

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 third day of January in the year of Our Lord two thousand and six.

Volume 133, No. 7

Wednesday, January 18, 2006

Seventh Day

The House of Representatives meets at the State House in Providence, Wednesday, January 18, 2006 and is called to order at 4:17 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 70 members present and 5 members absent as follows:

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

ABSENT – 5: Representatives Church, Menard, Moffitt, Palumbo, Slater.

INVOCATION

The Honorable Speaker presents Representative McHugh 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 Tuesday, January 17, 2006 is approved as printed.

ANNOUNCEMENT

Representative Rene Menard will be unable to attend session today, January 18, 2006.

NEW BUSINESS**House Resolution No. 6824**

BY Savage, Loughlin, Story

ENTITLED, HOUSE RESOLUTION AMENDING THE RULES OF THE HOUSE
{LC602/1}

01/18/2006 Introduced, referred to House Rules Committee

House Bill No. 6825

BY Ucci, Petrarca, Voccola, Smith

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - - RESOURCE RECOVERY (reactivate the solid waste management corporation's citizen advisory board/limit its membership to Johnston residents appointed by the governor, Johnston's mayor and town council) {LC436/1}

01/18/2006 Introduced, referred to House Environment and Natural Resources

House Bill No. 6826

BY McCauley, Malik

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES (define various terms designating different areas that a bicycle may be operated, and would also set forth rules for users of shared use paths to follow while on shared use paths) {LC405/1}

01/18/2006 Introduced, referred to House Environment and Natural Resources

House Bill No. 6827

BY San Bento, Shanley, Jacquard

ENTITLED, AN ACT RELATING TO HAZARDOUS WASTE MANAGEMENT (allow for the presence of arsenic in hazardous waste, at a volume of less than thirty parts per million) {LC636/1}

01/18/2006 Introduced, referred to House Environment and Natural Resources

House Bill No. 6828 (Lieutenant Governor)

BY Naughton, Kennedy, San Bento, Jacquard, McHugh

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- REFUSE DISPOSAL (include tree waste or stumps removed from a person's individual property for disposal at another property within the definition of solid waste) {LC307/1}

01/18/2006 Introduced, referred to House Environment and Natural Resources

House Bill No. 6829

BY Voccola, Williams

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- PET WARRANTIES -- DOGS (create a new chapter extensively covering the sale of dogs, warranties, remedies and notices pertaining thereto) {LC348/1}

01/18/2006 Introduced, referred to House H.E.W.

House Bill No. 6830**BY** San Bento, Jacquard**ENTITLED**, AN ACT RELATING TO EDUCATION (licensed speech language pathologist who has met the requirements and acquired a Certificate of Clinical Competence from the American Speech- Language-Hearing Association/employed by school district/entitled annual salary supplement of \$3,500) {LC632/1}

01/18/2006 Introduced, referred to House H.E.W.

House Bill No. 6831**BY** San Bento, Jacquard, Coderre E**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --

LICENSING AND MONITORING OF CHILD CARE PROVIDERS (permit child day care programs to operate in an elementary school without the necessity of a separate fire, building, or radon inspection certificate) {LC638/1}

01/18/2006 Introduced, referred to House H.E.W.

House Bill No. 6832**BY** San Bento, Jacquard**ENTITLED**, AN ACT RELATING TO EDUCATION -- FOUNDATION LEVEL SCHOOL SUPPORT (established a salary supplement for teachers obtaining a national board for professional teachers standards certificate/same salary to personnel holding a certificate of clinical competence issued by the American speech-language association) {LC629/1}

01/18/2006 Introduced, referred to House H.E.W.

House Bill No. 6833**BY** San Bento, Jacquard, Coderre E**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY OF PUPILS (require all public school districts to transport school children to and from child care facilities located within that school district's boundaries) {LC634/1}

01/18/2006 Introduced, referred to House H.E.W.

House Bill No. 6834**BY** San Bento, Jacquard, Coderre E**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --

LICENSING AND MONITORING OF CHILD CARE PROVIDERS AND CHILD-PLACING AGENCIES (enable a child care program to become licensed if in a public school building being utilized as an elementary school) {LC630/1}

01/18/2006 Introduced, referred to House H.E.W.

House Bill No. 6835**BY** Gemma, Lally, Shanley, Crowley, Singleton**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- IDENTITY THEFT PROTECTION (rules of disclosure of personal information about insurers) {LC69/1}

01/18/2006 Introduced, referred to House Corporations

House Bill No. 6836**BY** McCauley**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- LAND SURVEYORS (repeal the provisions of the general laws which provided a continuing education exemption to any professional land surveyor who was registered before July 1, 1975) {LC568/1} 01/18/2006 Introduced, referred to House Corporations**House Bill No. 6837****BY** Kennedy, Lewiss**ENTITLED**, AN ACT RELATING TO FINANCIAL INSTITUTIONS (certain overdraft restrictions be eliminated from the statutory framework allowing credit unions to offer demand deposits) {LC606/1} 01/18/2006 Introduced, referred to House Corporations**House Bill No. 6838****BY** Kennedy, Lewiss, Lally, Shanley, Coderre E**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS -- ELECTRONIC MAIL FRAUD (create a chapter in the general laws to provide protection to consumers from electronic mail fraud) {LC413/1} 01/18/2006 Introduced, referred to House Corporations**House Bill No. 6839****BY** San Bento, Lewiss, Jacquard**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW -- UNFAIR SALES PRACTICES (amend the definitions of what constitutes a "cost to the retailer" and "cost to the wholesaler" and any markup's therein for the sale of tobacco products only) {LC631/1} 01/18/2006 Introduced, referred to House Corporations**House Bill No. 6840****BY** San Bento, Lewiss, Jacquard, Coderre E**ENTITLED**, AN ACT RELATING TO CITIES AND TOWNS --ZONING ORDINANCES (existing zoning ordinance definitions to clarify the standards and calculations by which the amount of developable land is determined) {LC633/1} 01/18/2006 Introduced, referred to House Corporations**House Bill No. 6841****BY** San Bento, Lewiss, Shanley, Jacquard, Coderre E**ENTITLED**, AN ACT RELATING TO ZONING ORDINANCES (definition of "Family Group Day Care Home") {LC628/1} 01/18/2006 Introduced, referred to House Corporations**House Bill No. 6842****BY** San Bento, Jacquard, Coderre E**ENTITLED**, AN ACT RELATING TO TAXATION - CIGARETTE TAX (collection of the cigarette tax purchased made out of state over the internet prior to June 2005.) {LC635/1} 01/18/2006 Introduced, referred to House Finance

House Bill No. 6843**BY** San Bento, Shanley, Jacquard**ENTITLED**, AN ACT RELATING TO SALES AND USE TAXES (retailer to retain two percent (2%) of sales taxes collected, up to four hundred dollars (\$400) to offset expenses) {LC627/1}

01/18/2006 Introduced, referred to House Finance

House Bill No. 6844**BY** Almeida**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- MANAGEMENT AND DISPOSAL OF PROPERTY (Native Americans to have access to dead wood within state controlled parks for the sole purpose of home heating and personal use) {LC586/1}

01/18/2006 Introduced, referred to House Finance

House Bill No. 6845**BY** Ucci, Pacheco, Faria, Giannini, Crowley**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY -- COMMITTEES AND STAFF (doorkeepers and pages would not receive less than minimum wage) {LC431/1}

01/18/2006 Introduced, referred to House Finance

House Bill No. 6846**BY** San Bento, Shanley, Jacquard, Coderre E**ENTITLED**, AN ACT RELATING TO AERONAUTICS (maximum gross weight as published by the manufacturer in computing the annual registration fee for aircrafts operated in this state) {LC639/1}

01/18/2006 Introduced, referred to House Finance

House Bill No. 6847**BY** Winfield**ENTITLED**, AN ACT RELATING TO THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (collection of all fees by the DEM at the time of the actual issuance and receipt of the permit by the applicant) {LC409/1}

01/18/2006 Introduced, referred to House Finance

House Bill No. 6848**BY** Winfield**ENTITLED**, AN ACT RELATING TO HAZARDOUS SUBSTANCES RIGHT-TO-KNOW ACT (elimination of the annual assessment fee which is levied against all employers who use, transport, store or otherwise expose its employees to toxic or hazardous substances and are subject to the provisions of the Hazardous Substances Right-To-Know Act) {LC604/1}

01/18/2006 Introduced, referred to House Finance

House Bill No. 6849**BY** McNamara, Naughton, Gemma, Lewiss, Malik**ENTITLED**, AN ACT RELATING TO THE SALES TAX (sales tax holiday in August 2006) {LC480/1}

01/18/2006 Introduced, referred to House Finance

House Bill No. 6850 (by request)**BY** Crowley**ENTITLED**, AN ACT RELATING TO EDUCATION - ESTABLISHMENT OF CHARTER PUBLIC SCHOOLS (remove the current moratorium prohibiting the Board of Regents from granting final approval for any new charter schools to begin operations in the 2006-2007 or 2007- 2008 school year) {LC595/1}

01/18/2006 Introduced, referred to House Finance

House Bill No. 6851**BY** Watson, Fox**ENTITLED**, AN ACT RELATING TO THE STATE BUDGET -- REVENUE ITEMS {LC839/1}

Representative Watson requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Watson seconded by Representative Fox and by unanimous consent, on a roll call vote, 65 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 65: The Honorable Speaker Murphy and Representatives Ajello, Amaral, Anguilla, Brien, Caprio, Carter, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McHugh, McManus, McNamara, Melo, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Story, Sullivan, Trillo, Ucci, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

House Resolution No. 6852**BY** Murphy, Landroche, Williamson**ENTITLED**, HOUSE RESOLUTION CONGRATULATING SCOTT GETTINGS ON BECOMING THE JUNIOR BASSMASTER WORLD CHAMPION IN THE 15-18 YEAR OLD DIVISION {LC781/1}

Representative Landroche requests unanimous consent for immediate consideration.

There is no objection.

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

TRANSMITTAL

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

REQUEST

Representative Ginaitt requests the journal to reflect that his machine malfunctioned on the vote to Representative Davey's amendment LC00432/4 to bill (06H 6718) on yesterday's Calendar. His vote should have been recorded in the negative.

ANNOUNCEMENTS

Representative Story introduces her intern, a junior at Providence College, Sarah Vernon.

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

Representative Lima congratulates Representative Amy Rice and her husband Paul on the birth of their first child, a baby boy named Stoddard. He was born on August 10th at 7:22 p.m., weighing in at 8lbs. 12oz. and measuring 22 inches long.

GUESTS

At 4:28 o'clock P.M. the Honorable Speaker yields the rostrum to Representatives Landroche and Williamson.

By unanimous consent, Representative Landroche addresses the members of the House and congratulates Scott Gettings on becoming the Junior Bassmaster World Champion in the 15-18 year old division.

At 4:29 o'clock P.M. the Honorable Speaker returns to the rostrum.

ADJOURNMENT

At 4:32 o'clock P.M. on motion of Representative Williams, and as a further mark of respect to the memory of Luis Pagan; on motion of Representative Giannini, and as a further mark of respect to the memory of Mary Knight; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE MATTHEW J. McHUGH

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