

JOURNAL
-OF THE-
HOUSE OF REPRESENTATIVES

JANUARY SESSION of the General Assembly begun and held at the State House in the City of Providence on Tuesday, the sixth day of January in the year of Our Lord one thousand nine hundred and ninety-eight.

Volume 125, No. 46

Tuesday, May 5, 1998

Forty-sixth Day

The House of Representatives meets at the State House in Providence, Tuesday, May 5, 1998, and is called to order at 5:18 o'clock P.M., by the Honorable John B. Harwood, Speaker.

The roll is called and a quorum is declared present with 100 members present and 0 members absent as follows:

PRESENT - 100: The Honorable Speaker Harwood and Representatives Aiken-Salandria, Ajello, Amaral, Anderson, M., Anderson, 5., Anzeveno, Barone, Barr, Benoit, Benson, Bierman, Bramley, Burlingame, Callahan, Cambio, Campbell, Carpenter, Carroll, Carter, Caruolo, Castro, Cicilline, Coderre, Coelho, Costantino, Crowley, Dennigan, DeSimone, Faria, Farrell, Ferguson, Flaherty, Fleury, Fox, Garvey, George, Giannini, Ginaitt, Heffner, Henseler, Hetherington, Iannitelli, Inman, Iwuc, Jacquard, Kelley, Kelso, Kennedy, Kilmartin, Lally, Lanzi, Levesque, C., Levesque, 6., Lima, Little, Long, Lopes, Lowe, Malik, Martineau, McCauley, McGowan, McNamara, Menard, Mesoilella, Metts, Millard, Montalbano, Montanaro, Moura, Munschy, Murphy, Naughton, Palangio Palumbo, Panciera, Picard, Fires, Pisaturo, Quick, Rabideau, Reilly, Rose, Russo, Salisbury, San Bento, Scott, Shavers, Sherlock, Simonian, Slater, Smith, Voccola, Walter, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT- 0.

INVOCATION

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

(For Invocation, see Appendix, this Journal.)

CORRECTION

By unanimous consent, the House Journal of Thursday, April 30, 1998, is hereby corrected on page 2, column 1, line 20, by deleting "TIMOTHY J." and inserting "THOMAS".

APPROVAL OF RECORD

By unanimous consent, the House Journal of Thursday, April 30, 1998, is approved as corrected.

COMMUNICATION FROM THE SENATE

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

(98-S 2626 as amended) An Act relating to taxation.

Read and referred to the Committee on Judiciary.

(98-S 2757) (Substitute "A") An Act relating to state purchases.

Read and referred to the Committee on Judiciary.

(98-S 2370) (Substitute "A") An Act relating to vicious dogs.

Read and referred to the Committee on Special Legislation.

(98-S 2688) An Act relating to mental health.

Read and referred to the Committee on Judiciary.

(98-S 2716) (Substitute "A") An Act relating to education- establishing a right to a safe school for higher education.

Read and referred to the Committee on Health, Education and Welfare.

(98-S 2345 as amended) An Act relating to wheelchair lift equipped vehicles and public assistance.

Read and referred to the Committee on Finance.

(98-S 2347) An Act relating to the family independence act.

Read and referred to the Committee on Finance.

EFFECTIVE WITHOUT SIGNATURE OF THE GOVERNOR

The Honorable Speaker announces receipt by the Secretary of State of the following measures, effective without signature of His Excellency, the Governor:

(98-H 8803) An Act to vacate the forfeiture or revocation of the charter of David M. King & Son, Inc, effective April 29, 1998.

(98-H 8862) An Act relating to taxation, effective May 1, 1998.

Received and ordered to be placed on file.

GUEST

Representative Kelley welcomes to the House as a guest her son Dr. John Gormley Walsh Kelley.

NOTICE OF BILL/RESOLUTION INTRODUCTION

Representative Panciera gives notice that on the next legislative day he will introduce a measure concerning the establishment of a commission to study extending the school year beyond 180 days. This notice is given in compliance with House Rule 41.

DAVID J. PANCIERA
Representative, District 50

Received and ordered to be placed on file.

NEW BUSINESS

Representatives Cambio, Giannini, Burlingame, Carpenter, Coderre and several other members of the House introduce (98-H 9059) Joint Resolution \$5,000 for the Rhode Island Clothing Collaborative.

Read and referred to the Committee on Finance.

Representatives Lanzi, Giannini, Pisaturo, Kilmartin, Jacquard and several other members of the House introduce (98-H 9060) House Resolution proclaiming May 10-16, 1998 to be National Police Week.

Representative Lanzi requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on motion of Representative Lanzi, seconded by the entire House of Representatives, and by unanimous consent, on a voice vote.

Representatives Scott and George introduce (98-H 9061) An Act relating to taxation.

Read and referred to the Committee on Corporations.

Representatives Kelley, Carter, Kelso, Benson, Lally and Scott introduce (98-H 9062) Joint Resolution making an appropriation of \$100,000 for town of South Kingstown(

Read and referred to the Committee on Finance.

Representatives Kelley, Salisbury, Carter, Kelso, Benson and several other members of the House introduce (98-H 9063) Joint Resolution making an appropriation of \$12,825 for Senior Citizen Advocacy/Tetreault Center.

Read and referred to the Committee on Finance.

Representative McGowan introduces (98-H 9064) House Resolution respectfully requesting the Department of Transportation and the Department of Administration to deem the proposed changes to the intersection of Route 113 and Route Sin Warwick for eligible transportation improvements.

Representative McGowan requests unanimous consent for immediate consideration.

There is no objection.

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

Representative Winfield introduces (98-H 9065) An Act authorizing the issuance of bonds and notes of the state for the purpose of financing the Rhode Island Clean Water Finance Agency Safe Drinking Water Projects.

Read and referred to the Committee on Finance.

Representatives Naughton, Henseler, Ginaitt, Reilly and Salisbury introduce (98-H 9066) House Resolution reinstating the life of and extending the reporting and expiration dates of the special House commission to develop a plan to promote, protect and stimulate aquaculture commerce in Rhode Island.

Representative Naughton requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on motion of Representative Naughton, seconded by the entire House of Representatives, and by unanimous consent, on a voice vote.

REPORT OF COMMITTEE

TRANSFER OF BILL

Representative 5. Anderson, for the Joint Committee on Accounts and Claims, reports back the following measure, with recommendation of transfer to the Joint Committee on Veterans Affairs: (98-H 7433) An Act making an appropriation of \$200 to pay a bonus in the case of Donald W. Rounds, whose mailing address is 65 Ingersall Avenue, in the city of Warwick, Rhode Island 02886, who served during World War II. Received and referred to the Joint Committee on Veterans Affairs.

CALENDAR

From the Calendar are taken:

1. (98-H 7120) (Substitute "A") An Act relating to towns and cities - low and moderate income housing.

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

Representative Martineau moves passage of the act, seconded by Representatives Caruolo, Rose, Fleury, Walter, Long, Williams, Murphy, Coelho and Mesolella.

Representatives Lopes, Moura and Naughton discuss the act.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, on a roll call vote, 83 members voting in the affirmative and 5 members voting in the negative as follows:

YEAS 83: The Honorable Speaker Harwood and Representatives Aiken.Salandria, Ajello, Amaral, Anderson, M., Anderson, S., Anzeveno, Barone, Benoit, Benson, Bierman, Bramley, Burlingame, Callahan, Cambio, Campbell, Carpenter, Carroll, Carter, Caruolo, Cicilline, Coderre, Coelho, Costantino, Dennigan, DeSimone, Ferguson, Flaherty, Fleury, Fox, Garvey, George, Giannini, Ginaitt, Heffner, Henseler, Hetherington, Iannitelli, Inman, Iwuc, Kelley, Kelso, Kennedy, Kilmartin, Lally, Lanzi, Levesque, C., Levesque, G., Little, Long, Lowe, Malik, Martineau, McCauley, McNamara, Mesolella, Montalbano, Montanaro, Moura, Munschy, Murphy, Naughton, Palangio, Palumbo, Panciera, Picard, Pisaturo, Quick, Rabideau, Reilly, Rose, Russo, Salisbury, San Bento, Scott, Shavers, Sherlock, Simonian, Slater, Walter, Wasylyk, Williamson, Winfield.

NAYS - 5: Representatives Faria, Famell, Lopes, Metts, Williams.

HOLD ON THE DESK

Representative Lopes requests to hold (98-H 7120) (Substitute "A") on the desk.

There is no objection.

CALENDAR

2. (98-H 7506) An Act relating to motor vehicle offenses- driving under the influence.

Committee on Judiciary recommends passage.

Representative Inman moves passage of the act, seconded by Representatives Lally, Montanaro, Burlingame, Picard and Benoit.

By unanimous consent, Representative Inman, seconded by Representative Montanaro, offers an oral motion to amend. The oral motion to amend is read and prevails on a roll call vote, 89 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 89: The Honorable Speaker Harwood and Representatives Aiken.Salandria, Ajello, Amaral, Anderson, M., Anderson, S., Anzeveno, Barone, Barr, Benoit, Bierman, Bramley, Burlingame, Callahan, Cambio, Campbell, Carpenter, Carroll, Carter, Caruolo, Cicilline, Coderre, Coelho, Crowley, Dennigan, DeSimone, Faria, Farrell, Ferguson, Flaherty, Fleury, Fox, Garvey, George, Giannini, Ginaitt, Heffner, Henseler, Hetherington, Iannitelli, Inman, Kelley, Kelso, Kennedy, Kilmartin, Lally, Lanzi, Levesque, C., Levesque, G., Lima, Little, Long, Lopes, Lowe, Malik, Martineau, McCauley, McGowan, McNamara, Menard, Mesolella, Montalbano, Montanaro, Moura, Munschy, Murphy, Naughton, Palangio, Palumbo, Panciera, Picard, Pisaturo, Quick, Rabideau, Reilly, Rose, Russo, Salisbury, San Bento, Scott, Sherlock, Simonian, Slater, Smith, Walter, Wasylyk, Williams, Williamson, Winfield.

NAYS - 1: Representative Metts.

By unanimous consent, Representative Lally, seconded by Representatives Simonian and Kelso, offers the following written motion to amend:

FLOOR AMENDMENT

TO
(98-H 7506)

Mr. Speaker:

I hereby move to amend (98-H 7506) entitled "AN ACT RELATING TO MOTOR VEHICLE OFFENSES - DRIVING UNDER THE INFLUENCE" as follows:

- (1)** On page 1, line 9, by deleting the language "eight one-hundredths of one percent (.08%)" and inserting the following language in place thereof: "one-tenth of one percent (.1%)".
- (2)** On page 7, line 16, by deleting the language "eight one-hundredths of one percent (.08%)" and inserting the following language in place thereof: "one-tenth of one percent (.1%)".
- (3)** On page 8, line 21, by deleting the language "eight one-hundredths of one percent (.08%)" and inserting the following language in place thereof: "one-tenth of one percent (.1%)".
- (4)** On page 9, by adding the following language immediately following line 12: "Section 2. Chapter 31-27 of the General Laws entitled "Motor Vehicle Offenses" is hereby amended by adding thereto the following section: 31-27-2.9 ALCOHOL CONCENTRATION STANDARD LOWERED IF FEDERAL LAW ENACTED. - If a federal law is enacted providing that a state will lose federal highway funding if the state does not have an eight one-hundredths of one percent (.08%) alcohol concentration standard for its driving while impaired statutes, the alcohol concentration standard in this state shall be eight one-hundredths of one percent (.08%). If the alcohol concentration standard is required to be lowered to eight one-hundredths of one percent (.08%), the change shall become effective July 1, in the year following the enactment of the federal law and shall apply to persons charged with driving under the influence on or after that date."
- (5)** On page 9, line 13, by deleting the numeral "2" and inserting the numeral "3" in place thereof. I hereby move to amend 98 -- H 7506, entitled "AN ACT RELATING TO MOTOR VEHICLE OFFENSES -- DRIVING UNDER THE INFLUENCE ", as follows:

- (1)** On page 1, line 9, by deleting the language "eight one-hundredths of one percent (.08%)" and inserting the following language in place thereof: "one-tenth of one percent (.1%)".
- (2)** On page 7, line 16, by deleting the language "eight one hundredths of one percent (.08%)" and inserting the following language in place thereof: "one-tenth of one percent (.1%)".
- (3)** On page 8, line 21, by deleting the language "eight one-hundredths of one percent (.08%)" and inserting the following language in place thereof: "one-tenth of one percent (.1%)".
- (4)** On page 9, by adding the following language immediately following line 12:

"Section 2. Chapter 31-27 of the General Laws entitled "Motor Vehicle Offenses" is hereby amended by adding thereto the following section:

31-27-2.9. Alcohol concentration standard lowered if federal law enacted. -- If a federal law is enacted providing that a state will lose federal highway funding if the state does not have an eight one-hundredths of one percent (.08%) alcohol concentration standard for its driving while impaired statutes, the alcohol concentration standard in this state shall be eight one-hundredths of one percent (.08%).

If the alcohol concentration standard is required to be lowered to eight one-hundredths of one percent (.08%), the change shall become effective July 1, in the year following the enactment of the federal law and shall apply to persons charged with driving under the influence on or after that date."

(5) On page 9, line 13, by deleting the numeral "2" and inserting the numeral "3" in place thereof.

Respectfully submitted,

DONALD J. LALLY, JR.
Representative, District 48

Representatives C. Levesque, Metts, Inman, Dennigan, Rabideau, Long, Bramley, Montanaro, Walter, Benson, Barr, Lopes, Hetherington and Lally discuss the amendment.

The motion to amend is read and prevails on a roll call vote, 56 members voting in the affirmative and 42 members voting in the negative as follows:

YEAS - 56; The Honorable Speaker Harwood and Representatives Anderson, S., Barr, Cambio, Campbell, Carpenter, Carter, Caruolo, Coelho, Faria, Farrell, Ferguson, Flaherty, Fox, Garvey, Giannini, Henseler, Iwuc, Jacquard, Kelso, Kennedy, Kilmartin, Lally, Lanri, Levesque, C., Little, Lopes, Lowe, Malik, Martineau, McCauley, McGowan, McNamara, Menard, Mesoella, Metts, Montalbano, Moura, Munschy, Naughton, Palangio, Palumbo, Fires, Pisaturo, Quick, Reilly, Rose, Russo, Salisbury, San Bento, Shavers, Sherlock, Simonian, Slater, Voccola, Winfield.

NAYS - 42; Representatives Aiken-Salandria, Ajello, Amaral, Anderson, M., Anreveno, Barone, Benoit, Benson, Bierman, Bramley, Burlingame, Callahan, Carroll, Castro, Cicilline, Coderre, Crowley, Dennigan, DeSimone, Fleury, George, Ginaitt, Heffner, Hetherington, Iannitelli, Inman, Kelley, Levesque, G., Lima, Long, Millard, Montanaro, Panciera, Picard, Rabideau, Scott, Smith, Walter, Wasylyk, Watson, Williams, Williamson.

Read and passed, as amended, on a roll call vote, 96 members voting in the affirmative and 4 members voting in the negative as follows:

YEAS - 96; The Honorable Speaker Harwood and Representatives Aiken-Salandria, Ajello, Amaral, Anderson, S., Anzeveno, Barone, Barr, Benoit, Bierman, Bramley, Burlingame, Callahan, Cambio, Campbell, Carpenter, Carroll, Carter, Caruolo, Castro, Cicilline, Coderre, Coelho, Costantino, Crowley, Dennigan, DeSimone, Faria, Farrell, Ferguson, Flaherty, Fleury, Fox, Garvey, George, Giannini, Ginaitt, Heffner, Henseler, Hetherington, Iannitelli, Inman, Iwuc, Jacquard, Kelley, Kelso, Kennedy, Kilmartin, Lally, Lanzi, Levesque, C., Levesque, G., Lima, Little, Lopes, Lowe, Malik, Martineau, McCauley, McGowan, McNamara, Menard, Mesoella, Metts, Millard, Montalbano, Montanaro, Moura, Munschy, Murphy, Naughton, Palangio, Palumbo, Panciera, Picard, Fires, Pisaturo, Quick, Rabideau, Reilly, Rose, Russo, Salisbury, San Bento, Scott, Shavers, Sherlock, Simonian, Slater, Smith, Voccola, Wasylyk, Watson, Williams, William-son, Winfield.

NAYS - 4: Representatives Anderson, M., Benson, Long, Walter.

3. (98-H 8158) (Substitute "A") An Act relating to state affairs and government - DCYF records - confidentiality of records.

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

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, on motion of Representative Cicilline, seconded by Representatives Benoit, Slater, Giannini, Fox, Cambio, Ginaitt, Hetherington and Coderre, on a roll call vote, 96 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 96; The Honorable Speaker Harwood and Representatives Aiken-Salandria, Ajello, Amaral, Anderson, M., Anderson, S., Anzeveno, Barone, Barr, Benson, Bierman, Bramley, Burlingame, Callahan, Cambio, Campbell, Carpenter, Carroll, Carter, Caruolo, Castro, Cicilline, Coderre, Coelho, Costantino, Crowley, Dennigan, DeSimone, Faria, Farrell, Ferguson, Flaherty, Fleury, Fox, Garvey, George, Giannini, Ginaitt, Heffner, Henseler, Hetherington,

Iannitelli, Iwuc, Jacquard, Kelley, Kelso, Kennedy, Kilmartin, Lally, Lanzi, Levesque, C., Levesque, G., Lima, Little, Long, Lopes, Lowe, Malik, Martineau, McCauley, McGowan, McNamara, Mesolella, Metts, Millard, Montalbano, Montanaro, Moura, Munschy, Murphy, Naughton, Palangio, Palumbo, Fanciera, Picard, Fires, Pisaturo, Rabideau, Reilly, Rose, Russo, Salisbury, San Bento, Scott, Shavers, Sherlock, Simonian, Slater, Smith, Voccola, Walter, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS -0.

4. (98-H 7675) An Act relating to labor and labor relations- arbitration of school teacher disputes.

Committee on Labor recommends passage.

Read, and by unanimous consent, ordered to be placed on the Calendar for Tuesday, May 12, 1998.

5. (98-H 7977 as amended) An Act relating to public utilities and carriers - duties of utilities and carriers.

Committee on Corporations recommends passage as amended.

Read, and by unanimous consent, ordered to be placed on the Calendar for Tuesday, May 12, 1998.

6. (98-H 7555) An Act relating to food and drugs - uniform controlled substances act.

Committee on Health, Education and Welfare recommends passage.

Representative Benoit moves passage of the act, seconded by Representatives Slater, Pisaturo, Cicilline, Hetherington, G. Levesque, Shavers, Costantino, Ajello, Ginaitt and Kelley.

By unanimous consent, Representative Fox, seconded by Representatives Kilmartin, Cicilline, Pisaturo, Lopes, Slater, Ajello and AikenSalandria, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(98-H 7555)

Mr. Speaker:

I hereby move to amend 98 -- H 7555, entitled "AN ACT RELATING TO FOOD AND DRUGS -- UNIFORM CONTROLLED SUBSTANCES ACT", as follows:

By deleting all of the language after the enacting clause and substituting the following language therefor:

SECTION 1. Section 21-28-4.04 of the General Laws in Chapter 21-28 entitled "Uniform Controlled Substances Act" is hereby amended to read as follows:

21-28-4.04. Prohibited acts D -- Penalties -- Hypodermic instruments. -- (1) No person except a manufacturer, wholesaler, or dealer in hypodermic instruments, health care facility, practitioner, embalmer, nurse acting under the

direction and supervision of a practitioner, common carrier or messenger engaged in the transportation, or employee of a hospital or laboratory acting under the direction of its superintendent or officer in immediate charge, shall at any time knowingly have or knowingly possess a hypodermic needle or syringe or any instrument or implement adapted for subcutaneous injection unless such possession be authorized by:

(a) In the case of use in the healing arts, the certificate of a practitioner which he or she may, subject to the rules and regulations of the director of health, issue to a patient under his or her immediate charge; and

(b) In the case of use in the industrial arts, the certificate of the director of health which he or she may, after appropriate investigation into the methods, techniques, and security of use, issue to the superintendent or officer in immediate charge, of the process. Certificates shall be issued in the form prescribed and furnished by the director of health and any certificate so issued may be revoked at any time by the director.

(c) In the case of use in conjunction with a pilot program for the exchange of hypodermic needles and syringes established by the department of health for the purpose of reducing the transmission of human immunodeficiency virus (HIV), pursuant to section 23-11-19, the certificate of the director of health which he or she may, after appropriate investigation into the methods, techniques and security of distribution, issue to the participants of the program. Certificates shall be issued in the form prescribed and furnished by the director of health and any certificate so issued may be revoked at any time by the director.

(2) No person may sell any of the instruments specified in this section without first having obtained a license to do so from the director of health.

(a) Every sale shall be made subject to the rules and regulations of the director of health. A record shall be kept by the persons selling the syringe, needle, or instrument, which shall give the date of sale, the name and address of the purchaser, and a description of the instrument.

(b) This record shall include all such needles, syringes, or instruments received and shall at all times be open to inspection by the director of health, by the authorized agents of the director, and by the police authorities and police officers of the cities and towns.

(c) Excess, undesired, and contaminated needles, syringes, or instruments shall be destroyed subject to rules and regulations of the director of health.

~~(3) Any person who violates this section shall be sentenced to a term of imprisonment for not more than five (5) years or a fine of not more than three thousand dollars (\$3,000); and for each subsequent offense by a term of imprisonment for not more than five (5) years or a fine of not more than five thousand dollars (\$5,000). With respect to the requirements governing the possession and use of hypodermic instruments it shall be deemed a compliance with this section if the parties to the transaction have complied with the laws of the state in which they reside.~~

(3) Any person who violates this section shall be guilty of a misdemeanor and may be punished by a fine not to exceed one hundred dollars (\$100) and/or be required to attend a course as described in subsection (b) of this section.

(a) The district courts in the applicable jurisdictions shall establish procedures for payment of said fines by mail.

(b) A person convicted of violating this section may be assigned to attend a course of instruction relating to the effects of the misuse of drugs, including alcohol and controlled substances. Such instruction may include counseling on the legal, medical, psychological and social effects of drug use and abuse. Such course shall consist of a minimum of five (5) hours and a maximum of ten (10) hours of instruction and counseling. Upon completion of the assigned course the instructor shall notify the court in writing of such completion and the notification shall be made a part of the court record. Any person failing to complete such course within thirty (30) days after the assignment shall be assessed a civil fine in an amount not to exceed one hundred dollars (\$100).

SECTION 2. This act shall take effect upon passage.

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

AN ACT

RELATING TO FOOD AND DRUGS -- UNIFORM CONTROLLED SUBSTANCES ACT

This act would reduce the penalties for possession of hypodermic instruments.

This act would take effect upon passage.

Respectfully submitted,

GORDON FOX

Representative, District 5

Representatives Palumbo and Fox discuss the amendment.

The motion to amend is read and prevails on a roll call vote, 76 members voting in the affirmative and 12 members voting in the negative as follows:

YEAS - 76: The Honorable Speaker Harwood and Representatives Aiken-Salandria, Ajello, Amaral, Anderson, S., Anreveno, Barone, Barr, Benoit, Benson, Bierman, Bramley, Burlingame, Cambio, Campbell, Carpenter, Carroll Carter, Caruolo, Cicilline, Coderre, Coelho, Costantino', Crowley, Dennigan, Ferguson, Flaherty, Fleury, Fox, Garvey, Ginaitt, Heffner, Hetherington, Iannitelli, Kelley, Kelso, Kennedy, Kilmartin, Lanzi, Levesque, C., Lima, Little, Long, Lopes, Lowe, McCauley, McGowan, McNamara, Mesolella, Montalbano, Montanaro, Moura, Munschy, Murphy, Naughton, Panciera, Fires, Pisaturo, Quick, Rabideau, Rose, Russo, Salisbury, San Bento, Scott, Shavers, Sherlock, Slater Smith, Voccola, Walter, Watson, Williams, Williamson,' Winfield.

NAYS - 12: Representatives Anderson, M., DeSimone, George, Giannini, Henseler, Iwuc, Levesque, G., Metts, Millard, Palumbo, Reilly, Simonian.

Read and passed, as amended, on a roll call vote, 74 members voting in the affirmative and 16 members voting in the negative as follows:

YEAS - 74: The Honorable Speaker Harwood and Representatives Aiken-Salandria, Ajello, Amaral, Anderson, S., Anzeveno, Barone, Barr, Benoit, Benson, Bierman, Bramley, Burlingame, Cambio, Campbell, Carpenter, Carroll, Carter, Caruolo, Castro, Cicilline, Coderre, Coelho, Costantino, Crowley, Dennigan, Faria, Ferguson, Flaherty, Fleury, Fox, Garvey, Ginaitt, Heffner, Hetherington, Iannitelli, Kelley, Kelso, Kennedy, Kilmartin, Levesque, C., Levesque, G., Lima, Little, Long, Lopes, Lowe, Malik, McCauley, McGowan, Mesolella, Montalbano, Moura, Munschy, Murphy, Naughton, Panciera, Fires, Pisaturo, Quick, Rabideau, Rose, Russo, Salisbury, Scott, Shavers, Slater, Smith, Voccola, Walter, Watson, Williams, Williamson, Winfield.

NAYS - 16: Representatives Anderson, M., IDeSimone, George, Giannini, Henseler, Iwuc, Lanri, McNamara, Metts, Millard, Montanaro, Palumbo, Picard, Reilly, Simonian, Wasylyk.

7. (98-H 7911) (Substitute "A") An Act relating to state affairs and government - open meetings.

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

Representative Heffner moves passage of the act, seconded by Representatives Dennigan, Picard, Cicilline and

Winfield.

By unanimous consent, Representative C. Levesque, seconded by Representatives Ajello, G. Levesque and Shavers, offers a written motion to amend.

Representatives Cambio and Heffner discuss the amendment.

Read, and by unanimous consent, ordered to be placed on the bottom of the Calendar as item number 10A.

8. (98-H 7888) (Substitute "A") An Act relating to access to public records.

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

Read, and by unanimous consent, ordered to be placed on the bottom of the Calendar as item number 10B.

AFFIDAVIT

I, Joseph McNamara, State
Representative, District 29, hereby under oath, depose and say:

1. I expect to be called upon, in my capacity as State Representative, to participate in the consideration of, and vote upon: (98-H 7363) An Act relating to education.

2. I have the following interest in the matter listed under paragraph 1, above: As Health and Wellness Coordinator for the Pawtucket School Dept. I could be directly involved in grant funding for a charter nopal.

3. 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 McNAMARA
Representative, District 29

State of Rhode Island
County of Providence

Subscribed and sworn to before me this 5th day of May, A.D. 1998.

DONALD O. REILLY, JR.
Notary Public

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

JOHN B. HARWOOD
Speaker of the House
of Representatives

CALENDAR

9. (98-H 7363) An Act relating to education.

Committee on Health, Education and Welfare recommends passage.

Representative Benoit moves passage of the act, seconded by Representatives Burlingame, Walter, Crowley, Kelley, Picard, Barone and Coelho.

By unanimous consent, Representative Benoit, seconded by Representatives Cicilline, Burlingame, Crowley and Walter, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(98-H 7363)

Mr. Speaker:

I hereby move to amend (98-H 7363) entitled "AN ACT RELATING TO EDUCATION" as follows:

- 1.** On page 2, line 30, by adding the words "in accordance with paragraph,(h) of this section" after the word "organizations-
- 2.** On page 3, between lines 25 and 26, by adding the following language: "(g) All charter schools shall adhere to financial recordkeeping, reporting, auditing requirements, and procedures, in the same manner as required of local public school districts and in accordance with federal and state laws and regulations. (h) Any nonprofit organization which seeks to establish a charter school must submit its financial records and financial plan for operating the school to the auditor general, who shall review the records, the financial plan, and the financial integrity of the organization. No application for a charter school from a nonprofit organization may be considered by the board of regents until the auditor general has approved the financial plan and financial recordkeeping system and is satisfied that the nonprofit organization is financially responsible. The auditor general shall notify the board of regents, the commissioner of elementary and secondary education, and the speaker of the house of representatives of the findings. The auditor general shall have the authority to review charter schools on an annual basis or require the charter school to have an annual certified audit in accordance with the same federal and state standards that are applicable to local public school districts. If as a result of any annual audit the auditor general believes there are financial irregularities, the auditor general shall withdraw the original approval and the board of regents shall withdraw its approval for the charter school to continue operation." On page 8, line 18, be deleting the words "created at an existing public school" after the word "school".

Respectfully submitted,

NANCY BENOIT
Representative, District 64

Representatives Benoit and Moura discuss the amendment.

The motion to amend is read and prevails on a roll call vote, 89 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 89: The Honorable Speaker Harwood and Representatives Aiken-Salandria, Ajello, Amaral, Anderson, M., Anderson, S., Anzeveno, Barone, Barr, Benoit, Benson, Bierman, Bramley, Burlingame, Callahan, Cambio, Campbell, Carpenter, Carter, Caruolo, Castro, Cicilline, Coderre, Coelho Costantino, Crowley, Dennigan, DeSimone, Faria,

Farrell', Ferguson, Flaherty, Fleury, Fox, Garvey, George, Giannini, Ginaitt, Heffner, Henseler, Hetherington, Iannitelli, Iwuc, Kelley, Kennedy, Kilmartin, Lally, Lanzi, Levesque, C., Lima, Little, Long, Lopes, Lowe, Malik, Martineau, McGowan, Metts, Millard, Montalbano, Montanaro, Moura, Munschy, Murphy, Naughton, Falangio, Falumbo, Panciera, Ficard, Fires, Pisaturo, Quick, Rabideau, Reilly, Rose, Salisbury, San Bento, Shavers, Sherlock, Simonian, Slater, Smith, Voccola, Walter, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS -0.

By unanimous consent, Representative Benoit, seconded by Representatives Ajello, Benson, Burlingame, Cicilline, Castro, Walter and Kelley, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(98-H 7363)

Mr. Speaker:

I hereby move to amend (98-H 7363) entitled "AN ACT RELATING TO EDUCATION" as follows:

(1) On page 1, line 6, by inserting the word "established" before the words "Rhode Island".

(2) On page 2, line 30, by inserting the word "established" before the words "Rhode Island".

(3) On page 2, line 30, by inserting the words such nonprofit organizations shall have existed for at least two (2) years and must exist for a substantial reason other than to operate a school" after the word "organizations"

Respectfully submitted,

NANCY BENOIT
Representative, District 64

Representatives C. Levesque, Benoit and Crowley discuss the amendment.

The motion to amend is read and prevails on a roll call vote, 91 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 91: The Honorable Speaker Harwood and Representatives Aiken-Salandria, Ajello, Amaral, Anderson, M., Anderson, S., Anzeveno, Barone, Barr, Benoit, Benson, Bierman, Bramley, Burlingame, Callahan, Cambio, Campbell, Carpenter, Carroll, Caruolo, Castro, Cicilline, Coderre, Coelho, Costantino, Crowley, Dennigan, IBeSimone, Faria, Farrell, Ferguson, Flaherty, Fleury, Fox, Garvey, George, Giannini, Ginaitt, Heffner, Henseler, Hetherington, Iannitelli, Iwuc, Kelley, Kelso, Kennedy, Kilmartin, Lally, Lanzi, Levesque, C., Lima, Little, Long, Lopes, Lowe, Malik, Martineau, McCauley, McGowan, Mesolella, Metts, Millard, Montalbano, Montanaro, Moura, Munschy, Murphy, Naughton, Falangio, Falumbo, Fanciera, Ficard, Fisaturo, Reilly, Rose, Russo, Salisbury, San Bento, Scott, Shavers, Sherlock, Simonian, Slater, Smith, Voccola, Walter, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS -0.

Representatives Crowley and George discuss the act.

NOW PRESIDING

At 6:40 o'clock P.M. the Honorable Speaker yields the rostrum to the Honorable Deputy Speaker.

CALENDAR

Representatives M. Anderson, Metts, Ferguson, Barr, Barone, Lima, C. Levesque, Cambio, S. Anderson and Benoit discuss the act.

NOW PRESIDING

At 7:23 o'clock P.M. the Honorable Deputy Speaker yields the rostrum to the Honorable Speaker.

CALENDAR

Representative Smith discusses the act.

Representative Heffner rises on a point of order for Representative Smith to speak germane to the act.

The Honorable Speaker rules for Representative Smith to speak germane to the act.

Representative Smith continues discussion on the act.

Representatives Burlingame, Moura, Castro, Montanaro, Dennigan and Caruolo discuss the act.

Read and passed, as amended, on a roll call vote, 48 members voting in the affirmative and 47 members voting in the negative as follows:

YEAS - 48: The Honorable Speaker Harwood and Representatives Aiken-Salandria, Ajello, Amaral, Barone Benoit, Benson, Bierman, Burlingame, Callahan, Cambio, Campbell, Carpenter, Caruolo, Castro, Cicilline, Coelho, Costantino, Crowley, Dennigan, Fleury, Garvey, George, Heffner, Iannitelli, Kelley, Little, Long, Lopes, Lowe, Martineau, Mesolella, Metts, Millard, Munschy, Palangio, Ficard, Fires, Quick, Rabideau, Rose, Salisbury, Scott, Shavers, Walter, Watson, Williams, Winfield.

NAYS - 47: Representatives Anderson, M., Anderson, S., Anzeveno, Barr, Bramley, Carroll, Coderre, DeSimone, Faria, Farrell, Ferguson, Flaherty, Fox, Giannini, Ginaitt, Henseler, Hetherington, Inman, Iwuc, Kennedy, Kilmartin, Lally, Lanzi, Levesque, C., Levesque, G., Lima, Malik, McCauley, McGowan, Menard, Montalbano, Montanaro, Moura, Murphy, Naughton, Falumbo, Fanciera, Fisaturo, Reilly, Russo, San Bento, Sherlock, Simonian, Smith, Voccola, Wasylyk, Williamson. On suggestion of the Majority Leader, and by unanimous consent, the remainder of the Calendar is continued to Wednesday, May 6, 1998.

TRANSMITTAL

By unanimous consent, all matters on the Clerk's desk are ordered to be transmitted to His Excellency, the Governor, and to the Honorable Senate forthwith, with the exception of (98-H 7120) (Substitute "A").
(98-H 7120) (Substitute "A") An Act relating to towns and cities - low and moderate income housing.

ANNOUNCEMENTS

Representative Garvey announces that the Joint Committee on Highway Safety will meet tomorrow at 2:00 o'clock P.M. in the Senate Lounge of the State House.

Also:

Representative Pires announces that the Committee on Finance will continue its hearing today at the rise of the House in Room 35 of the State House.

Also:

Representative Faria announces that the Committee on Labor will not meet today at the rise of the House.

Also:

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

ADJOURNMENT

At 8:03 o'clock P.M. on motion of Representative Costantino, and as a further mark of respect to the memory of Raymond Berarducci, Sr.; on motion of Representative Barr, and as a further mark of respect to the memory of Raymond Hansen, Sr.; on motion of Representative Henseler, and as a further mark of respect to the memory of Angus "Gus" Hebb, seconded by Representatives Caruolo and Salisbury, the House adjourns, on a unanimous rising vote.

LINDA McELROY
Recording Clerk

Appendix

INVOCATION

REPRESENTATIVE ANASTASIA P. WILLIAMS

Almighty God, our strength from day to day, keep each of us faithful to the claims of justice and freedom.Amen.

Appendix

CALENDAR

In order for Wednesday, May 6, 1998:

1. (98-H 8895) Joint Resolution memorializing Congress to amend title ten, United States Code relating to the compensation of retired military.

Committee on Finance recommends passage.

2. (98-H 7911) (Substitute "A") An Act relating to state affairs and government - open meetings.

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

3. (98-H 7888) (Substitute "A") An Act relating to access to public records.

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

4. (98-H 7820) An Act relating to workers' compensation insurance.

Committee on Labor recommends passage.

5. (98-H 8056) (Substitute "A") An Act relating to telecommunications.

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

6. (98-H 8401) (Substitute "A" as amended) An Act relating to towns and cities.

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

Appendix

CALENDAR

In order for Thursday, May 7, 1998:

1. (98-H 8797) An Act relating to civil and criminal procedure.

Committee on Judiciary recommends passage.

2. (98-H 8364) An Act relating to real estate -titles.

Committee on Judiciary recommends passage.

3. (98-H 7752) An Act relating to labor -wages.

Committee on Labor recommends passage. - 4. (98-H 7995) An Act relating to alcoholic beverages retail licenses.

Committee on Special Legislation recommends passage.

5. (98-H 7996) An Act relating to alcoholic beverages - general provisions.

Committee on Special Legislation recommends passage.

6. (98-H 7585) An Act relating to criminal offenses - crime against nature.

Committee on Judiciary recommends passage.

7. (98-H 8244) An Act relating to Rhode Island Resource Recovery Corporation.

Committee on Corporations recommends passage.

8. (98-H 8945) (Substitute "A") House Resolution respectfully requesting the Director of the Rhode Island Economic Development Corporation to create a special board of distinguished Rhode Island citizens to study the use of the port and airport at Quonset Point/ Davisville.

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

9. (98-H 8647) An Act relating to commercial law general regulatory provisions.

Committee on Corporations recommends passage.

10. (98-H 8334) An Act relating to state building code.

Committee on Corporations recommends passage.

11. (98-H 8253) An Act relating to businesses and professions.

Committee on Corporations recommends passage.

12. (98-H 8365) An Act relating to single license procedure act.

Committee on Corporations recommends passage.

13. (98-H 8186) An Act relating to casualty insurance generally.

Committee on Corporations recommends passage.

14. (98-H 8100) An Act relating to elevators, escalators and dumbwaiters.

Committee on Corporations recommends passage.

15. (98-H 8009) An Act relating to public utilities.

Committee on Corporations recommends passage.

16. (98-H 7590) (Substitute "A" as amended) An Act relating to insurance coverage - genetic testing.

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

17. (98-H 8024) (Substitute "A") An Act relating to insurance drug coverage.

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

18. (98-H 7180) An Act relating to health and safety - bicycle helmets. Joint Committee on Highway Safety recommends passage.

19. (98-H 7621) An Act relating to bicycles -helmets. Joint Committee on Highway Safety recommends passage.

20. (98-H 7577) An Act relating to bicycle helmets. Joint Committee on Highway Safety recommends passage.

21. (98-H 7331) An Act relating to motor and other vehicles. Joint Committee on Highway Safety recommends passage.

22. (98-H 8185) (Substitute "A") Joint Resolution creating a special legislative commission to study permitting providersponsored health care networks to contract directly for health care services.

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

23. (98-H 8993) An Act relating to the town of Burrillville- home rule charter - elections.

Committee on Corporations recommends passage.

24. (98-H 7979) An Act relating to health and safety.

Committee on Corporations recommends passage.

25. (98-S 3002) (Substitute "A" as amended) An Act relating to motor and other vehicles -automobile theft insurance fraud.

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

26. (98-S 2451) (Substitute "A" as amended) An Act relating to insurance - single license procedure act.

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

Appendix

CALENDAR

In order for Tuesday, May 12, 1998:

1. (98-H 8223) An Act relating to the administrative procedures act.

Committee on Judiciary recommends passage.

2. (98-H 7675) An Act relating to labor and labor relations arbitration of school teacher disputes.

Committee on Labor recommends passage.

3. (98-H 7977 as amended) An Act relating to public utilities and carriers - duties of utilities and carriers.

Committee on Corporations recommends passage as amended.

Appendix

CALENDAR

In order for Thursday, May 14, 1998:

1. (98-H 7689) An Act relating to public property and works- authorizing the transfer of property in the town of North Kingstown to the Rhode Island Economic Development Corporation.

Committee on Corporations recommends passage.

Appendix

CALENDAR

In order for Tuesday, May 19, 1998:

1. (98-H 8033) An Act relating to businesses and professions- shows and exhibitions.

Committee on Judiciary recommends passage.

LOUIS D'ANTUONO

Reading Clerk

Tuesday, May 5, 1998

As always, your [comments](#) concerning this page are welcomed and appreciated.

Thank you for stopping by!

