

State of Rhode Island and Providence Plantations

JOURNAL
-OF THE-
HOUSE OF REPRESENTATIVES

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

Volume 132, No. 50

Thursday May 19, 2005

Fiftieth Day

The House of Representatives meets at the State House in Providence, Thursday, May 19, 2005 and is called to order at 4:08 o'clock P.M., by the Honorable William J. Murphy, Speaker.

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

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

ABSENT – 2: Representatives Moffitt, Smith.

INVOCATION

The Honorable Speaker presents Bishop Robert E. Mulvee 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 18, 2005 is approved as printed.

ANNOUNCEMENTS

Representative Moffitt will be unable to attend session today, May 19, 2005. He will be attending his daughter's graduation.

The Honorable Speaker congratulates Bishop Robert E. Mulvee on his retirement on May 31, 2005 from the Diocese of Providence. On behalf of Majority Leader Fox, Minority Leader Watson and the entire House of Representatives, the Honorable Speaker presents the Bishop with a photograph of the State House, and a set of House cuff links. The Speaker announces the State House photograph is on the desk for signatures.

AT EASE

At 4:17 o'clock P.M. the Honorable Speaker declares the House to be at ease for the signing of the State House photograph, and resolution.

CALLED TO ORDER

At 4:38 o'clock P.M. the Honorable Speaker calls the House to order.

**REPORTS OF COMMITTEES
COMMITTEE ON CORPORATIONS**

Representative Kennedy, for the Committee on Corporations, reports back the following measure, with recommendation of passage:

House Bill No. 6371

BY Coderre E, San Bento, O'Neill, McManus, Rose

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY - DOGS

(Pawtucket/annual license fee/dogs) {LC3040/1}

05/19/2005 Placed on House Calendar

House Bill No. 6405

BY Coderre E, Kilmartin, San Bento, Dennigan, O'Neill

ENTITLED, AN ACT EXEMPTING FROM TAXATION THE REAL, MIXED AND

PERSONAL PROPERTY OF BLACKSTONE VALLEY COMMUNITY ACTION

PROGRAM, INC. OF PAWTUCKET {LC3103/1}

05/19/2005 Placed on House Calendar

House Bill No. 6438 SUB A (by request)

BY McHugh, Lewiss

ENTITLED, AN ACT RELATING TO VOTING

BY NONRESIDENT PROPERTY OWNERS IN THE TOWN OF WESTERLY (amend its

Home Rule Charter) {LC3130/1/A}

05/19/2005 Placed on House Calendar

House Bill No. 6480 SUB A as amended

BY Schadone

ENTITLED, AN ACT RELATING TO SPORTS, RACING, AND ATHLETICS (amend certain provisions relative to boxing, insurance for boxing contestants and the weight of boxing gloves) {LC3285/1/A}

05/19/2005 Placed on House Calendar

Senate Bill No. 41 SUB A

BY Walaska, Bates, Alves

ENTITLED, AN ACT RELATING TO INSURANCE -- CLAIMS ADJUSTERS (permit experienced adjusters not licensed in RI to engage in emergency insurance adjustment work for losses in RI) {LC518/1/A}

05/19/2005 Placed on House Calendar

Senate Bill No. 95

BY Tassoni, Cote, Doyle, Badeau, Damiani

ENTITLED, AN ACT RELATING TO MOTOR VEHICLES - EMERGENCY VEHICLES (roadside service vehicles to display flashing amber lights / motorists required to reduce speed) {LC724/1}

05/19/2005 Placed on House Calendar

Senate Bill No. 96

BY Algieri

ENTITLED, AN ACT RELATING TO TAXATION -- ELDERLY EXEMPTION -- TOWN OF WESTERLY (limit the real property tax exemption/Westerly/elderly) {LC605/1}

05/19/2005 Placed on House Calendar

Senate Bill No. 210 SUB A

BY Walaska, Bates

ENTITLED, AN ACT RELATING TO INSURANCE -- CONTINUING EDUCATION REQUIREMENTS (reduce number of years from 25 to 20 to persons over 55 who hold an insurance license to qualify for continuing education exemption) {LC1194/1/A}

05/19/2005 Placed on House Calendar

Senate Bill No. 290 SUB A

BY Tassoni, Fogarty P, Cote

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS (registration of businesses in the town of North Smithfield) {LC1774/1/A}

05/19/2005 Placed on House Calendar

Senate Bill No. 337 (Attorney General)

BY Polisena

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - RHODE ISLAND RESOURCE RECOVERY CORPORATION (authorize the attorney general to bring an action/ban on dumping out of state waste at the Central Landfill) {LC1048/1}

05/19/2005 Placed on House Calendar

Senate Bill No. 421 SUB A

BY Cote, Paiva-Weed, Felag, Montalbano J, Perry

ENTITLED, AN ACT RELATING TO INSURANCE - INDIVIDUAL HEALTH INSURANCE COVERAGE (amount of time in which a health insurance carrier may not provide coverage in the individual market after the carrier elects to discontinue coverage) {LC375/1/A}

05/19/2005 Placed on House Calendar

Senate Bill No. 489 (Business Regulation)

BY Bates

ENTITLED, AN ACT RELATING TO INSURANCE (late fees) {LC1698/1}

05/19/2005 Placed on House Calendar

Senate Bill No. 495

BY Doyle

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS -- UNFAIR SALES PRACTICES (exclude prepaid wireless telephone service from the law regarding sales of gift certificates) {LC2219/1}

05/19/2005 Placed on House Calendar

Senate Bill No. 548 SUB A (Business Regulation)

BY Bates, Walaska

ENTITLED, AN ACT RELATING TO INSURANCE -- UNFAIR COMPETITION AND PRACTICES (notice to all commercial insureds at renewal when premium or coverage changes) {LC1720/2/A}

05/19/2005 Placed on House Calendar

Senate Bill No. 550

BY Perry, Goodwin, McCaffrey, Tassoni, McBurney

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- DUTIES OF UTILITIES AND CARRIERS (definition of "renewable energy resources ") {LC2100/1}

05/19/2005 Placed on House Calendar

Senate Bill No. 778 SUB A

BY Roberts, Pichardo

ENTITLED, AN ACT RELATING TO INSURANCE -- NONPROFIT HOSPITAL SERVICE CORPORATIONS (self- funded groups for excess losses incurred) {LC1956/1/A}

05/19/2005 Placed on House Calendar

Senate Bill No. 779

BY Walaska, Bates

ENTITLED, AN ACT RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES (clarify insured being intoxicated/under the influence of narcotic not limit the liability of an insurer under a medical expense policy) {LC2372/1}

05/19/2005 Placed on House Calendar

Senate Bill No. 816

BY Roberts, Gibbs, Tassoni, Perry

ENTITLED, AN ACT RELATING TO INSURANCE -- NONPROFIT HOSPITAL AND MEDICAL SERVICE CORPORATIONS (permit physicians to serve on committees dealing with physician reimbursement) {LC1959/1}

05/19/2005 Placed on House Calendar

Senate Bill No. 927

BY Algieri

ENTITLED, AN ACT RELATING TO THE WESTERLY FIRE DISTRICT {LC2425/1}

05/19/2005 Placed on House Calendar

Senate Bill No. 951 SUB A as amended

BY DaPonte

ENTITLED, AN ACT RELATING TO MOTOR VEHICLES - INSPECTIONS (mandate that motor vehicle inspection facilities have in place a garage keeper's legal liability insurance policy) {LC2741/1/A}

05/19/2005 Placed on House Calendar

Senate Bill No. 978

BY Raptakis, Blais, Breene

ENTITLED, AN ACT AUTHORIZING MR. AND MRS. GEORGE BROWN TO COMPLETE THE STRUCTURE AT 41 PARK LANE IN THE TOWN OF COVENTRY {LC2796/1}

05/19/2005 Placed on House Calendar

Senate Bill No. 987

BY Gibbs, Paiva-Weed, Perry

ENTITLED, AN ACT AMENDING THE CHARTER OF THE UNITED CONGREGATIONAL CHURCH {LC2745/1}

05/19/2005 Placed on House Calendar

Senate Bill No. 1015 SUB A

BY Walaska, Bates, Paiva-Weed, Polisena

ENTITLED, AN ACT RELATING TO INSURANCE -- PRODUCER LICENSING ACT (rules for compensation disclosure) {LC2995/1/A}

05/19/2005 Placed on House Calendar

Senate Bill No. 1055

BY Levesque C

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF W&H REALTY CORP. {LC3151/1}

05/19/2005 Placed on House Calendar

Senate Bill No. 1056**BY** Levesque C**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF EASTERN FISH FARMS INC. {LC3152/1}

05/19/2005 Placed on House Calendar

COMMITTEE ON JUDICIARY

Representative Flaherty, for the Committee on Judiciary, reports back the following measure, with recommendation of passage:

House Bill No. 6387**BY** Gallison**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC3054/1}

05/19/2005 Placed on House Calendar

Senate Bill No. 189**BY** Tassoni**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC1123/1}

05/19/2005 Placed on House Calendar

NEW BUSINESS**House Resolution No. 6506****BY** Murphy, Moura, Faria, Kilmartin, Giannini**ENTITLED**, HOUSE RESOLUTION CONGRATULATING BISHOP ROBERT E. MULVEE ON THE OCCASION OF HIS RETIREMENT AS BISHOP OF THE CATHOLIC DIOCESE OF PROVIDENCE {LC3352/1}

Representative Flaherty requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Flaherty seconded by Representatives Giannini, Naughton, Menard, Sullivan, Pacheco, Coderre, McNamara, Gallison, Carter and several other members of the House by unanimous consent, on a voice vote.

House Bill No. 6507**BY** Menard, Moran, Singleton**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF CUMBERLAND TO FINANCE THE CONSTRUCTION OF ADDITIONS, RENOVATIONS, IMPROVEMENTS, ALTERATIONS AND REPAIRS TO THE HIGH SCHOOL IN THE TOWN, THE EQUIPPING AND FURNISHING THEREOF AND THE PURCHASE AND INSTALLATION OF INFORMATION TECHNOLOGY INFRASTRUCTURE IN SCHOOLS AND SCHOOL FACILITIES IN THE TOWN**BY THE ISSUANCE OF NOT MORE THAN \$30,000,000 BONDS AND/OR NOTES THEREFOR** {LC3260/1}

05/19/2005 Introduced, referred to House Finance

House Bill No. 6508**BY** Dennigan**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC3291/1}
05/19/2005 Introduced, referred to House Judiciary**House Bill No. 6509****BY** Lima, Coderre E**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC3305/1}
05/19/2005 Introduced, referred to House Judiciary**House Bill No. 6510****BY** Ginaitt, Anguilla, Crowley, McNamara, Naughton**ENTITLED**, AN ACT RELATING TO TAXATION -- SALES AND USE TAXES --
ENFORCEMENT AND COLLECTION {LC3320/1}
05/19/2005 Introduced, referred to House Finance**House Bill No. 6511****BY** Handy, Slater, Williams, Coderre E, Almeida**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- DUTIES
OF UTILITIES AND CARRIERS {LC3318/1}
05/19/2005 Introduced, referred to House Corporations**House Bill No. 6512****BY** Menard, Singleton, Moran**ENTITLED**, AN ACT RELATING TO TAXATION - REAL PROPERTY EXEMPTIONS IN
CUMBERLAND {LC3343/1}
05/19/2005 Introduced, referred to House Corporations**House Resolution No. 6513****BY** Winfield, Petrarca, Brien T, Landroche, Gemma**ENTITLED**, HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO
STUDY THE COLLECTION OF FEES**BY** DEPARTMENTS OF STATE {LC3297/1}

05/19/2005 Introduced, referred to House Finance

House Bill No. 6514**BY** Church, Shanley, Naughton, Rose, Pacheco**ENTITLED**, AN ACT RELATING TO JOBS GROWTH {LC3313/1}

05/19/2005 Introduced, referred to House Finance

House Bill No. 6515**BY** Carter**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - FIRE ALARM SYSTEMS
{LC3262/1}

05/19/2005 Introduced, referred to House Corporations

CALENDAR

From the Calendar are taken:

IN ORDER FOR THURSDAY, MAY 19, 2005:**1 2005-H 5640****BY Lewiss****ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - UNDERAGE POSSESSION**

Committee on Judiciary recommends passage.

Representative Lewiss moves passage of the act, seconded by Representatives San Bento, Rice, and Lima.

Representative Lewiss, seconded by Representative Lima offers a written motion to amend.

**FLOOR AMENDMENT
TO
2005 -- H 5640****AN ACT RELATING TO ALCOHOLIC BEVERAGES - UNDERAGE POSSESSION**

Mr. Speaker:

I hereby move to amend 2005 -- H 5640, entitled "AN ACT RELATING TO ALCOHOLIC BEVERAGES - UNDERAGE POSSESSION", as follows:

On page 1, lines 3 through 12 by deleting all language in its entirety and inserting in place thereof the following:

"3-8-10. Possession of beverage by underage persons. -- (a) Any person who has not reached his or her twenty-first (21st) birthday and has in his or her possession any beverage as defined in this title shall be fined one hundred fifty dollars (\$150) to seven hundred fifty dollars (\$750) for the first offense, three hundred dollars (\$300) to seven hundred fifty dollars (\$750) for the second offense, and four hundred fifty dollars (\$450) to seven hundred fifty dollars (\$750) for the third or subsequent offense. In addition, any person who violates this section may be required to perform community service and shall be subject to a minimum sixty (60) day suspension of his or her driver's license, and upon a second offense may be ordered to undergo a substance abuse assessment by a licensed substance abuse professional."

On page 2, between lines 10 and 11 by inserting the following: "(d) this section does not apply to persons between the ages of sixteen (16) and twenty-one (21) who are transporting unopened alcoholic beverages in the course of their employment."

Respectfully submitted,

Representative Lewiss

Representatives Lewiss and Caprio discuss the amendment.

The motion to amend prevails on a roll call vote 68 members voting in the affirmative and 0 members voting in the negative as follows:

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

NAYS - 0.

Representative Lewiss, seconded by Representative Watson offers an oral motion to amend.

Representative Fox requests to hold the oral amendment.

Read, and by unanimous consent, ordered to be placed on the bottom of the Calendar as item #8A.

2 2005-H 5305

BY Ginaitt

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- SALE OF WATER

Committee on Corporations recommends passage.

Read, and by unanimous consent, ordered to be placed on the Calendar for Thursday, June 2, 2005.

3 2005-H 5911 SUB A

BY Ginaitt

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- MERCURY
REDUCTION AND EDUCATION ACT

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

Representative Ginaitt moves passage of the act, seconded by Representatives Shanley, Naughton, O'Neill, Anguilla, Savage, Moura, Long, Amaral Ehrhardt, Caprio, Sullivan, Melo, Ajello, Pacheco, Handy, Rice, and Flaherty.

Representative Ginaitt seconded by Representatives Gallison, Sullivan, Amaral, Story, O'Neill, Kilmartin, Moura, Savage, Long, and Pacheco offers a written motion to amend.

**FLOOR AMENDMENT
TO
2005 -- H 5911 SUBSTITUTE A**

AN ACT RELATING TO HEALTH AND SAFETY -- MERCURY REDUCTION AND
EDUCATION ACT

Mr. Speaker:

I hereby move to amend 2005 -- H 5911 SUBSTITUTE A, entitled "AN ACT RELATING TO HEALTH AND SAFETY -- MERCURY REDUCTION AND EDUCATION ACT", as follows:

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

"SECTION 1. Sections 23-24.9-9 and 23-24.9-10 of the General Laws in Chapter 23-24.9 entitled "Mercury Reduction and Education Act" are hereby amended to read as follows:

23-24.9-9. Disposal ban. -- (a) After July 1, 2005, no person shall dispose of mercury-added products in a manner other than by recycling or disposal as hazardous waste. Mercury from mercury-added products may not be discharged to water, wastewater treatment, and wastewater disposal systems except when it is done in compliance with local, state, and federal applicable requirements.

(b) If a formulated mercury-added product is a cosmetic or pharmaceutical product subject to the regulatory requirements relating to mercury of the federal food and drug administration, then the product is exempt from the requirements of this section.

(c) This section shall not apply to: (1) anyone who disposes of a mercury-added button cell battery; or (2) mercury-added components as contained in motor vehicles except as provided in section 23-24.9-10(b)(2) and in accordance with such regulations as may be adopted by the department in order to achieve the purposes of section 23-24.9-10(b)(2); and (3) households disposing of lamps and products containing lamps.

23-24.9-10. Collection of mercury-added products. -- (a) After July 1, 2005, no mercury-added product shall be offered for final sale or use or distribution for promotional purposes in Rhode Island unless the manufacturer either on its own or in concert with other persons has submitted a plan for a convenient and accessible collection system for such products when the consumer is finished with them and the plan has received approval of the director. Where a mercury-added product is a component of another product, the collection system must provide for removal and collection of the mercury-added component or collection of both the mercury-added component and the product containing it.

(b) (1) This section shall not apply to the collection of mercury-added button cell batteries or mercury-added lamps or products where the only mercury contained in the product comes from a mercury-added button cell battery or a mercury-added lamp; and

~~(2) This section shall not apply to motor vehicles.~~

(2) Mercury-added components in motor vehicles at end-of-life shall be collected and recycled as provided in this subsection. Significant, willful failure to comply with rules and/or regulations to implement the provisions of this section shall constitute, as may be determined by the department, a violation of the ban established in section 23-24.9-9. No scrap recycling facility or other person that receives a flattened, crushed or baled end-of-life vehicle shall be deemed to be in violation of subsection 23-24.9-10(b)(2) and rules and regulations pursuant

thereto or section 23-24.9-9 if a mercury switch is found in the vehicle after its acquisition.

For the purposes of subsection, 23-24.9-10(b)(2) the following terms shall have the following meanings: (i) "Capture rate" means the annual removal, collection, and recovery of mercury switches, as a percentage of the total number of mercury switches available for removal from end-of-life vehicles as determined by the Department of Environmental Management. Capture rate shall not include mercury switches that are inaccessible due to significant damage to the motor vehicle in the area where the mercury switch is located; (ii) "Mercury added component" or "Mercury switch" means a mercury-added convenience light switch assembly or capsule from an end-of-life motor vehicle; (iii) "Scrap recycling facility" means a fixed location where machinery and equipment are utilized for processing and manufacturing scrap metal into prepared grades and whose principal product is scrap iron, scrap steel, or nonferrous metallic scrap for sale for remelting purposes; and (iv) "Vehicle recycler" means an individual or entity licensed under the provisions of section 42-14.2-3 that engages in the business of acquiring, dismantling, parts recycling from, or destroying six (6) or more end-of-life vehicles in a calendar year.

(A) Manufacturers of motor vehicles sold in Rhode Island that contain mercury switches shall, individually or collectively, establish and implement a collection program for mercury switches to achieve a capture rate of not less than fifty percent (50%) for calendar year 2006, and not less than seventy percent (70%) for calendar year 2007 and each calendar year thereafter through calendar year 2017. The collection program shall be subject to the following requirements:

(i) On or before September 1, 2005, manufacturers of motor vehicles subject to the collection program requirement shall submit to the department a plan setting forth a proposed collection program. At a minimum, the plan shall:

(I) Explain how capture rate requirements are anticipated to be met through implementation of the plan;

(II) Ensure that mercury switches collected are managed in accordance with the universal waste rules adopted by the department;

(III) Provide the department and scrap recycling facilities and vehicle recyclers with information, training and other technical assistance required to facilitate removal and recycling of mercury switches in accordance with the universal waste rules;

(IV) Make available to the public information concerning services to remove mercury switches in motor vehicles;

(V) The proposed collection program plan shall be subject to the review and approval of the department, which may require adjustments or modifications to the plan.

(ii) By January 1, 2006, manufacturers of motor vehicles subject to the collection program requirement shall implement a collection program plan approved by the department; and

(iii) For the calendar quarter ending March 31, 2006, and each calendar quarter thereafter, not later than forty-five (45) days following the close of the calendar quarter, manufacturers of motor vehicles subject to the collection program requirement shall provide quarterly implementation reports to the department, which reports shall include the number of mercury switches collected and the amount of mercury collected and recycled through the collection program. The report shall further include, but not be limited to: a detailed description and documentation of the capture rate.

(B) In the event that the program set forth in subsection 23-24.9-10(b)(2)(A), does not

achieve the specified capture rates for any calendar year, the department shall develop, issue, administer and enforce regulation compelling the manufacturers of motor vehicles sold in Rhode Island that contain mercury switches to undertake a collection program as set forth in this subsection, 23-24.9-10(b)(2)(B). Provided, however, that if the department shall determine that the failure to achieve the required capture rate in any year was the result of a force-majeure, the department may extend the program established pursuant to subsection 23-24.9-10(b)(2)(A) for a period of not less than one calendar quarter and not greater than the number of whole calendar quarters equal to the number of calendar quarters affected by the force-majeure and shall substitute the capture rates achieved in such calendar quarter(s) for the captures rates achieved in the calendar quarter(s) affected by the force-majeure; the department shall recalculate the annual capture rate for the year affected by the force-majeure using the substitute calendar quarter(s) to determine whether the annual capture rate requirements set forth in subsection 23-24.9-10(b)(2)(A) were met. The total cost of the removal, replacement, collection and recovery system for mercury switches, under this subsection, 23-24.9-10(b)(2)(B), shall be borne by the manufacturer or manufacturers. The total cost shall include, but not be limited to, the following:

(i) A minimum of three dollars (\$3.00) for each mercury switch removed by a vehicle recycler or by a scrap recycling facility, as partial compensation for the labor and other costs incurred in the removal of the mercury switch, to be paid to the vehicle recycler or the scrap recycling facility that removed the switch;

(ii) One dollar (\$1.00) for each mercury switch removed by a vehicle recycler or by a scrap recycling facility to be paid to the department as partial compensation to the department for costs incurred in administering and enforcing the provisions of this subchapter and providing services related thereto which may include but shall not be limited to:

- (I) Training;
- (II) Packaging in which to transport mercury switches to recycling, storage or disposal facilities;
- (III) Shipping of mercury switches to recycling, storage or disposal facilities;
- (IV) Recycling, storage or disposal of the mercury switches;
- (V) Public education materials and presentations; and
- (VI) Maintenance of appropriate systems and procedures to protect the environment from mercury contamination.

(3) The provisions of subsection 23-24.9-10(b)(2) shall satisfy collection programs and disposal requirements for mercury switches for all motor vehicles sold in the state. SECTION 2. This act shall take effect upon passage."

Respectfully submitted,

REPRESENTATIVE PETER GINAITT

Representatives Watson, Ginaitt, and Long, discuss the amendment.

The motion to amend prevails on a roll call vote 71 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 71: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey,

Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Shanley, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Voccola, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

Representatives Moura and Trillo 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, 69 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 69: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Shanley, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Voccola, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

REQUEST

Representative Carter requests the journal to reflect that if he had voted on (05-H 5911 SUB Aaa), he would have voted in the affirmative.

4 2005-H 6430

BY Malik

ENTITLED, AN ACT RELATING TO VETERANS' AFFAIRS

Ordered on the Calendar

Representative Fox moves to commit to the Committee on Veterans' Affairs seconded by Representative Kilmartin.

Read and committed to the Committee on Veterans' Affairs.

5 2005-H 5717

BY Malik

ENTITLED, AN ACT RELATING TO LABOR RELATIONS ACT

Committee on Labor recommends passage.

Read, and by unanimous consent, ordered to be placed on the Calendar for Thursday, May 26, 2005.

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

Committee on Labor recommends passage.

Representative Moura moves passage of the act, seconded by Representatives Kilmartin and Faria.

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

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

NAYS - 0.

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

Committee on Labor recommends passage.

Representative Moura moves passage of the act, seconded by Representatives Faria, and Diaz.

Representative Mumford, seconded by Representative Moura offers an oral motion to amend.

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

YEAS - 67: Representatives Ajello, Almeida, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Shanley, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Voccola, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

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

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

NAYS - 0.

8 2005-H 5649 SUB A

BY Moura

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS --
EMPLOYMENT OF WOMEN AND CHILDREN

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

Read, and by unanimous consent, ordered to be placed on the Calendar for Tuesday, May 24, 2005.

8A 2005-H 5640

BY Lewiss

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - UNDERAGE
POSSESSION

Committee on Judiciary recommends passage.

The act has been moved and seconded supra.

Representative Lewiss withdraws the oral amendment.

Representatives Picard, Lewiss and Flaherty discuss the act as amended.

Read, and by unanimous consent, ordered to be placed on the Calendar for Wednesday, May 25, 2005.

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.

ANNOUNCEMENTS

Representative Carter congratulates his intern, James P, DeCastro, Jr., who attends Bishop Connolly High School in Fall River, Massachusetts. James who is in grade 11, was awarded on Wednesday, May 18, 2005 the Math Excellent Award for Outstanding Achievement in Algebra, for having the highest GPA (grade point average).

Representative Melo and the Honorable Speaker Murphy wish a Happy Birthday to Representative Henry C. Rose and also a Happy Birthday to his wife Diane.

Representative Ucci, Giannini, and Voccola rise to wish Best of Luck to Peter Manfredo Jr. on being one of the final fighters in "The Contender" which is being aired on television on Tuesday, May 24, 2005.

Representatives Landroche, Williamson, and Gemma congratulate Caitlin Costello on being inducted into the World Language Honor Society at West Warwick High School.

PERSONAL PRIVILEGE

Representative Schadone rises on a point of personal privilege in regards to a radio talk show.

ADJOURNMENT

At 5:07 o'clock P.M. on motion of Representatives Crowley and Jackson, and as a further mark of respect to the memory of Ryan Reynolds; on motion of Representative Naughton, and as a further mark of respect to the memory of Veronica Jordan; on motion of Representative Williamson and as a further mark of respect to the memory of John Palazzo; on motion of Representative Amaral, and as a further mark of respect to the memory of Arthur Welchman; on motion of Representative Carter, and as a further mark of respect to the memory of Earl "Bud" Downey seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX**INVOCATION****BISHOP ROBERT E. MULVEE**

Loving God, in your goodness you have fashioned each one of us.

We are all your children and today we ask you to continue to bless us, our work, our families and loved ones.

We ask you to bless in a particular way our state legislators. Give them your wisdom and guidance as they represent and serve all the people of Rhode Island. May these elected officials be examples of cooperation and mutual respect in their deliberations.

May they discharge their duties with honesty and ability and always seek to build a just and life-giving society where families may thrive, the poor may have hope fulfilled, and the sick, the aged and the unborn may be treated with dignity as persons.

Strengthen these officials by your spirit to carry out their mission of changing the world, or some definite part of it, for the better.

Give each of us a true appreciation of the blessings that you have given to us and inspire us to share them with others. Help us all to overcome violence and discord by promoting harmony and peace in our homes, our community and in the world. Bless all the people of Rhode Island.

Help us to exercise the justice that you desire, dear God, and to be ever generous in our commitment and response to those in need.

Keep us in your providential care both now and forever.

APPENDIX

CALENDAR

IN ORDER FOR TUESDAY, MAY 24, 2005:

1 2005-H 5649 SUB A**BY Moura****ENTITLED,** AN ACT RELATING TO LABOR AND LABOR RELATIONS --
EMPLOYMENT OF WOMEN AND CHILDREN

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

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

Committee on Judiciary recommends passage.

3 2005-H 5089 SUB A**BY Gallison****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES

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

IN ORDER FOR WEDNESDAY, MAY 25, 2005:

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

Committee on Judiciary recommends passage.

2 2005-H 5349**BY Anguilla****ENTITLED,** AN ACT RELATING TO CRIMINAL PROCEDURE -- ARREST

Committee on Judiciary recommends passage.

3 2005-H 5316 SUB A**BY O'Neill****ENTITLED,** AN ACT RELATING TO THE PUBLIC UTILITIES AND CARRIERS

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

4 2005-H 6160**BY Faria****ENTITLED,** HOUSE RESOLUTION CREATING A SPECIAL HOUSE
COMMISSION TO STUDY AUTO BODY AND SALVAGE SHOPS

Committee on Labor recommends passage.

5 2005-H 5627 SUB A**BY Lima****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLESCommittee on Judiciary recommends indefinite postponement of the original bill and
passage of Substitute A.**6 2005-H 6371****BY Coderre E****ENTITLED,** AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -
DOGS

Committee on Corporations recommends passage.

7 2005-H 6405**BY Coderre E****ENTITLED,** AN ACT EXEMPTING FROM TAXATION THE REAL, MIXED
AND PERSONAL PROPERTY OF BLACKSTONE VALLEY
COMMUNITY ACTION PROGRAM, INC. OF PAWTUCKET

Committee on Corporations recommends passage.

8 2005-H 6438 SUB A**BY McHugh****ENTITLED,** AN ACT RELATING TO VOTING BY NONRESIDENT PROPERTY
OWNERS IN THE TOWN OF WESTERLYCommittee on Corporations recommends indefinite postponement of the original bill
and passage of Substitute A.**9 2005-H 6480 SUB A as amended****BY Schadone****ENTITLED,** AN ACT RELATING TO SPORTS, RACING, AND ATHLETICSCommittee on Corporations recommends indefinite postponement of the original bill
and passage of Substitute A as amended.

10 2005-H 6387**BY Gallison****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

11 2005-S 41 SUB A**BY Walaska****ENTITLED,** AN ACT RELATING TO INSURANCE -- CLAIMS ADJUSTERS

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

12 2005-S 95**BY Tassoni****ENTITLED,** AN ACT RELATING TO MOTOR VEHICLES - EMERGENCY VEHICLES

Committee on Corporations recommends passage in concurrence.

13 2005-S 96**BY Algieri****ENTITLED,** AN ACT RELATING TO TAXATION -- ELDERLY EXEMPTION -- TOWN OF WESTERLY

Committee on Corporations recommends passage in concurrence.

14 2005-S 210 SUB A**BY Walaska****ENTITLED,** AN ACT RELATING TO INSURANCE -- CONTINUING EDUCATION REQUIREMENTS

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

15 2005-S 290 SUB A**BY Tassoni****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS

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

16 2005-S 337**BY Polisena****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY - RHODE ISLAND RESOURCE RECOVERY CORPORATION

Committee on Corporations recommends passage in concurrence.

17 2005-S 421 SUB A**BY Cote****ENTITLED, AN ACT RELATING TO INSURANCE - INDIVIDUAL HEALTH INSURANCE COVERAGE**

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

18 2005-S 489**BY Bates****ENTITLED, AN ACT RELATING TO INSURANCE**

Committee on Corporations recommends passage in concurrence.

19 2005-S 495**BY Doyle****ENTITLED, AN ACT RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS -- UNFAIR SALES PRACTICES**

Committee on Corporations recommends passage in concurrence.

20 2005-S 548 SUB A**BY Bates****ENTITLED, AN ACT RELATING TO INSURANCE -- UNFAIR COMPETITION AND PRACTICES**

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

21 2005-S 550**BY Perry****ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- DUTIES OF UTILITIES AND CARRIERS**

Committee on Corporations recommends passage in concurrence.

22 2005-S 778 SUB A**BY Roberts****ENTITLED, AN ACT RELATING TO INSURANCE -- NONPROFIT HOSPITAL SERVICE CORPORATIONS**

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

23 2005-S 779**BY Walaska****ENTITLED,** AN ACT RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES

Committee on Corporations recommends passage in concurrence.

24 2005-S 816**BY Roberts****ENTITLED,** AN ACT RELATING TO INSURANCE -- NONPROFIT HOSPITAL AND MEDICAL SERVICE CORPORATIONS

Committee on Corporations recommends passage in concurrence.

25 2005-S 927**BY Algieri****ENTITLED,** AN ACT RELATING TO THE WESTERLY FIRE DISTRICT

Committee on Corporations recommends passage in concurrence.

26 2005-S 951 SUB A as amended**BY DaPonte****ENTITLED,** AN ACT RELATING TO MOTOR VEHICLES - INSPECTIONS

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

27 2005-S 978**BY Raptakis****ENTITLED,** AN ACT AUTHORIZING MR. AND MRS. GEORGE BROWN TO COMPLETE THE STRUCTURE AT 41 PARK LANE IN THE TOWN OF COVENTRY

Committee on Corporations recommends passage in concurrence.

28 2005-S 987**BY Gibbs****ENTITLED,** AN ACT AMENDING THE CHARTER OF THE UNITED CONGREGATIONAL CHURCH

Committee on Corporations recommends passage in concurrence.

29 2005-S 1015 SUB A**BY Walaska****ENTITLED,** AN ACT RELATING TO INSURANCE -- PRODUCER LICENSING ACT

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

30 2005-S 1055**BY Levesque C****ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF W&H REALTY CORP.

Committee on Corporations recommends passage in concurrence.

31 2005-S 1056**BY Levesque C****ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF EASTERN FISH FARMS INC.

Committee on Corporations recommends passage in concurrence.

32 2005-S 189**BY Tassoni****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

IN ORDER FOR THURSDAY, MAY 26, 2005:**1 2005-H 5717****BY Malik****ENTITLED,** AN ACT RELATING TO LABOR RELATIONS ACT

Committee on Labor recommends passage.

2 2005-H 5759 SUB A**BY Kilmartin****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS - SUNDAY BUSINESS

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

3 2005-H 6192**BY Jacquard****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- REFUSE DISPOSAL

Committee on Environment and Natural Resources recommends passage.

IN ORDER FOR TUESDAY, MAY 31, 2005:

1 2005-H 6167

BY Kilmartin

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
CERTIFICATES OF TITLE AND SECURITY INTERESTS

Committee on Corporations recommends passage.

IN ORDER FOR THURSDAY, JUNE 2, 2005:

1 2005-H 5305

BY Ginaitt

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- SALE OF WATER

Committee on Corporations recommends passage.

Louis D'Antuono
Clerk of the House

Thursday, May 19, 2005