10, 2007:**1 2007-H 5696****BY San Bento****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES - DEVELOPMENT IMPACT FEE ACT

Committee on Municipal Government recommends passage.

2 2007-H 5569 SUB A**BY Williamson****ENTITLED,** AN ACT RELATING TO INSURANCE -- NONPROFIT HOSPITAL SERVICE CORPORATIONS

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

3 2007-H 5724**BY Moffitt****ENTITLED,** AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY -- CAUSES OF ACTION

Committee on Judiciary recommends passage.

4 2007-H 5780**BY Ajello****ENTITLED,** AN ACT RELATING TO CRIMINALS -- CORRECTIONAL INSTITUTIONS

Committee on Judiciary recommends passage.

5 2007-H 5567**BY Winfield****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
EQUIPMENT AND ACCESSORIES GENERALLY

Committee on Corporations recommends passage.

6 2007-H 6182 SUB A**BY Fox****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -
LABOR AND PAYMENT OF DEBTS BY CONTRACTORSCommittee on Labor recommends indefinite postponement of the original bill and
passage of Substitute A.**7 2007-H 5420****BY Melo****ENTITLED,** AN ACT RELATING TO HIGHWAYS -- CONSTRUCTION AND
MAINTENANCE OF STATE ROADS

Committee on Judiciary recommends passage.

8 2007-H 5774 SUB A**BY Giannini****ENTITLED,** AN ACT RELATING TO CRIMINAL OFFENSES - TRESPASS
AND VANDALISMCommittee on Judiciary recommends indefinite postponement of the original bill and
passage of Substitute A.**9 2007-H 5652 SUB A****BY Scott****ENTITLED,** AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -
PROCEDURE GENERALLYCommittee on Judiciary recommends indefinite postponement of the original bill and
passage of Substitute A.**IN ORDER FOR TUESDAY, MAY 15, 2007:****1 2007-H 5767****BY Lewiss****ENTITLED,** AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY
-- CRUELTY TO ANIMALS

Committee on Health, Education & Welfare recommends passage.

IN ORDER FOR WEDNESDAY, MAY 16, 2007:

1 2007-H 5514 SUB A

BY Fox

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES

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

IN ORDER FOR THURSDAY, MAY 17, 2007:

1 2007-H 5486

BY Serpa

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS -- PURCHASE AND SALE OF PRECIOUS METALS

Committee on Corporations recommends passage.

2 2007-H 5988

BY Kilmartin

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW -- PRECIOUS METALS

Committee on Corporations recommends passage.

Francis P. McCabe
Clerk of the House

Thursday, May 3, 2007