

**State of Rhode Island and Providence Plantations**

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

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**JANUARY SESSION of the General Assembly begun and held at the State House in the City of Providence on Tuesday, the third day of January in the year of Our Lord two thousand and six.**

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Volume 133, No. 50

Thursday, May 11, 2006

Fiftieth Day

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The House of Representatives meets at the State House in Providence, Thursday, May 11, 2006 and is called to order at 4:25 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 68 members present and 7 members absent as follows:

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

ABSENT – 7: Representatives Giannini, Lally, McCauley, Moffitt, Naughton, Singleton, Voccola.

**INVOCATION**

The Honorable Speaker presents Representative Story 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 10, 2006 is approved as printed.

**ANNOUNCEMENTS**

Representative Donald Lally will be unable to attend session Thursday, May 11, 2006.

Representative Richard Singleton will be unable to attend session Thursday, May 11, 2006. He is out of state.

**WELCOME BACK**

The Honorable Speaker Murphy and the entire House of Representatives welcomes back Representative Paul Crowley.

**NEW BUSINESS****House Bill No. 8093**

**BY** Handy

**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS {LC3194/1}  
05/11/2006 Introduced, referred to House Corporations

**House Bill No. 8094**

**BY** Shanley, Lally, McHugh, Caprio D

**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF SOUTH KINGSTOWN TO FINANCE NEIGHBORHOOD GUILD IMPROVEMENTS AND TO ISSUE NOT MORE THAN \$1,000,000 BONDS THEREFOR {LC3217/1}  
05/11/2006 Introduced, referred to House Finance

**House Bill No. 8095**

**BY** Shanley, Lally, Caprio D

**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF SOUTH KINGSTOWN TO FINANCE THE ACQUISITION OF LAND AND/OR CONSTRUCTION OF A COMMUNITY GYMNASIUM AND TO ISSUE NOT MORE THAN \$1,600,000 BONDS THEREFOR {LC3218/1}  
05/11/2006 Introduced, referred to House Finance

**House Bill No. 8096**

**BY** Shanley, Lally, McHugh, Caprio D

**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF SOUTH KINGSTOWN TO FINANCE CAPITAL TRANSPORTATION IMPROVEMENT PROJECTS AND TO ISSUE NOT MORE THAN \$400,000 BONDS THEREFOR {LC3219/1}  
05/11/2006 Introduced, referred to House Finance

**House Bill No. 8097**

**BY** Shanley, Lally, McHugh, Caprio D

**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF SOUTH KINGSTOWN TO FINANCE THE ACQUISITION OF LAND FOR OPEN SPACE, RECREATION AND

AGRICULTURAL PURPOSES AND TO ISSUE NOT MORE THAN \$3,000,000 BONDS THEREFOR {LC3220/1}

05/11/2006 Introduced, referred to House Finance

**House Bill No. 8098**

**BY** Jackson, Rice

**ENTITLED**, AN ACT RELATING TO TAXATION - NEWPORT SENIOR RESIDENT PROPERTY TAX SERVICES CREDIT PROGRAM {LC3184/1}

05/11/2006 Introduced, referred to House Finance

**House Bill No. 8099**

**BY** Slater, Diaz, Almeida, Coderre E, Lima

**ENTITLED**, AN ACT RELATING TO THE STATE ENERGY OFFICE {LC2622/1}

05/11/2006 Introduced, referred to House Finance

**House Bill No. 8100**

**BY** San Bento, Pacheco

**ENTITLED**, AN ACT RELATING TO ELECTIONS -- CAMPAIGN EXPENDITURES {LC3134/1}

05/11/2006 Introduced, referred to House Judiciary

**House Bill No. 8101**

**BY** Voccola, Williams

**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- PET WARRANTIES -- DOGS {LC3147/1}

05/11/2006 Introduced, referred to H.E.W.

**House Resolution No. 8102**

**BY** Gemma

**ENTITLED**, HOUSE RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL HOUSE COMMISSION TO STUDY PRE-INSURANCE INSPECTION PROCEDURES RELATING TO USED VEHICLES {LC3229/1}

Representative Gemma requests unanimous consent for immediate consideration.

There is no objection.

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

**House Resolution No. 8103**

**BY** Kilmartin, Murphy, Fox, Winfield, Crowley

**ENTITLED**, HOUSE RESOLUTION EXPRESSING OUR DEEPEST SYMPATHY ON THE UNTIMELY PASSING OF DANIEL P. DONAHUE {LC3226/1}

Representative Kilmartin requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Kilmartin seconded by Representatives Winfield, Rice, Menard, Fox, Crowley, Costantino, Carter and Ginaitt and by unanimous consent, on a voice vote.

For House Resolution see Appendix of this Journal.

### COMMUNICATION FROM THE SENATE

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

**Senate Bill No. 2736**

**BY** Montalbano J, McBurney, Connors, Tassoni

**ENTITLED**, AN ACT RELATING TO FINANCIAL INSTITUTIONS (certain overdraft restrictions be eliminated from the statutory framework allowing credit unions to offer demand deposits) {LC2295/1}

05/11/2006 Referred to House Corporations

**Senate Bill No. 2055**

**BY** Doyle, McBurney, Tassoni

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- CERTIFICATES OF TITLE AND SECURITY INTERESTS (authorize the registrar to establish and maintain an electronic data and communication system for the purpose of recording the existence of security interests) {LC540/1}

05/11/2006 Referred to House Corporations

**Senate Bill No. 2726**

**BY** Walaska

**ENTITLED**, AN ACT RELATING TO UNIFORM COMMERCIAL CODE -- SECURED TRANSACTIONS (preserve the six-month period of time for continuing financing statements, pursuant to the uniform commercial code.) {LC2350/1}

05/11/2006 Referred to House Corporations

**Senate Bill No. 3028**

**BY** Connors, Badeau, Issa

**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF CUMBERLAND TO FINANCE THE ACQUISITION, PRESERVATION, IMPROVEMENT AND RESTORATION OF OPEN SPACE IN THE TOWN

**BY THE ISSUANCE OF NOT MORE THAN \$5,000,000 BONDS AND/OR NOTES THEREFOR** {LC3011/1}

05/11/2006 Referred to House Corporations

**Senate Bill No. 2880** (Attorney General)**BY** McCaffrey**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- DATING SERVICES (provide a 3 day rescission period for persons who enter into contracts with social referral services/violation would be deemed a deceptive trade practice) {LC2046/1}

05/11/2006 Referred to House Corporations

**Senate Bill No. 2277** SUB A**BY** Lenihan, Sheehan, Sosnowski**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ENERGY FACILITY SITING ACT (public hearings before the energy siting board)

{LC1354/1/A}

05/11/2006 Referred to House Corporations

**Senate Bill No. 2231****BY** Walaska, Bates**ENTITLED**, AN ACT RELATING TO FINANCIAL INSTITUTIONS (mortgage payments)

{LC1357/1}

05/11/2006 Referred to House Corporations

**Senate Bill No. 2668** as amended**BY** Ruggerio, Sosnowski, Doyle, McCaffrey, Felag**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- MERCURY

REDUCTION AND EDUCATION ACT (eliminate the requirements of the collection program and would require the department to determine whether there was a failure to achieve the capture rate and publicly report their findings each March 31st.) {LC1899/1}

05/11/2006 Referred to House Environment and Natural Resources

**Senate Bill No. 2941** SUB A**BY** Breene**ENTITLED**, AN ACT RELATING TO PUBLIC DRINKING WATER SUPPLIES (cross-connection control devices to be installed on multiple user water systems according to a specific schedule.) {LC2751/1/A}

05/11/2006 Referred to House Environment and Natural Resources

**Senate Bill No. 2974** as amended**BY** Ciccone, Ruggerio, Connors, Lanzi, Badeau**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- RESIDENTIAL

SANITARY SEWER CONNECTIONS (new residential construction and substantially altered sewer connections to have check valves installed to prevent the backflow of untreated sewage into residences) {LC2833/1}

05/11/2006 Referred to House Environment and Natural Resources

**Senate Bill No. 2509** SUB A as amended

**BY** Sosnowski, Roberts, Sheehan, Lenihan, Perry

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- ELECTRONIC WASTE PRODUCER RESPONSIBILITY (financially responsible for the collection/recycling of their covered electronic products and waste which have been discarded in RI, including their return share of orphan waste) {LC1723/1/A}

05/11/2006 Referred to House Environment and Natural Resources

**Senate Bill No. 2460** SUB A as amended

**BY** Sheehan, Sosnowski, Algieri, Lenihan, Roberts

**ENTITLED**, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX (amend the general laws which provides for an exemption from personal income tax to include qualified writers, composers and artists residing within the town of North Kingstown) {LC317/1/A}

05/11/2006 Referred to House Finance

**Senate Bill No. 3027**

**BY** Doyle, McBurney, Issa, DaPonte

**ENTITLED**, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE CONSTRUCTION AND RECONSTRUCTION OF STREETS AND SIDEWALKS IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$1,000,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2007 AND 2008 {LC2958/1}

05/11/2006 Referred to House Finance

**Senate Bill No. 3035**

**BY** Paiva-Weed, Gibbs

**ENTITLED**, AN ACT RELATING TO TAXATION - NEWPORT SENIOR RESIDENT PROPERTY TAX SERVICES CREDIT PROGRAM {LC3081/1}

05/11/2006 Referred to House Finance

**Senate Bill No. 3036**

**BY** Montalbano J

**ENTITLED**, AN ACT RELATING TO AUTHORIZING THE SISTERS OF MERCY OF THE UNION IN THE UNITED STATES OF AMERICA, PROVINCE OF PROVIDENCE, INC. TO RECEIVE, TAKE, HOLD, TRANSMIT AND CONVEY REAL AND PERSONAL PROPERTY TO AN AMOUNT NOT TO EXCEED TWENTY MILLION DOLLARS (\$20,000,000) {LC3043/1}

05/11/2006 Referred to House Finance

**Senate Bill No. 3041**

**BY** Levesque C, Bates, Felag

**ENTITLED**, AN ACT EXEMPTING FROM TAXATION AND AUTHORIZING THE HERRESHOFF MARINE MUSEUM TO INCREASE ITS HOLDING TO AN AMOUNT NOT EXCEEDING \$5,000,000 {LC3108/1}

05/11/2006 Referred to House Finance

**Senate Bill No. 3025** as amended**BY** Doyle, McBurney, Issa, DaPonte**ENTITLED**, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE IMPROVEMENT AND REPLACEMENT OF TRAFFIC CONTROL DEVICES IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$200,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2007 AND 2008 {LC2961/1}

05/11/2006 Referred to House Finance

**Senate Bill No. 3043****BY** Revens, McCaffrey, Walaska, Roberts, Raptakis**ENTITLED**, AN ACT AUTHORIZING THE CITY OF WARWICK TO ISSUE BONDS AND NOTES IN AN AMOUNT NOT TO EXCEED \$2,000,000 FOR OPEN SPACE PURPOSES {LC3120/1}

05/11/2006 Referred to House Finance

**Senate Bill No. 3044****BY** Revens, McCaffrey, Walaska, Roberts, Raptakis**ENTITLED**, AN ACT AUTHORIZING THE CITY OF WARWICK TO ISSUE BONDS AND NOTES IN AN AMOUNT NOT TO EXCEED \$3,500,000 FOR THE REPAIR AND RENOVATION OF PARKS AND RECREATIONAL FACILITIES {LC2999/1}

05/11/2006 Referred to House Finance

**Senate Bill No. 3026****BY** Doyle, McBurney, Issa, DaPonte**ENTITLED**, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE CONSTRUCTION AND EQUIPPING OF AN ANIMAL SHELTER IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$2,200,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2007 AND 2008 {LC2964/1}

05/11/2006 Referred to House Finance

**Senate Bill No. 3042****BY** Revens, McCaffrey, Walaska, Roberts, Raptakis**ENTITLED**, AN ACT AUTHORIZING THE CITY OF WARWICK TO ISSUE BONDS AND NOTES IN AN AMOUNT NOT TO EXCEED \$2,000,000 FOR THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A FIRE STATION IN THE POTOWOMUT SECTION OF THE CITY OF WARWICK {LC3006/1}

05/11/2006 Referred to House Finance

**Senate Bill No. 2279****BY** Levesque C**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- JOINT TORTFEASOR RELEASES (simplify the settlement of complex, multi-party cases) {LC1358/1}

05/11/2006 Referred to House Judiciary

**Senate Bill No. 2325****BY** McCaffrey**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- THEFT, EMBEZZLEMENT, AND MISAPPROPRIATIONS (civil liability of an adult/emancipated minor to a merchant for larceny or attempted larceny to the value of the article) {LC1337/1}

05/11/2006 Referred to House Judiciary

**Senate Bill No. 2927** (by request)**BY** Issa, Algieri**ENTITLED**, AN ACT RELATING TO PROPERTY -- FORM AND EFFECT OF CONVEYANCES (require all deeds of real property and mobile and manufactured homes to include on the deed the actual sale price of the property) {LC2747/1}

05/11/2006 Referred to House Judiciary

**Senate Bill No. 2786** SUB A**BY** McCaffrey, Sosnowski, Walaska**ENTITLED**, AN ACT RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT (amend enforcement of the orders and make many technical and grammatical changes) {LC1063/1/A}

05/11/2006 Referred to House H.E.W.

**Senate Bill No. 2014** SUB A as amended**BY** Tassoni, Doyle, McBurney**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- PERMIT PROGRAM FOR CATS (establish a permit system to regulate the cat population in the state) {LC34/4/A}

05/11/2006 Referred to House H.E.W.

**Senate Bill No. 2114** SUB A as amended**BY** Lanzi, DaPonte, Pichardo, Badeau, Ciccone**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - SAFETY AND HEALTH PROGRAMS FOR FIRE DEPARTMENTS (establish a NFPA 1500 Implementation Plan Review Committee and would also provide penalties) {LC668/1/A}

05/11/2006 Referred to House H.E.W.

**Senate Bill No. 2646** SUB A as amended**BY** Ruggerio, Doyle, McCaffrey, Felag, Ciccone**ENTITLED**, AN ACT RELATING TO ELECTRICIANS {LC1089/1/A}

05/11/2006 Referred to House Labor



**Senate Bill No. 2578 SUB A**

**BY** Connors, DaPonte, Damiani, Goodwin

**ENTITLED,** AN ACT RELATING TO FINANCIAL INSTITUTIONS -- CHECK CASHING

(require appropriate security measures for check cashing institutions but would eliminate the requirement of bulletproof glass or steel partition) {LC1858/2/A}

05/11/2006 Referred to House Labor

**CALENDAR**

From the Calendar are taken:

**IN ORDER FOR THURSDAY, MAY 11, 2006:**

**1 2006-H 7756 SUB A as amended**

**BY** Sullivan

**ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- ANTI-IDLING ACT

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

Read and by unanimous consent, ordered to be placed on the calendar for Tuesday, May 16, 2006.

**2 2006-H 7652 SUB A**

**BY** Long

**ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES

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 Long.

Representative Long, seconded by Representative Fox offers a written motion to amend.

**FLOOR AMENDMENT  
TO  
2006 -- H 7652 SUBSTITUTE A**

**AN ACT RELATING TO TOWNS AND CITIES**

Mr. Speaker:

I hereby move to amend 2006 -- H 7652 SUBSTITUTE A, entitled "AN ACT RELATING TO TOWNS AND CITIES", as follows:

(1) On page 1, by striking lines 4 through 10, inclusive beginning with "(a) Notwithstanding any other provisions" and ending with the language "until the excavation work

is completed", and inserting in place thereof the following language:

"(a) Notwithstanding any other provisions of the general or special laws to the contrary, the town or city council of each municipality is authorized to regulate, by ordinance or resolution, all excavations performed by any public or quasi-public entity on any municipal right-of-way located within said city or town. The city and town councils are authorized to require funds to be deposited into an escrow account held by the city or town by any public or quasi-public entity engaged in the excavation of any municipal right-of-way located within the city or town until the excavation work is completed."

(2) On page 1, by deleting lines 11 through 13 inclusive and inserting in place thereof the following language:

"(b) Notwithstanding the provisions of this section, nothing contained herein shall apply to any roadways under the jurisdiction of the Rhode Island department of transportation or the state of Rhode Island generally."

(3) On page 1, between lines 13 and 14 by adding the following language:

"(c) This section shall not apply to any department, division or agency of the state of Rhode Island."

Respectfully submitted,

\_\_\_\_\_  
REPRESENTATIVE LONG

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LC02054/6  
=====

Representative Long discusses the amendment.

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: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Brien, Carter, Church, Coderre, Corvese, Costantino, Davey, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McHugh, McManus, McNamara, Melo, Menard, Moran, Mumford, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Story, Sullivan, Ucci, Watson, Winfield.

NAYS - 1: Representative Trillo.

Representatives Amaral, Watson, Trillo, Jacquard, Long, and Fox discuss the act as amended.

Representative Fox moves to recommit to the Committee on Finance, seconded by Representative Watson, There is no objection.

Read and recommitted to the Committee on Finance.

**3 2006-H 7099 SUB A****BY Kilmartin****ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --  
PRIVATE DETECTIVE ACT**

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

Representative Fox moves to recommit to the Committee on Finance, seconded by Representative Watson. There is no objection.

Read and recommitted to the Committee on Finance.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
HOUSE OF REPRESENTATIVES

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

I, Joe Amaral, State Representative, District 70, 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: (06H 7461)
2. (Nature of the potential conflict) I have the following interest in the matter:  
I work for Portsmouth School Department.
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.

JOSEPH N. AMARAL  
REPRESENTATIVE

STATE OF RHODE ISLAND  
COUNTY OF PROVIDENCE

Subscribed and sworn to under the penalties for perjury before me this 11<sup>TH</sup> day of May, 2006.

BRUCE J. LONG  
NOTARY PUBLIC

Representative Amaral is excused from voting on or participating in the consideration of the matter described in paragraph 1, above.

**4 2006-H 7461****BY Rice****ENTITLED,** HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO STUDY REGIONALIZING AND/OR COMBINING ADMINISTRATIVE AND OTHER FUNCTIONS OF THE NEWPORT, PORTSMOUTH AND MIDDLETOWN SCHOOL SYSTEMS

Committee on Health, Education & Welfare recommends passage.

Representative McNamara moves passage of the resolution, seconded by Representatives Rice and Diaz.

Representative McNamara, seconded by Representatives Rice, Gallison, Picard, Lima, Jacquard, Diaz and Sullivan offers a written motion to amend.

**F L O O R   A M E N D M E N T**  
**T O**  
**2006 -- H 7461**

HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO STUDY REGIONALIZING AND/OR COMBINING ADMINISTRATIVE AND OTHER FUNCTIONS OF THE NEWPORT, PORTSMOUTH AND MIDDLETOWN SCHOOL SYSTEMS

Mr. Speaker:

I hereby move to amend 2006 -- H 7461, entitled "HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO STUDY REGIONALIZING AND/OR COMBINING ADMINISTRATIVE AND OTHER FUNCTIONS OF THE NEWPORT, PORTSMOUTH AND MIDDLETOWN SCHOOL SYSTEMS", as follows:

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

"RESOLVED, That a special house commission be and the same is hereby created consisting of nine (9) members: four (4) of whom shall be members of the House of Representatives, not more than three (3) from the same political party, of which three (3) of whom shall represent either the Town of Portsmouth, the City of Newport, or the Town of Middletown, to be appointed by the Speaker; one (1) of whom shall be the President of the RINEA, or designee; one (1) of whom shall be the Executive Director of the RI Association of School Committees, or designee; one (1) of whom shall be the Executive Director of the League of Cities and Towns, or designee; and two (2) of whom shall be members of the public, residing in either Portsmouth, Middletown, or Newport, to be appointed by the Speaker.

The purpose of said commission shall be to make a comprehensive study of implementing a regional school system for the City of Newport, the Town of Portsmouth and the Town of Middletown. The committee shall also examine the potential impact of combining school department functions, including, but not limited to: administration, transportation, purchasing, and insurance, dental and medical coverage.

Forthwith upon passage of this resolution, the members of the commission shall meet at

the call of the Speaker of the House and organize and shall select, from among the legislators, a chairperson. Vacancies in said commission shall be filled in like manner as the original appointment.

The membership of said commission shall receive no compensation for their services.

All departments and agencies of the state shall furnish such advice and information, documentary and otherwise, to said commission and its agents as is deemed necessary or desirable by the commission to facilitate the purposes of this resolution.

The Speaker of the House is hereby authorized and directed to provide suitable quarters for said commission; and be it further

RESOLVED, That the commission shall report its findings and recommendations to the House of Representatives no later than February 15, 2007 and said commission shall expire on April 15, 2007.”

Respectfully submitted,

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REPRESENTATIVE MCNAMARA

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LC02494/2  
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Representatives Watson and McNamara discuss the amendment.

Representative Watson moves to recommit, seconded by Representative Davey. Representative Fox objects.

The motion to recommit fails on a roll call vote of 15 members voting in the affirmative and 44 members voting in the negative as follows .

YEAS - 15: Representatives Brien, Caprio, Davey, Ehrhardt, Gorham, Long, Loughlin, McHugh, McManus, Menard, Mumford, Palumbo, Savage, Story, Watson.

NAYS - 44: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Carter, Church, Coderre, Corvese, Crowley, Dennigan, DeSimone, Diaz, Faria, Flaherty, Fox, Gallison, Gemma, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Malik, McNamara, Melo, Moran, Moura, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Shanley, Slater, Sullivan, Ucci, Wasyluk, Winfield.

Representative Fox, Slater, Melo, Gorham, Loughlin, and Lima continue to discuss the amendment.

The motion to amend prevails on a roll call vote 55 members voting in the affirmative and 5 members voting in the negative as follows:

YEAS - 55: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Brien, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Ginaitt, Gorham, Handy, Jackson, Jacquard,

Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McHugh, McManus, McNamara, Melo, Menard, Moran, Pacheco, Palumbo, Picard, Rice, Rose, San Bento, Savage, Schadone, Slater, Sullivan, Trillo, Ucci, Wasylyk, Williams, Winfield.

NAYS - 5: Representatives Caprio, Mumford, Petrarca, Story, Watson.

Read and passed, as amended, on a roll call vote, 53 members voting in the affirmative and 8 members voting in the negative as follows:

YEAS - 53: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Brien, Carter, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, Diaz, Faria, Flaherty, Fox, Gallison, Gemma, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Landroche, Lewiss, Lima, Long, Malik, McHugh, McManus, McNamara, Melo, Menard, Moran, Pacheco, Palumbo, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Slater, Sullivan, Trillo, Ucci, Wasylyk, Williams, Winfield.

NAYS - 8: Representatives Caprio, Davey, DeSimone, Ehrhardt, Loughlin, Petrarca, Story, Watson.

**5 2006-H 7577 SUB A**

**BY Corvese**

**ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS**

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 18, 2006.

**6 2006-H 7113**

**BY Moran**

**ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- WEAPONS**

Committee on Judiciary recommends passage.

Read, and by unanimous consent, ordered to be placed on the Calendar for Wednesday, May 17, 2006.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
HOUSE OF REPRESENTATIVES

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

I, Peter Ginaitt, State Representative, District 22, 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: (06-H- 7572 Sub A)
2. (Nature of the potential conflict) I have the following interest in the matter:  
I am employed at Rhode Island Hospital.
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 GINAITT  
REPRESENTATIVE

STATE OF RHODE ISLAND  
COUNTY OF PROVIDENCE

Subscribed and sworn to under the penalties for perjury before me this 11 day of May, 2006.

DAVID W. DUMAS  
NOTARY PUBLIC

Representative Ginaitt 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

**7 2006-H 7572 SUB A**

**BY Landroche**

**ENTITLED, AN ACT RELATING TO HEALTH CARE SERVICES --  
UTILIZATION REVIEW 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 Landroche.

Representative Landroche, seconded by Representatives Brien and Williams offers a written motion to amend.

**F L O O R   A M E N D M E N T  
T O  
2006 -- H 7572 SUBSTITUTE A**

**AN ACT RELATING TO HEALTH CARE SERVICES -- UTILIZATION REVIEW ACT**

Mr. Speaker:

I hereby move to amend 2006 -- H 7572 SUBSTITUTE A, entitled "AN ACT RELATING TO HEALTH CARE SERVICES -- UTILIZATION REVIEW ACT", as follows:

- (1) On page 1, line 3, by inserting before the words "The department" the letter "(a)".
- (2) On page 1, line 6, after the word "evaluate" by inserting the words "health care".
- (3) On page 1, line 8, by inserting before the word "provider" the words "health care".
- (4) On page 1, between lines 10 and 11 by inserting the following:

"(b) For the purposes of this section, "health care provider" means an individual clinician, either in practice independently or in a group, who provides health care services, and otherwise referred to as a non-institutional provider."

Respectfully submitted,

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REPRESENTATIVE LANDROCHE

=====  
LC02345/2  
=====

Representative Landroche discusses the amendment.

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: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Gorham, Handy, Jackson, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McHugh, McManus, McNamara, Melo, Menard, Moran, Mumford, Pacheco, Petrarca, Picard, Rice, Rose, Savage, Schadone, Scott, Shanley, Slater, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, 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, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Gorham, Handy, Jackson, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McHugh, McManus, McNamara, Melo, Menard, Moran, Mumford, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Scott, Shanley, Slater, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.



**8 2006-H 6874****BY Kilmartin****ENTITLED, AN ACT RELATING TO ELECTIONS**

Committee on Separation of Powers recommends passage.

Read, and by unanimous consent, ordered to be placed on the Calendar for Wednesday, May 17, 2006.

**HOLD ON THE DESK**

Representative Loughlin requests to hold (06H 7461 as amended) on the desk. There is no objection.

**9 2006-H 7610 SUB A****BY Handy****ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS --  
ENERGY AND CONSUMER SAVINGS ACT OF 2006**

Committee on Environment and Natural Resources 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 18, 2006.

**10 2006-H 7842 SUB A****BY Ginaitt****ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY**

Committee on Health, Education & Welfare 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 18, 2006.

**11 2006-H 7106****BY Moran****ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- SEARCH  
WARRANTS**

Committee on Judiciary recommends passage.

Read, and by unanimous consent, ordered to be placed on the Calendar for Thursday, May 18, 2006.

**12 2006-H 7773 SUB A****BY Handy****ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES**

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

Representative McNamara moves passage of the act, seconded by Representatives Handy and Gemma.

Representative Handy, seconded by Representatives McNamara and Gemma offers a written motion to amend.

**F L O O R   A M E N D M E N T**  
**TO**  
**2006 -- H 7773 SUBSTITUTE A**

AN ACT RELATING TO CRIMINAL OFFENSES

Mr. Speaker:

I hereby move to amend 2006 -- H 7773 SUBSTITUTE A, entitled "AN ACT RELATING TO CRIMINAL OFFENSES", as follows:

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

"SECTION 1. Section 11-34-10 of the General Laws in Chapter 11-34 entitled "Prostitution and Lewdness" is hereby amended to read as follows:

11-34-10. Human Immunodeficiency Virus (HIV). -- (a) Any person convicted of a violation of any provisions of this chapter shall be required to be tested for Human Immunodeficiency Virus (HIV). No consent for the testing shall be required.

(b) ~~The department of health shall be responsible for reasonable costs associated with performing and reporting the results of the HIV tests, including the costs of pretest and post-test counseling.~~ The department of health shall maintain sites for providing both anonymous and confidential HIV testing, and HIV counseling and referral. Each site, funded by the department of health, shall offer free testing, counseling and referral for indigent parties and other individuals without health insurance, offer a sliding scale for payment for all other individuals and, in the case of confidential testing, screen for ability to pay through a third-party insurer. In the case of nonfunded sites for HIV testing, organizations and/or institutions performing the test shall offer free testing, counseling and referral for indigent parties and other individuals without health insurance.

(c) All persons tested under this section shall be provided ~~pretest~~ pre-test and post-test counseling by individuals trained by the department of health, as an HIV testing counselor, in accordance with regulations ~~adopted promulgated~~ promulgated by the department of health; ~~provided, that the counseling shall be in accordance with acceptable medical standards.~~

(d) All persons who are tested under this section, who are determined to be ~~intravenous drug abusers,~~ injecting drug users, shall be referred to appropriate sources of drug substance abuse treatment by the ~~department of health~~ HIV testing counselor and/or the attending

practitioner as follows:

(1) Those persons who test positive for HIV infection shall be given priority for those outpatient substance abuse treatment programs which that are sponsored or supported by the ~~department of health.~~ appropriate state agency responsible for these services.

(2) Those persons who are injecting drug users and test negative for HIV infection shall be referred, by the HIV testing counselor and/or attending practitioner, to the appropriate ~~division~~ state agency responsible for these services ~~in the department of health~~ for earliest possible evaluation and treatment.

SECTION 2. Section 21-28-4.20 of the General Laws in Chapter 21-28 entitled "Uniform Controlled Substances Act" is hereby amended to read as follows:

21-28-4.20. Human Immunodeficiency Virus (HIV) -- Testing. -- (a) Any person convicted of possession of any controlled substance that has been administered with a hypodermic instrument associated with intravenous drug use, retractable hypodermic syringe, needle, or any similar instrument adapted for the administration of drugs shall be required to be tested for human immunodeficiency virus (HIV). No consent for the testing shall be required.

(b) ~~The department of health shall be responsible for reasonable costs associated with performing and reporting the results of the HIV tests, including the costs of pre-test and post-test counseling.~~ The department of health shall maintain sites for providing both anonymous and confidential HIV testing, and HIV counseling and referral. Each site, funded by the department of health, shall offer free testing, counseling and referral for indigent parties and other individuals without health insurance, offer a sliding scale for payment for all other individuals and, in the case of confidential testing, screen for ability to pay through a third-party insurer. In the case of nonfunded sites for HIV testing, organizations and/or institutions performing the test shall offer free testing, counseling and referral for indigent parties and other individuals without health insurance.

(c) All persons tested under this section shall be provided pre-test and post-test counseling by individuals trained by the department of health in accordance with regulations adopted promulgated by the department of health; ~~provided, that this counseling shall be in accordance with acceptable medical standards.~~

(d) All persons who are tested under this section, who are ~~determined to be intravenous drug abusers,~~ convicted of possession of any controlled substance that has been administered with a hypodermic instrument, retractable hypodermic syringe, needle, or any similar instrument adopted for the administration of drugs shall be referred by the HIV testing counselor and/or attending practitioner to appropriate sources of drug treatment by the department of health as follows:

(1) Those persons who test positive for HIV infection shall be given priority for those outpatient treatment programs which are ~~sponsored or supported by the department of health~~ a state agency;

(2) Those persons who test negative for HIV infection shall be referred to the appropriate division in the department of health for earliest possible evaluation and treatment.

SECTION 3. Sections 23-6-11, 23-6-12, 23-6-14, 23-6-17, 23-6-18, 23-6-20, 23-6-25 and 23-6-26 of the General Laws in Chapter 23-6 entitled "Prevention and Suppression of Contagious Diseases" are hereby amended to read as follows:

23-6-11. Definitions. -- As used in sections 23-6-10 -- 23-6-24:

(1) "AIDS" means the medical condition known as acquired immune deficiency syndrome, caused by infection of an individual by the human immunodeficiency virus (HIV).

~~(2) (i) "Exposure evaluation group" means three (3) impartial health care providers designated to determine if a health care provider has been involved in a significant exposure. No member of the group shall be directly involved in the exposure.~~

~~(ii) For inpatient services in a licensed health care facility hospital setting the group shall consist of the patient's attending physician or designee, the chief of service or designee and a staff nurse. For other non inpatient exposures in a licensed health care facility, the third member of the exposure evaluation group shall be a representative from the employee health office. If the exposure involves the attending physician, another physician shall be designated by the chief of service.~~

~~(iii) In any other licensed health care facility or in a private office of a physician the group shall consist of three (3) physicians.~~

~~(3) (2) "HIV" means the human immunodeficiency virus, the pathogenic organism responsible for the acquired immunodeficiency syndrome (AIDS).~~

~~(4) (3) "HIV informed~~ "Informed consent form" means a standardized form provided by the Rhode Island department of health to those individuals offered HIV testing. The form shall be developed by the department and shall contain the following information:

(i) The public health rationale for HIV testing and information describing the nature of the HIV disease;

(ii) The availability and cost of HIV testing and counseling;

(iii) That test results are confidential with certain exceptions;

(iv) A list of exceptions to confidentiality of test results;

(v) That the test is voluntary and that an informed consent form must be signed before testing;

(vi) That by signing this form the person is only acknowledging that the AIDS HIV test and counseling have been offered and/or that he or she has declined (opted-out) the offer to be tested; and

(vii) Notwithstanding the provisions of subsections (v) and (vi) above, in the event an individual consents to anonymous testing, the HIV testing counselor and/or attending practitioner ordering the test shall receive only verbal confirmation from the client that the client understands all applicable information contained within the informed consent form.

~~(5) (4) "HIV test" means any currently medically accepted diagnostic test for determining infection of an individual by HIV.~~

~~(6) (5) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, state or political subdivision or instrumentality of a state.~~

~~(7) (6) "Physician" means a person licensed to practice allopathic or osteopathic medicine pursuant to the provisions of chapter 37 of title 5.~~

~~(8) (7) "Services" means health care and social support services.~~

~~(8) "Occupational health representative" is an individual, within a health care facility, trained to respond to occupational, particularly blood borne, exposures.~~

23-6-12. Testing. – (a) Recommendations regarding HIV testing shall reference the most current guidelines issued by the Centers for Disease Control and Prevention (CDC) pertaining to HIV Counseling, Testing and Referral of Adults, Adolescents and Pregnant Women; provided, however, those guidelines shall be interpreted by the department of health so as to best serve the clients and patients seeking HIV testing, and shall in no event be interpreted or implemented in a manner inconsistent with the minimum informed consent standards of this Title or other protections of state law. The recommendations shall emphasize that: (1) HIV screening is

recommended in all health care settings, after the patient is informed, in accordance with this chapter's informed consent standards, that HIV testing will be done unless the patient declines; (2) persons at high- risk for HIV infection should be screened for HIV at least annually, in accordance with this chapter's informed consent standards; and (3) only verbal informed consent is required for anonymous testing.

(b) Unless otherwise excepted by the provisions of this chapter, no person may be tested for the presence of HIV where the test result can be identified with a specific individual, unless he or she has given his or her informed consent by his or her signature or that of a parent, guardian, or agent on a written informed consent form specifically relating to the test after discussion of implications of the test with a qualified professional. A physician or health care provider attending to any person who may be at risk for HIV infection shall routinely offer the HIV test to those patients. All testing pursuant to this section shall be performed in accordance with sections 23-6-17 (confidentiality) and 23-6-18 (protection of the medical record) and this chapter's informed consent standards.

(c) In the event an individual consents to anonymous testing and tests positive for HIV, the HIV testing counselor shall discuss with the client options regarding referrals and reporting of this positive screening, including the necessity of accessing a physician.

(d) In addition to, and separate from, the requirement of subdivision 23-6-26(b)(4), all CD4 T-lymphocyte test results and all viral load detection test results, detectable and nondetectable, shall be reported to the department of health through a department designed reporting system that uses a nonname based code and contains no patient identifying information. These reports may be used by the department to improve the clinical progress of patients through contact with their physicians, and to use the aggregate information collected to develop and improve prevention programs and create better access to care.

23-6-14. Exceptions. -- Notwithstanding the provisions of sections 23-6-12 and 23-6-13, a A physician or other health care provider may draw blood and secure a test sample for the presence of HIV without informed consent under the following conditions:

- (1) When the person to be tested is under one year of age;
- (2) When the person to be tested is between one and thirteen (13) years of age and appears to be symptomatic for HIV;
- (3) When the person to be tested is a minor under the care and authority of the department of children, youth, and families, and the director of that department certifies that an HIV test is necessary to secure health or human services for that person;
- (4) When a person (the complainant) can document significant exposure to blood or other bodily fluids of another person (the individual to be tested), during the performance of the complainant's occupation, providing:
  - (i) The complainant completes an incident report within forty-eight (48) hours of the exposure, identifying the parties to the exposure, witnesses, time, place, and nature of the event;
  - (ii) The complainant submits to a baseline HIV test and is negative on that test for the presence of HIV, within seventy-two (72) hours of the exposure; and
  - (iii) There has been a significant percutaneous or mucus membrane exposure, i.e., needlestick, bite, splash over open wound, broken skin, or mucus membrane, by blood or bodily fluids of the person to be tested of a type and in sufficient concentration to permit transmission of HIV if present in those fluids; and

(iv) If a sample of the patient's blood is not otherwise available and the patient refuses to grant informed consent, then the complainant may petition the superior court for a court order

mandating that the test be performed.

(5) (i) In a licensed health care facility or in the private office of a physician in the event that an occupational health representative or physician, registered nurse practitioner, physician assistant, or nurse-midwife not directly involved in the exposure evaluation group, as defined in section 23-6-11(2), determines that a health care provider, other than one in a supervisory position to the person making the determination had has a significant exposure to the blood and/or body fluids of a patient and the patient or the patient's guardian refuses to grant ~~informed~~ consent for an HIV test to determine whether the patient has HIV, then, if a sample of the patient's blood is available, that blood shall be tested for HIV.

(ii) If a sample of the patient's blood is not otherwise available and the patient refuses to grant informed consent, then the health care worker may petition the superior court for a court order mandating that the test be performed.

(iii) Before a patient or a sample of the patient's blood is required to undergo an HIV test, the health care provider must submit to a baseline HIV test within seventy-two (72) hours of the exposure.

(iv) No ~~member of the exposure evaluation group~~ person who determines that a health care worker has sustained a significant exposure and authorizes the HIV testing of a patient, nor any person or health care facility who ~~relies acts~~ in good faith on the group's determination and recommends performs the test be performed, shall have any liability as a result of their actions carried out under this chapter, unless those persons are proven to have act ~~acted~~ in bad faith.

(6) In an emergency, where due to a grave medical or psychiatric condition, it is impossible to obtain consent from the patient or the patient's parent, guardian, or agent.

(7) As permitted under sections 23-18.6-12 (organ transplant), 23-1-38 (sperm donation) and 23-8-1.1 (person under eighteen (18) years may give consent for testing for communicable diseases).

(8) Mandatory testing for human immunodeficiency virus (HIV) conducted pursuant to sections 42-56-37 (testing at ACD), 11-34-10 (prostitution), and 21-28-4.20 (IDU and needles).

23-6-17. Confidentiality. – (a) It is unlawful for any person to disclose to a third party the results of an individual's HIV test without the prior written consent of that individual, or in the case of a minor, the minor's parent, guardian, or agent, on a form that specifically states that HIV test results may be released, except:

(1) A licensed laboratory or other health care facility which performs HIV tests shall report test results to a patient's licensed physician or other medical personnel who requested the test, and to the director of the department of health, pursuant to rules and regulations adopted for that purpose.

(2) A physician:

(i) May enter HIV test results in the medical record, as would be the case with any other diagnostic test;

(ii) May notify other health professionals directly involved in the care of the individual testing positive on the HIV test, or to whom that individual is referred for treatment;

(iii) May notify persons exposed to blood or other body fluids of an individual who tests positive for HIV, pursuant to section 23-6-14(4) through (8) (exceptions) and section 23-17-31 (testing of hospitalized patients);

(iv) May notify the director of the department of children, youth, and families, pursuant to section 23-6-14(3) (testing of a minor to secure services); and

(v) May inform third parties with whom an HIV-infected patient is in close and

continuous exposure related contact, including but not limited to a spouse and/or partner, if the nature of the contact, in the physician's opinion, poses a clear and present danger of HIV transmission to the third party, and if the physician has reason to believe that the patient, despite the physician's strong encouragement, has not and will not ~~warn~~ inform the third party that they may have been exposed to HIV; ~~the procedure to be followed by the physician shall be established by the director of the department of health;~~

(3) As permitted in subsections (b)(1), (2), (5), (6), (8), (9), (10), (11), (12), (13), (14), and (15) of section 5-37.3-4 (confidentiality of health care information) and section 40.1-5-26 (disclosure of confidential information under mental health law), or as otherwise required by law.

(4) By a health care provider to appropriate persons entitled to receive notification of persons with infectious or communicable diseases pursuant to sections 23-5-9 (report of infectious disease upon death) and 23-28.36-3 (notification to EMT, firefighter, police officer of infectious disease).

(b) Facilities and other health care providers subject to this section will have documentation that each person with access to any confidential information understands and acknowledges that the information may not be disclosed except as provided herein. The director shall establish protocols for collecting, maintaining and transferring the information (and ultimately destroying the information) to ensure the integrity of the transfer, and, if possible, the director may suspend any transfer, even to CDC, if he or she is not confident that the transfer is secure.

23-6-18. Protection of records. – (a) Providers of health care, public health officials, and any other person who maintains records containing information on HIV test results of individuals are responsible for maintaining full confidentiality of these data, as provided in section 23-6-17, and shall take appropriate steps for their protection, including:

(1) Keeping records secure at all times and establishing adequate confidentiality safeguards for any records electronically stored;

(2) Establishing and enforcing reasonable rules limiting access to these records; and

(3) Training persons who handle records in security objectives and technique.

(b) The department shall evaluate reports of HIV/AIDS for completeness and potential referrals for service. All case reports shall be kept in a confidential and secure setting. An HIV/AIDS policy and protocol for security shall be developed and implemented by the department for this purpose.

(1) The department shall evaluate its procedures for HIV/AIDS reporting on a continuous basis for timeliness, completeness of reporting, and security of confidential information.

(2) The department's protocol shall be in accordance with the recommendations of the December 10, 1999 Morbidity and Mortality Weekly Report Recommendations and Reports, "CDC Guidelines for National Human Immunodeficiency Virus Case Surveillance, including monitoring for Human Immunodeficiency Virus infection and Acquired Immunodeficiency Syndrome" document, or its successor document, that pertains to patient records and confidentiality; provided, however, that in no event shall the protocol be less protective than that required by state law.

(3) All reports and notifications made pursuant to this section shall be confidential and protected from release except under the provisions of this law. Any person aggrieved by a violation of this section shall have a right of action in the superior court and may recover for

each violation:

(i) Against any person who negligently violates a provision of this section, damages of one thousand dollars (\$1,000) or actual damages, whichever is greater.

(ii) Against any person who intentionally or recklessly violates a provision of this section, damages of five thousand dollars (\$5,000) or actual damages, whichever is greater.

(iii) Reasonable attorneys' fees;

(iv) Such other relief, including an injunction, as the court may deem appropriate; and

(v) Any action under this section is barred unless the action is commenced within three (3) years after the cause of action accrues. A cause of action shall accrue when the injured party becomes aware of an unauthorized disclosure.

23-6-20. Notification of disclosure. -- In all cases when an individual's HIV test results are disclosed to a third party, other than a person involved in the care and treatment of the individual, and except as permitted in by subsections (1), (2)(i), (2)(ii), (2)(iv), and or (4) of section 23-6-17 (permitted disclosures re: confidentiality), and permitted by and disclosed in accordance with the federal health insurance portability and accountability act of 1996 (Public law 104-191) enacted on August 21, 1996 and as thereafter amended, the person so disclosing shall make reasonable efforts to inform that individual in advance of:

(1) The nature and purpose of the disclosure;

(2) The date of disclosure;

(3) The recipient of the disclosed information.

23-6-25. Alternative test sites. -- ~~The department of health shall maintain alternative sites for providing free, voluntary, anonymous HIV testing, counseling, and referral on a continuing basis and at sites that, may be designated by the director of the department of health.~~ The department of health shall maintain sites for providing both anonymous and confidential HIV testing, and HIV counseling and referral. Each site, funded by the department of health, shall offer free testing, counseling and referral for indigent parties and other individuals without health insurance, offer a sliding scale for payment for all other individuals and, in the case of confidential testing, screen for ability to pay through a third-party insurer. In the case of nonfunded sites for HIV testing, organizations and/or institutions performing the test shall offer free testing, counseling and referral for indigent parties and other individuals without health insurance.

23-6-26. Laboratory analysis for HIV. -- (a) HIV/AIDS is regarded to cause significant morbidity and mortality, can be screened, diagnosed and treated, and is of major public health concern, such that surveillance of the disease occurrence is in the public interest, and therefore shall be designated as notifiable and reportable by name.

(b) Under this provision the following shall be reported:

(1) A diagnosis of HIV, according to the U.S. Centers for Disease Control and Prevention case definition of HIV.

(2) A diagnosis of AIDS, according to the U.S. Centers for Disease Control and Prevention case definition of AIDS.

(3) A positive ELIZA result of any HIV test and/or other FDA approved test indicative of the presence of HIV.

(4) CD4 T-lymphocyte test results <200 mg/dl and or fourteen percent (14%).

(5) A perinatal exposure of a newborn to HIV indicated by two positive PCR tests; <18 months; and/or other U.S. Food and Drug Administration approved tests that indicate the presence of HIV in pediatric cases.



(6) Other U.S. Food and Drug Administration approved tests indicative of the presence of HIV/AIDS, as approved by the department.

~~(a)~~ (c) All biological samples or specimens taken from Rhode Island residents for the purpose of performing laboratory analysis for the detection of antibody to human immunodeficiency virus (HIV), by or under the direction or order of any physician licensed to practice medicine in this state, or on order of any duly licensed health care provider shall be sent to the Rhode Island department of health laboratory for analysis. Specimens analyzed for the sole purpose of assuring the safety of the blood supply or for strictly research purposes may be tested for HIV antibody in other licensed laboratories. This provision shall not apply to those HIV tests performed in a hospital laboratory. Hospitals shall forward all positive HIV test results to the department of health. The department of health laboratory shall conduct all confirmatory testing for HIV/AIDS; exceptions, for alternative testing methods, may be granted through written approval by the department of health.

~~(b)~~ (d) No Except in the case of anonymous testing, a physician or laboratory or duly licensed health care provider providing samples or specimens for HIV-testing, or results of HIV tests to the department, shall include the name of the patient, or any other information which would identify the person tested.

(e) Any HIV cases reported in the previous code based system, shall remain in a code based data set. The department of health shall only use and require HIV name case reports submitted after the enactment of this law.

(f) In addition to, and separate from, the requirement of subdivision 23-6-26(b)(4), all CD4 T-lymphocyte test results and all viral load detection test results, detectable and nondetectable, shall be reported to the department of health through a department designed reporting system that uses a nonname based code and contains no patient identifying information. These reports may be used by the department to improve the clinical progress of patients through contact with their physicians, and to use the aggregate information collected to develop and improve prevention programs and create better access to care.

SECTION 4. Chapter 23-6 of the General Laws entitled "Prevention and Suppression of Contagious Diseases" is hereby amended by adding thereto the following section:

23-6-27. Reporting of HIV/AIDS and perinatal exposure of newborns. – (a) The following persons shall report information required by this section to the department's HIV/AIDS surveillance team:

(1) a physician/health care provider who diagnoses or treats HIV/AIDS;

(2) The administrator of a health care facility as defined in Rhode Island general laws chapter 23-17 who diagnoses or treats HIV/AIDS; or

(3) the administrator of a prison in which there is an HIV/AIDS infected person or perinatal exposure to HIV/AIDS.

Reports provided under this section shall specify the infected person's name, as well as all information required on the official department HIV Case Report Form.

(b) Any high managerial agent who is responsible for the administration of a clinical or hospital laboratory, blood bank, mobile unit, or other facility in which a laboratory examination of any specimen derived from a human body yields serological, or other evidence of HIV/AIDS, including perinatal exposure to HIV/AIDS shall notify the department in a timely manner as stipulated in the rules promulgated by the department. Reports provided under this section shall specify the name as well as all information indicated on the official department HIV Case Report Form.

(c) Reports as required by this section shall only be made if confirmed with a Western Blot or other FDA approved confirmatory test.

(1) All facilities obtaining blood from human donors for the purpose of transfusion or manufacture of blood products shall report HIV/AIDS consistent with this section.

(2) Any laboratory that processes specimens shall permit the department to examine the records of said laboratory, facility, or office in order to evaluate compliance with this section.

(d) Perinatal HIV/AIDS exposure reporting shall be made to the department regardless of confirmatory testing.

(e) Reports required by this section shall be mailed within forty-eight (48) hours of diagnosis or treatment, to the department using a designated envelope that shall be provided by the department's HIV/AIDS Surveillance Team. Any other reporting method shall be approved in advance by the department.

(f) Nothing in this section shall preclude the performance of anonymous HIV/AIDS testing.

SECTION 5. Sections 23-11-17 and 23-11-19 of the General Laws in Chapter 23-11 entitled "Sexually Transmitted Diseases" are hereby amended to read as follows:

23-11-17. Human immunodeficiency virus (HIV) testing. -- (a) The physician or health care provider attending any person for a suspected sexually transmitted disease shall offer testing for human immunodeficiency virus (HIV). All testing pursuant to this section shall be performed in accordance with sections 23-6-17 (confidentiality) and 23-6-18 (protection of the medical record) and the informed consent standards contained in chapter 6 of title 23. The identity of the individuals tested under this section shall be maintained only at the site where the sample is drawn, and shall not be released except as otherwise provided by statute.

(b) Each person who is offered a test tested and counseling counseled shall first be provided with an "informed consent form" as provided by subsection 23-6-11(3), and shall specifically be given the opportunity to decline or opt-out of testing, which he or she shall sign and date in acknowledgment of his/her election to be tested, the offer. The department of health is responsible for costs associated with performing and reporting the results of the HIV tests, including the reasonable costs of pretest and post-test counseling. Those reasonable costs shall be negotiated and specified by contract.

(b) In the event an individual consents to anonymous testing and tests positive for HIV, the HIV testing counselor shall provide the client an informed consent form as provided by subsection 23-6-11(3). If an individual is tested anonymously and is found positive on the initial screening test or during a post-test consultation, the counselor shall discuss, with the client, options regarding referrals and reporting of this positive screening, including the necessity of accessing a physician. The department of health shall maintain sites for providing both anonymous and confidential HIV testing, and HIV counseling and referral. Each site, funded by the department of health, shall offer free testing, counseling and referral for indigent parties and other individuals without health insurance, offer a sliding scale for payment for all other individuals and, in the case of confidential testing, screen, for ability to pay through a third-party insurer. In the case of nonfunded sites for HIV testing, organizations and/or institutions performing the test shall offer free testing, counseling and referral for indigent parties and other individuals without health insurance.

(c) All persons tested under this section shall be provided pretest and post-test counseling counseled and tested in accordance with regulations adopted promulgated by the department of health; provided, however, that the counseling shall be in accordance with

~~acceptable medical standards. , and no test results shall be given by any means (e.g. phone, mail, e-mail, fax, etc.) other than in person.~~

~~23-11-19. Exchange of hypodermic needles and syringes. -- (a) The director of the department of health shall maintain a program offering the free exchange of new hypodermic needles and syringes for used hypodermic needles and syringes as a means to prevent the transmission of human immunodeficiency virus (HIV) or viral hepatitis among intravenous injecting drug users eighteen (18) years of age or older. Any site used in the program shall be approved by the director of health and shall make available educational materials, HIV counseling and testing, and referral services targeted to the education of HIV/AIDS and viral hepatitis transmission as well as information and referrals pertaining to and drug substance abuse prevention and treatment. Any individual(s) who either administers or participates in the program shall be immune from criminal prosecution for violating the provisions of section 21-28.5-1(a)(11) [deleted] unless the individual(s) is found to have in his or her possession hypodermic needles and syringes that are not a part of the exchange program.~~

(b) Any program of needle and syringe exchange must be implemented pursuant to the provisions of this section and shall incorporate an on-going evaluation plan to determine the impact of the needle exchange program on the participants and the community in the efforts to lower the HIV rate among injecting users including successful referrals to substance abuse treatment.

SECTION 6. Section 23-13-19 of the General Laws in Chapter 23-13 entitled "Maternal and Child Health Services for Children with Special Health Care Needs" is hereby amended to read as follows:

~~23-13-19. Human immunodeficiency virus (HIV) testing. -- (a) Every physician or health care provider attending any person for prenatal care or family planning services shall offer testing for human immunodeficiency virus (HIV) unless deemed inappropriate by the physician. All testing pursuant to this section shall be performed in accordance with sections 23-6-12 and 23-6-13. The identity of the individuals tested under this section shall be maintained only at the site where the sample is drawn and shall not be released except as otherwise provided by statute. Each person who is offered a human immunodeficiency virus (HIV) test and counseling shall be provided with an "informed consent form" which he or she shall sign and date in acknowledgment of that offer. The department of health is responsible for reasonable costs associated with performing and reporting the results of the HIV tests including the reasonable costs of pretest and post test counseling. Those reasonable costs shall be negotiated and specified by contract.~~

Every physician or health care provider attending any person for prenatal care or family planning services shall universally offer HIV screening in these settings so as to promote earlier detection of HIV with unrecognized or no identified risk factors. HIV should be included in the routine panel of prenatal tests for all pregnant women. Repeat testing in the third trimester is recommended if determined by the physician. Each person who is offered testing and counseling shall first be provided with an "informed consent form" as provided by subsection 23-6-11(3), which he/she shall sign and date, and shall specifically be given the opportunity to decline or opt-out of the testing. All testing pursuant to this section shall be performed in accordance with sections 23-6-12 and 23-6-13.

(b) In the event an individual consents to anonymous testing and tests positive for HIV, the HIV testing counselor shall discuss with the client options regarding referrals and reporting of this positive screening, including the necessity of accessing a physician. The department of

health shall maintain sites for providing both anonymous and confidential HIV testing, and HIV counseling and referral. Each site, funded by the department of health, shall offer free testing, counseling and referral for indigent parties and other individuals without health insurance, offer a sliding scale for payment for all other individuals and, in the case of confidential testing, screen for ability to pay through a third-party insurer. In the case of nonfunded sites for HIV testing, organizations and/or institutions performing the test shall offer free testing, counseling and referral for indigent parties and other individuals without health insurance.

~~(b) (c) All persons tested under this section shall be counseled and tested provided pretest and post test counseling in accordance with regulations adopted promulgated by the department of health, provided, however, that the counseling shall be in accordance with acceptable medical standards.~~

SECTION 7. Section 23-17-31.1 of the General Laws in Chapter 23-17 entitled "Licensing of Health Care Facilities" is hereby amended to read as follows:

~~23-17-31.1. Human immunodeficiency virus (HIV) testing — Facilities for drug abusers.~~  
~~— Human immunodeficiency virus (HIV) testing — Facilities for drug users. -- (a) Every physician or health care provider attending any person for any service offered at a facility for intravenous injecting drug users, shall offer testing for human immunodeficiency virus (HIV) unless deemed inappropriate by the physician. All testing pursuant to this section shall be performed in accordance with sections 23-6-17 (confidentiality) and 23-6-18 (protection of records), except where federal confidentiality laws may supersede. The identity of the individuals tested under this section shall be maintained only at the site where the sample is drawn, and shall not be released except as otherwise provided by the statute.~~

~~(b) Each person who is offered a test and counseling shall be provided with an "AIDS testing and notification form" which he or she shall sign and date in acknowledgement of the offer.~~

~~Each person tested and counseled shall first be provided an "informed consent form" as provided by subsection 23-6-11(3), which he/she shall sign and date, and shall specifically be given the opportunity to decline or opt-out of the testing.~~

~~(c) In the event an individual consents to anonymous testing and tests positive for HIV, the HIV testing counselor shall discuss, with the client, options regarding referrals and reporting of this positive screening, including the necessity of accessing a physician.~~

~~(e) (d) The department of health shall be responsible for reasonable costs associated with performing and reporting the results of the HIV tests, including the costs of pretest and post test counseling. The reasonable costs shall be negotiated and specified by contract. The department of health shall maintain sites for providing both anonymous and confidential HIV testing, and HIV counseling and referral. Each site, funded by the department of health, shall offer free testing, counseling and referral for indigent parties and other individuals without health insurance, offer a sliding scale for payment for all other individuals and, in the case of confidential testing, screen for ability to pay through a third-party insurer. In the case of nonfunded sites for HIV testing, organizations and/or institutions performing the test shall offer free testing, counseling and referral for indigent parties and other individuals without health insurance.~~

~~(d) (e) All persons tested under this section shall be provided pretest and post test counseling counseled and tested in accordance with regulations adopted by the department of health. The counseling shall be in accordance with acceptable medical standards.~~

SECTION 8. Sections 23-28.36-2 and 23-28.36-3 of the General Laws in Chapter 23-

28.36 entitled "Notification of Fire Fighters, Police Officers and Emergency Medical Technicians After Exposure to infectious diseases" are hereby amended to read as follows:

23-28.36-2. Definitions. -- The following terms when used in this chapter shall have the following meanings herein ascribed:

- (1) "Contagious disease" means an infectious disease.
- (2) "Disability" means a condition of physical incapacity to perform any assigned duty or duties in the fire department or emergency medical service.
- (3) "Emergency medical technician" means a person licensed pursuant to chapter 4.1 of this title to provide emergency medical services.
- (4) "Fire department" means service groups (paid or volunteer) that are organized and trained for the prevention and control of loss of life and property from fire or other emergency.
- (5) "Fire fighter" means an individual who is assigned to fire fighting activity and is required to respond to alarms and perform emergency action at the location of a fire, hazardous materials, or other emergency incident.
- (6) "Infectious disease" means interruption, cessation, or disorder of body functions, systems, or organs transmissible by association with the sick or their secretions or excretions, excluding the common cold. Infectious disease includes, but is not limited to, human immunodeficiency virus (HIV), hepatitis B virus (HBV), and hepatitis C virus (HCV).
- (7) "Licensed facility" means a hospital, nursing home, ~~medical clinic~~, dialysis center, physician's office operatory, or the like, as may be licensed by the ~~province~~ state to provide medical care.
- (8) "Police officer" means any permanently employed city or town police officer, state police officer, committing squad member, or other permanent law enforcement officer as defined in section 12-7-21; provided, however, this shall not include the highest ranking officer of any of the departments.
- (9) "Strike force member" means any member of the statewide strike force of the department of attorney general.

23-28.36-3. Notification of infectious diseases. -- (a) Notwithstanding the provisions of sections 40.1-5-26 (disclosure of confidential information and records under mental health law) and 5-37.3-4 (confidentiality of health care information), if, while treating, investigating, or transporting an ill or injured person to a licensed facility, a fire fighter, police officer, strike force member or emergency medical technician ~~comes into contact with~~ is occupationally exposed (e.g. blood borne exposure) to a person who is subsequently diagnosed as having an infectious disease, and the exposure is sufficient to create the risk of transmission of the disease, the licensed facility receiving that person shall notify the highest ranking officer of the treating, investigating, or transporting individual's department of health of the exposure to that person which officer shall then notify the exposed individual. Further, any city or town police department notified of infectious diseases pursuant to the provisions of this section shall, within forty-eight (48) hours, notify any strike force member who was exposed to the infected person.

(b) The notification shall be made within forty-eight (48) hours, or sooner, of confirmation of the patient's diagnosis.

(c) The notified employee shall contact the licensed health care facility to determine the infectious disease to which he or she has been exposed, and to receive the appropriate medical direction for dealing with the infectious disease.

(d) Notification made pursuant to this section shall be conducted in a manner which will protect the confidentiality of the patient, fire fighter, police officer, or emergency technician.

SECTION 9. Section 40.1-24-20 of the General Laws in Chapter 40.1-24 entitled "Licensing of Facilities and Programs for People who are Mentally Ill and/or Developmentally Disabled" is hereby amended to read as follows:

~~40.1-24-20. Human immunodeficiency virus (HIV) testing — Facilities for drug abusers. — Human immunodeficiency virus (HIV) testing — Facilities for drug users. --~~ (a) Every physician or health care provider attending any person for any service offered at a facility for intravenous drug users, shall offer testing for human immunodeficiency virus (HIV) ~~unless deemed inappropriate by the physician.~~ All testing pursuant to this section shall be performed in accordance with sections 23-6-17 (confidentiality) and 23-6-18 (protection of medical records) and the informed consent standards contained in chapter 6 of title 23, except where federal confidentiality laws may supercede. ~~The identity of the individuals tested under this section shall be maintained only at the site where the sample is drawn, and shall not be released except as otherwise provided by statute.~~

~~(b) Each person who is offered a test and counseling shall be provided with an "informed consent form" which he or she shall sign and date in acknowledgment of the offer.~~

~~Each person tested and counseled shall first be provided with an "informed consent form" as provided by subsection 23-6-11(3), which he/she shall sign and date, and shall specifically be given the opportunity to decline or opt-out of the testing.~~

~~(c) In the event an individual consents to anonymous testing and tests positive for HIV, the HIV testing counselor shall discuss with the client options regarding referrals and reporting of this positive screening, including the necessity of accessing a physician.~~

~~(d) The department of health shall assist providers with performing and reporting the results of the HIV tests.~~

~~(e) (e) The department of health shall be responsible for reasonable costs associated with performing and reporting the results of the HIV tests, including the costs of pretest and post test counseling. The reasonable costs shall be negotiated and specified by contract.~~

~~The department of health shall maintain sites for providing both anonymous and confidential HIV testing, and HIV counseling and referral. Each site, funded by the department of health, shall offer free testing, counseling and referral for indigent parties and other individuals without health insurance, offer a sliding scale for payment for all other individuals and, in the case of confidential testing, screen for ability to pay through a third-party insurer. In the case of nonfunded sites for HIV testing, organizations and/or institutions performing the test shall offer free testing, counseling and referral for indigent parties and other individuals without health insurance.~~

~~(f) (f) All persons tested under this section shall be provided pretest and post test counseling counseled and tested in accordance with regulations adopted promulgated by the department of health; provided, however, that the counseling shall be in accordance with acceptable medical standards.~~

SECTION 10. This act shall take effect upon passage."

Respectfully submitted,

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REPRESENTATIVE HANDY

Representatives Handy discusses the amendment.

The motion to amend prevails 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, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Ginaitt, Handy, Jackson, Kennedy, Kilmartin, Landroche, Laroche, Lima, Long, Loughlin, Malik, McHugh, McManus, McNamara, Melo, Menard, Mumford, Pacheco, Palumbo, Petrarca, Rice, Rose, Savage, Schadone, Scott, Shanley, Slater, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

Representatives Dennigan and Handy 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, 55 members voting in the affirmative and 5 members voting in the negative as follows:

YEAS - 55: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Brien, Caprio, Carter, Church, Costantino, Crowley, Davey, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McHugh, McManus, McNamara, Melo, Menard, Mumford, Pacheco, Palumbo, Picard, Rice, Rose, Savage, Schadone, Scott, Slater, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Williams, Winfield.

NAYS - 5: Representatives Coderre, Corvese, Dennigan, Moran, Petrarca.

**13 2006-H 7906 SUB A**

**BY Lima**

**ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY  
-- PERMIT PROGRAM FOR CATS**

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

Representative Lima moves passage of the act, seconded by Representatives Palumbo, Ajello, Gemma, Rose, Trillo, Davey, Story, Savage, Lewiss, Petrarca, Melo and Coderre.

Representative Lima, seconded by Representatives Wasylyk, Trillo, Savage, Rose, Gemma, Lewiss and McNamara offers a written motion to amend.

**F L O O R   A M E N D M E N T  
T O  
2006 -- H 7906 SUBSTITUTE A**

AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- PERMIT PROGRAM  
FOR CATS

Mr. Speaker:

I hereby move to amend 2006 -- H 7906 SUBSTITUTE A, entitled "AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- PERMIT PROGRAM FOR CATS", as follows:

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

"SECTION 1. Title 4 of the General Laws entitled "ANIMALS AND ANIMAL HUSBANDRY" is hereby amended by adding thereto the following chapter:

CHAPTER 24

PERMIT PROGRAM FOR CATS

4-24-1. Short title. – This chapter shall be known and may be cited as the "Rhode Island Permit Program for Cats."

4-24-2. Legislative findings. – The general assembly hereby finds and declares that:

(1) An unacceptable number of healthy, but abandoned cats are euthanized annually in Rhode Island.

(2) Due to the large number of stray and abandoned cats, euthanasia is not a cost effective, acceptable or ethical solution to the threats to public health and safety posed by large populations of stray, feral or homeless cats.

(3) Stray and abandoned pets, specifically cats, create numerous public health and safety problems, including transmission of disease and traffic hazards created by cats running loose on public streets.

(4) A permit system for breeding of cats owned or harbored in the state, combined with a program for spaying/neutering, is a reasonable and effective means of reducing the population of abandoned or stray cats, and for eliminating the practice of euthanizing homeless cats, except those for whom euthanasia is an escape from suffering or necessary to protect people and/or other animals from vicious behavior.

The general assembly therefor finds and declares that it intends to provide for the public health, safety and welfare through a program requiring spaying and neutering cats unless appropriate permits are acquired. The provisions of this chapter shall be in addition to the cat registration or identifying program requirements set forth in this title.

4-24-3. Spaying and neutering. – (a) No person, as defined by section 4-19-2, shall own or harbor, within the state, any cat over the age of six (6) months which has not been spayed or neutered, unless such person has adopted a cat from a licensed releasing agency as defined by section 4-19-2 and is subject to the spaying and neutering requirements of section 4-19-16 or holds either a license to keep an unaltered cat, or a license and permit for breeding cats issued by the animal control officer for the city or town in which they live, or unless the caretaker states that, due to age, health or illness it would be inappropriate to spay or neuter the cat and having in their possession a letter from a licensed veterinarian stating such, which shall be provided to the animal control officer.

(b) An "intact" permit shall be issued for an unaltered cat if the owner signs a written statement that such animal will not be allowed to breed unless the owner has first obtained a breeding permit. An "intact" permit may be issued by the animal control officer to an individual



who refuses to spay or neuter their cat. The fee for such a permit shall be one hundred dollars (\$100) per year. All funds from "intact" permits shall be deposited in the city or town's spay/neuter account.

(c) Any person providing care or sustenance for an uninterrupted period of sixty (60) days or longer shall be deemed the owner of such animal and shall adhere to the provisions of this chapter. Provided, further, that cities and towns may, by ordinance, require a permit of persons who provide care or sustenance for colony(s) of feral cats.

4-24-4. Breeding permits. – (a) No person shall cause or allow any cat owned or harbored in the city or town in which they live to breed without first obtaining a breeding permit under this section.

(b) Each city or town animal control officer shall administer a permit program to allow the breeding of cats consistent with criteria and according to procedures contained in the city or town ordinances; provided, however, that where city's or town's have ordinances, specifically prohibiting the breeding of cats it shall be the city's or town's ordinances that shall govern with respect to that subsection or provision only.

(c) Each applicant who is issued a permit to breed cats under this section shall pay an annual breeding permit fee of one hundred dollars (\$100) per cat.

(d) No person shall cause or allow the breeding of a male or female cat without first obtaining a breeding permit issued by the animal control officer. Breeding permits shall be valid for twelve (12) months, renewable on an annual basis for a fee of one hundred dollars (\$100) per cat. Herein, all breeding permits shall contain the following terms and conditions and be subject to all of the following requirements:

(1) No offspring may be sold or adopted and permanently placed until reaching an age of at least eight (8) weeks;

(2) No offspring may be sold or adopted until immunized against common diseases as determined by the director of environmental management in accordance with chapter 4-4 of the general laws to be contagious or injurious to public health or to the health of other animals;

(3) Any permit holder advertising to the public the availability of any animal for adoption or sale must prominently display the permit number in any publications in which they advertise. The permit number must be provided to any person adopting or purchasing any animal bred by the permit holder; and

(4) The breeding permit holder shall adhere to minimum standards regarding the care and keeping of animals pursuant to chapter 4-19.

4-24-5. Sale or adoption of cats. – (a) Any person or licensed business who provides or offers to the public, whether or not for compensation, any pet or pet related goods, where they are the primary products, or pet services shall provide to their clients, at no charge, information relating to pet care and ownership, including information on city and town laws pertaining to animal control.

(b) Any person offering cats for sale or adoption shall disclose to any purchaser or adoptive owner, information regarding the licensing or permit requirements of the city or town in which they reside applicable to the animal.

4-24-6. Revocation of permit. – (a) Any permit issued may be revoked if the animal control officer has reasonable cause to believe any of the following to be true:

(1) The permittee has violated the provisions of chapter 4-19 or any other state or local ordinances relating to the keeping, care or use of any animal;

(2) The permittee is in violation of any state health or safety law or regulation regarding

animal care or control;

(3) The permittee has failed to comply with any condition or requirement of the permit or has failed to pay any fee imposed under this section;

(4) The permittee refuses to allow inspection, upon forty-eight (48) hours of written notice, of any cat covered by the permit or the premises on which the animal is kept; or

(5) The permittee has transferred, sold or otherwise disposed of the cat for which the permit was issued.

(b) If, after investigation, the animal control officer concludes that it is probable that one or more of the above grounds for revocation has occurred, he or she shall cause written notice thereof to be transmitted by mail to the address of the permittee. The notice shall specify the grounds of possible revocation of the permit, and shall specify a date and time for an informal hearing to be held before the animal control officer. The date shall be not less than five (5) days subsequent to the date the notice is mailed. After the informal hearing, the animal control officer may modify the terms of the permit or revoke the permit. Provided, further, that if the health or well-being of the animal is in danger the animal control officer of that city or town may take custody and control of the animal until such time that a hearing is conducted pursuant to subsection 4-24-6(b).

4-24-7. Farmland exemption. – Farmland defined as any tract or tracts of land, including woodland and wasteland constituting a farm unit which is actively devoted to agricultural or horticultural use including, but not limited to: forages and sod crops; grains and feed crops; fruits and vegetables; poultry, dairy, and other livestock and their products; nursery, floral and greenhouse products; and any other food or fiber products useful to people; shall be exempt from the provisions of this chapter.

4-24-8. Abandonment of cats. – If any cat is abandoned by their owner or any person having charge or custody of that cat, that person shall, for each offense be punished in the manner provided in section 4-1-2.

4-24-9. Canine surcharge. – (a) Each city and town is required to collect a one dollar (\$1.00) surcharge on each dog license issued by the municipality. The revenue generated by this surcharge shall be deposited in the respective city's and town's spay/neuter account to fund low-cost spay/neuter programs.

(b) Any remaining revenue collected pursuant to this act which is unused during any calendar year shall remain in said city or towns spay/neuter account for use during the following year.

4-24-10. Penalty for violation. – Any person who violates the permit provisions of this chapter shall have no more than thirty (30) days to have their cat spayed or neutered or provide proof from a licensed veterinarian indicating that arrangements have been made to spay or neuter their cat(s). The animal control officer shall inform persons subject to this law to the availability of reduced cost or free spay/neuter programs available for low income persons and any programs sponsored by local humane organizations offering low cost spaying or neutering. If an animal is not spayed or neutered within thirty (30) days of the notice, he or she shall be subject to a seventy-five dollar (\$75.00) fine for each thirty (30) days the animal is not spayed or neutered. Funds generated pursuant to this section shall be deposited in the spay/neuter account of the city or town where the violation occurred to be used to fund low-cost spay/neuter programs in accordance with section 4-24-13.

4-24-11. Responsibility for enforcement. – The local animal control officer shall be responsible for the enforcement and administration of this chapter.

4-24-12. Time for compliance. – Persons harboring a cat subject to this chapter on the effective date thereof shall be given one hundred twenty (120) days from the date to comply with the provisions thereof.

4-24-13. Low-cost spay/neuter accounts. – (a) All revenue generated pursuant to sections 4-24-9 and 4-24-10 shall be deposited in the respective city and towns spay/neuter accounts. Said funds shall be divided equally with fifty percent (50%) of which to be reserved for the exclusive use of funding a low-cost spay/neuter program for the animals of persons who qualify for one of the following public assistance programs or any other public assistance program as determined by the city or towns animal control officer:

(1) Any program which qualifies as public assistance pursuant to chapter 40-6;

(2) The food stamp program authorized by Title XIII of the federal Food and Agriculture Act of 1977, 7 USC 2011 et seq.;

(3) The supplemental security income program authorized by Title XVI of the federal Social Security Act, 42-USC 1381 et seq.;

(4) The federal Temporary Assistance for Needy Families Act authorized by 42 USC 601 et seq.; or

(5) The Medicaid program authorized by Title IX of the federal Social Security Act, 42 USC 1381.

Persons who are eligible for any of the aforementioned programs must provide proof that he or she is an eligible person to the animal control officer of that city or town to qualify for the low-cost spay/neuter provisions of this section.

(b) All remaining funds shall be deposited in the respective city or towns spay/neuter account to fund the spaying and neutering of animals currently residing in the city or towns pound and to fund low-cost spay/neuter programs.

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

Respectfully submitted,

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REPRESENTATIVE LIMA

=====  
LC02744/3  
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Representatives Lima, Watson, Lewiss, Trillo and Ehrhardt discuss the amendment.

The motion to amend prevails on a roll call vote 53 members voting in the affirmative and 7 members voting in the negative as follows:

YEAS - 53: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Fox, Gallison, Gemma, Ginaitt, Handy, Jackson, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McHugh, McNamara, Melo, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Scott, Shanley, Slater, Story, Sullivan, Trillo, Ucci, Wasylyk, Williams.

NAYS - 7: Representatives Flaherty, Gorham, McManus, Menard, Mumford, Watson, Winfield.

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 6 members voting in the negative as follows:

YEAS - 54: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Fox, Gallison, Gemma, Ginaitt, Handy, Jackson, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McHugh, McNamara, Melo, Moran, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Scott, Shanley, Slater, Story, Sullivan, Trillo, Ucci, Wasylyk, Williams.

NAYS - 6: Representatives Flaherty, Gorham, McManus, Menard, Mumford, Winfield.

**14 2006-H 8084**

**BY Almeida**

**ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF H. & S. REALTY CO., INC.

Ordered on the Calendar

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

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, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Landroche, Lewiss, Lima, Long, Loughlin, Malik, McHugh, McManus, McNamara, Melo, Menard, Moran, Mumford, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Scott, Slater, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

**15 2006-S 2976**

**BY Tassoni**

**ENTITLED,** AN ACT AUTHORIZING THE TOWN OF SMITHFIELD TO ISSUE NOT EXCEEDING \$1,000,000 GENERAL OBLIGATION BONDS OR NOTES FOR LAND ACQUISITION

Committee on Finance recommends passage in concurrence.

Representative Winfield moves passage of the act, seconded by Representatives Pacheco, Petrarca, Gemma, and Carter.

Read and passed, in concurrence, on a roll call vote, 58 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 58: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Landroche, Lewiss, Lima, Long, Loughlin, Malik, McHugh, McManus, McNamara, Melo, Menard, Moran, Mumford, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Scott, Slater, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

**16 2006-S 2059**

**BY Sosnowski**

**ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGE**

Committee on Judiciary recommends passage in concurrence.

Representative Anguilla moves passage of the act, seconded by Representative Ginaitt.

Read and passed, in concurrence, on a roll call vote, 60 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 60: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McHugh, McManus, McNamara, Melo, Menard, Moran, Mumford, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Scott, Slater, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

Majority Leader Fox moves to recommit items 17-29 on today's Calendar seconded by Representative Watson. There is no objection.

**17 2006-S 2342**

**BY Paiva-Weed**

**ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage in concurrence.

- 18 2006-S 2271**  
**BY Lenihan**  
**ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
- Committee on Judiciary recommends passage in concurrence.
- 19 2006-S 2243**  
**BY Alves**  
**ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
- Committee on Judiciary recommends passage in concurrence.
- 20 2006-S 2158**  
**BY Cote**  
**ENTITLED,** AN ACT RELATING TO THE SOLEMNIZATION OF MARRIAGES
- Committee on Judiciary recommends passage in concurrence.
- 21 2006-S 2157**  
**BY Lanzi**  
**ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
- Committee on Judiciary recommends passage in concurrence.
- 22 2006-S 2156**  
**BY Raptakis**  
**ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
- Committee on Judiciary recommends passage in concurrence.
- 23 2006-S 2362**  
**BY Levesque C**  
**ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
- Committee on Judiciary recommends passage in concurrence.
- 24 2006-S 2344**  
**BY Paiva-Weed**  
**ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
- Committee on Judiciary recommends passage in concurrence.
- 25 2006-S 2445**  
**BY Felag**  
**ENTITLED,** AN ACT RELATING SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

**26 2006-S 2447**

**BY Montalbano J**

**ENTITLED, AN ACT SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage in concurrence.

**27 2006-S 2806**

**BY Montalbano J**

**ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage in concurrence.

**28 2006-S 2862**

**BY Levesque C**

**ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage in concurrence.

**29 2006-S 2863**

**BY Bates**

**ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage in concurrence.

Items 17-29 are recommitted to the Committee on Judiciary.

### 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.

### FROM THE DESK IS TAKEN

Majority Leader Fox moves to take (06H 7352 Sub A) from the desk, seconded by Representative Kennedy. There is no objection.

**House Bill No. 7352** SUB A as amended

**BY** Kennedy, Slater, Lewiss, Coderre E, San Bento

**ENTITLED, AN ACT RELATING TO REAL PROPERTY -- RESTRICTIONS** (amend the real property condominium and low-income housing laws concerning housing, conservation and preservation restrictions) {LC1482/1/A}

Representative Kennedy moves to reconsider the act, seconded by Representative Gemma.

The motion to reconsider prevails, 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, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Landroche, Laroche, Lima, Long, Loughlin, Malik, McManus, McNamara, Melo, Menard, Moran, Mumford, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Scott, Slater, Smith, Story, Sullivan, Trillo, Ucci, Williams.

NAYS - 0.

Representative Kennedy, seconded by Representative Anguilla offers a written motion to amend.

**FLOOR AMENDMENT  
TO  
2006 -- H 7352 SUBSTITUTE A**

**AN ACT RELATING TO REAL PROPERTY -- RESTRICTIONS**

Mr. Speaker:

I hereby move to amend 2006 -- H 7352 SUBSTITUTE A, entitled "AN ACT RELATING TO REAL PROPERTY -- RESTRICTIONS", as follows:

(1) On page 3, by inserting the following language between lines 12 and 13:

"SECTION 2. Chapter 34-4 of the General Laws entitled "ESTATES IN REAL PROPERTY" is hereby amended by adding thereto the following section:

34-4-29. Governmental covenants and restrictions. – Notwithstanding anything in this chapter to the contrary, nothing in this chapter shall be deemed to limit the duration of expiration of any restriction, whether recorded or not, that is contained in the written decision of any governmental body, agency, or permit-granting authority. If said covenant or restriction is unlimited in time in the decision, then it shall be deemed to be a perpetual covenant or restriction."

(2) On page 3, line 13, by deleting the language "SECTION 2." and inserting in place thereof the language "SECTION 3."

(3) On page 7, line 17, by deleting the language "SECTION 3." and inserting in place thereof the language "SECTION 4."

(4) On page 8, line 13, by deleting the language "SECTION 4." and inserting in place thereof the language "SECTION 5."

(5) On page 3, line 23, by deleting the language "SECTION 5." and inserting in place thereof the language "SECTION 6."

Respectfully submitted,

\_\_\_\_\_  
REPRESENTATIVE KENNEDY

=====  
LC01482/2

=====



Representative Gorham discusses the amendment.

The motion to amend prevails 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, Anguilla, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McManus, Melo, Menard, Moran, Mumford, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Schadone, Scott, Slater, Smith, Story, Sullivan, Trillo, Ucci, Wasylyk, Williams, Winfield.

NAYS - 0.

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 0 members voting in the negative as follows:

YEAS - 56: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McHugh, McManus, Melo, Menard, Moran, Mumford, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Scott, Slater, Smith, Story, Trillo, Ucci, Wasylyk, Williams, Winfield.

NAYS - 0.

#### **HOLD ON THE DESK**

Representative Dennigan requests to hold (06H 7773 Sub A as amended) on the desk. There is no objection.

Majority Leader Fox requests to continue to hold (06H 7157aa) and (06H 7893) on the desk. There is no objection.

Majority Leader Fox requests to release (06H 7812 Sub A aa). There is no objection.

#### **ANNOUNCEMENTS**

Representative Landroche and the Honorable Speaker Murphy wish Representative Tim Williamson and his wife Mary Anne a Happy 15<sup>th</sup> Wedding Anniversary.

Representative Williamson wishes his wife a Happy Anniversary.

Representative Moran wishes his father a Happy 69<sup>th</sup> Birthday.

Representative Rice wishes Mrs. Bertha Harrington Raposa a Happy 80<sup>th</sup> Birthday.

Representative Caprio wishes May Costello a Happy 80<sup>th</sup> Birthday.

Representative Gorham wishes his brother a Happy Birthday.

Representative DeSimone and the Honorable Speaker Murphy congratulate Representative Smith on being re-elected for President of the Providence Teachers Union. Representative Smith addresses the House.

### GUESTS

Representative Carter along with Representatives Scott and Sullivan welcome as guests the Wawaloam Elementary School Chorus under the direction of Mrs. Ella Leone. They will sing the "National Anthem" followed by "God Bless America" to the House Chamber.

Representative Rice welcomes to the House as guests Representative Diaz's 1<sup>st</sup> grandchild, Nehemia Speak, along with Cinthya Terrero.

Representative Savage welcomes to the House Chamber as a guest Mrs. Rita Folaguerra, a member of Volunteer Services For Animals.

Representative Handy welcomes to the House RI Parents for Progress; the Coalition Against Domestic Violence and Sisters Overcoming Abusive Relationships.

### ADJOURNMENT

At 5:45 o'clock P.M. on motion of Representative Kilmartin and the entire House of Representatives and as a further mark of respect to the memory of Daniel P. Donahue; on motion of Representative Jackson, and as a further mark of respect to the memory of Emily Parvo; on motion of Representative Gorham and as a further mark of respect to the memory of Rev. Arnold Jacobson; seconded by Representatives Fox and Scott the House adjourns, on a unanimous rising vote.

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

**APPENDIX**

**INVOCATION**

**REPRESENTATIVE SUSAN A.STORY**

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

**TRANSMITTED TO THE GOVERNOR**

**Senate Bill No. 2976**

**BY** Tassoni

**ENTITLED,** AN ACT AUTHORIZING THE TOWN OF SMITHFIELD TO ISSUE NOT EXCEEDING \$1,000,000 GENERAL OBLIGATION BONDS OR NOTES FOR LAND ACQUISITION {LC2834/1}

**Senate Bill No. 2059**

**BY** Sosnowski

**ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGE {LC305/1}

**STATE OF RHODE ISLAND  
IN GENERAL ASSEMBLY  
JANUARY SESSION, A.D. 2006**

**HOUSE RESOLUTION  
EXPRESSING OUR DEEPEST SYMPATHY ON THE UNTIMELY PASSING OF  
DANIEL P.DONAHUE**

Introduced By: Representatives Kilmartin, Murphy, Fox, Winfield, and Crowley

Date Introduced: May 11, 2006

Referred To: House read and passed

WHEREAS, There is an illusion that youth equals strength and invincibility. When that myth is shattered, it leaves an agonizing void in the foundation of our beliefs, the belief that parents should never have to bury their children; and so it is with utmost sadness that this House has learned of the tragic passing of Daniel P. Donahue; and

WHEREAS, A lifelong resident of the Town of Glocester, Daniel, known as "Dan" to his family and many friends, was an active, bright, and articulate student of Environmental Science at the University of Rhode Island; and

WHEREAS, A graduate of Ponagansett High School, Dan had taken honors courses and been a member of the nationally ranked Wind Ensemble. He played soccer and baseball, and had spent the past four summers working for the DEM at the George Washington and Fisherman Memorial Campgrounds; and

WHEREAS, Dan possessed a free-spirited soul that could light up a room. He loved music, nature and the outdoors. The incredible love and cheerful heart he freely shared with his family and friends foretold of the compassionate man he would become; and

WHEREAS, Our thoughts and hearts hold great empathy and sorrow for Dan's mom, our friend and colleague Ann Marie, his father Curtis and step-mother Deborah, his brothers Ryan, Neil and Tyler, and his grandparents Robert and Catherine Donahue; and

WHEREAS, The most fitting tribute to Dan Donahue would be a celebration of his life, a life in which each and every day was lived fully and joyfully embraced. He was fortunate to have always enjoyed the total love and support of his family, and in return he enriched the lives of all around him. He will be dearly missed; now, therefore be it

RESOLVED, That this House of Representatives of the State of Rhode Island and Providence Plantations hereby expresses our heartfelt condolences to the entire Donahue Family on the passing of Dani

## APPENDIX

## CALENDAR

## IN ORDER FOR TUESDAY, MAY 16, 2006:

**1 2006-H 7395 SUB A****BY Schadone****ENTITLED,** AN ACT RELATING TO BUSINESS AND PROFESSIONS --  
CONFIDENTIALITY OF HEALTH CARE COMMUNICATIONS  
AND INFORMATION

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

**2 2006-H 7018****BY Giannini****ENTITLED,** AN ACT RELATING TO INSURANCE

Committee on Corporations recommends passage.

**3 2006-H 7105 SUB A****BY Carter****ENTITLED,** AN ACT RELATING TO ALCOHOLIC BEVERAGES --  
REGULATION OF SALES

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

**4 2006-H 7148 SUB A****BY Rice****ENTITLED,** AN ACT RELATING TO COMMERCIAL LAW - GENERAL  
REGULATORY PROVISIONS

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

**5 2006-H 8045****BY Melo****ENTITLED,** AN ACT RELATING TO THE GENERAL ASSEMBLY -- NAMING  
ALL NEW BUILDINGS, BRIDGES, EDIFICES AND OTHER  
STATE CONSTRUCTIONS

Committee on Finance recommends passage.

**6 2006-H 7774****BY Long****ENTITLED,** AN ACT RELATING TO THE RHODE ISLAND RESOURCE RECOVERY CORPORATION

Committee on Finance recommends passage.

**7 2006-H 7529 SUB A****BY Pacheco****ENTITLED,** AN ACT RELATING TO ELECTIONS - CAMPAIGN EXPENDITURES

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

**8 2006-H 7756 SUB A as amended****BY Sullivan****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- ANTI-IDLING ACT

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

**9 2006-H 7257 SUB A****BY Naughton****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- REFUSE DISPOSAL

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

**IN ORDER FOR WEDNESDAY, MAY 17, 2006:****1 2006-H 7441 SUB A****BY Jacquard****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- ELECTRICIANS LICENSES

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

**2 2006-H 7455 SUB A****BY Kilmartin****ENTITLED,** AN ACT RELATING TO PUBLIC OFFICES AND EMPLOYEES -- PUBLIC ACCOUNTABILITY AND REFORM

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

**3 2006-H 6874**

**BY Kilmartin**

**ENTITLED, AN ACT RELATING TO ELECTIONS**

Committee on Separation of Powers recommends passage.

**4 2006-H 7113**

**BY Moran**

**ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- WEAPONS**

Committee on Judiciary recommends passage.

**IN ORDER FOR THURSDAY, MAY 18, 2006:**

**1 2006-H 7842 SUB A**

**BY Ginaitt**

**ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY**

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

**2 2006-H 7815 SUB A**

**BY McCauley**

**ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS --  
LENDERS AND LOAN BROKERS**

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

**3 2006-H 7020**

**BY Giannini**

**ENTITLED, AN ACT RELATING TO HEALTH INSURANCE COVERAGE --  
ORTHOTIC AND PROSTHETIC SERVICES**

Committee on Corporations recommends passage.

**4 2006-H 7577 SUB A**

**BY Corvese**

**ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS**

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



**5 2006-H 7610 SUB A**

**BY Handy**

**ENTITLED,** AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS --  
ENERGY AND CONSUMER SAVINGS ACT OF 2006

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

**6 2006-H 7344 SUB A**

**BY Long**

**ENTITLED,** AN ACT RELATING TO THE DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

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

**7 2006-H 7106**

**BY Moran**

**ENTITLED,** AN ACT RELATING TO CRIMINAL PROCEDURE -- SEARCH  
WARRANTS

Committee on Judiciary recommends passage.

**Francis P. McCabe**  
**Clerk of the House**

**Thursday, May 11, 2006**