

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 sixth day of January in the year of Our Lord two thousand and four.

Volume 131, No. 4

Tuesday, January 13, 2004

Fourth Day

The House of Representatives meets at the State House in Providence, Tuesday, January 13, 2004 and is called to order at 4:18 o'clock P.M., by the Honorable William J. Murphy, Speaker

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

PRESENT – 70: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anderson, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Enos, Faria, Flaherty, Fox, Gallison, Giannini, Ginaitt, Gorham, Handy, Harwood, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Lowe, Malik, McCauley, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Moura, Mumford, Naughton, Palumbo, Petrarca, Picard, Reilly, Rose, Savage, Schadone, Scott, Shanley, Slater, Story, Tejada, Trillo, Voccola, Wasyluk, Watson, Williams, Williamson, Winfield.

ABSENT – 5: Representatives Coogan, San Bento, Shavers, Sherlock, Smith.

INVOCATION

The Honorable Speaker presents Representative Dennigan 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 Thursday, January 8, 2004, is approved as printed.

ANNOUNCEMENT

Representative Maxine L. Shavers will be unable to attend session today, January 13, 2004, due to illness.

GUESTS

Representative Aubin welcomes to the House Chambers as guests, and congratulates the Burrillville High School 2003 Football Division III State Champions as follows: Andrew C. Duquette, Ryan D. St. Pierre, Ryan M. Coffey, Dwayne M. Hedquist, Captain, Jesse V. Dubey, Steven P. Detonnancourt, Lee M. Sulham, Glenn B. Oakes, Thomas J. Cross, Nicholas F. Cook, Kraig K. Keegan, Taylor C. Cook, William M Carpenter, Kenneth M. Strobel, Joseph D. Bellini, Captain, Justin M. Tetreault, David D. Giorgi, Captain, Thomas V. Smith Jr., Eric G. Nadeau, Jeffrey P. Fontaine, Marc Laurent, Tyler M. Lapiere, Joseph Makowski, Nicholas R. Silva, Jared S. Knowlton, Matthew R. Bisson, Ian R. Ross, Joseph Green, Francis A. Silva, Edward J. Blanchard, Nicholas A. Sionni, Captain, Kevin M. Allard, Russell W. Miclette, Ryan R. Leclair, Benjamin Jenness, Robert E. Bonczek, Adam P. Bisson, Eric J. Mckellick, Jeffrey D. Baker Jr., Derek M. Riendeau, Steven C. Hauser, Brett M. Hereth, Mitchell E. Jenness, Christopher E. Schabowski, Shawn C. McConnell, Christopher B. Estrada, Timothy G. Schabowski, Matthew J. Lariviere

Head Coach: Michael Hauser, Assistant Coaches Gennaro Ferraro, David Hebert, Steve Pichie, Gregory Sulham, Nunzio Vuono, Richard G. Trogisch, Peter J. Berthelette, and Nicholas Horne.

The Honorable Speaker Murphy, and Representative Lowe also congratulate the Burrillville State Champions.

REPORTS OF COMMITTEES**TRANSFER OF BILLS**

Representative Kennedy, for the Committee on Corporations, reports back the following measures, with recommendation of transfer to the Committee on Finance:

House Bill **No. 7017**

BY Picard

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES

{LC223/1}

01/13/2004 Committee recommended referral to House Finance

House Bill No. 7045

BY Amaral, Savage, McManus, Long, Moffitt

ENTITLED, AN ACT RELATING TO TAXATION - PROPERTY TAX RELIEF

{LC11/1}

01/13/2004 Committee recommended referral to House Finance

House Bill No. 7055

BY Brien T, Picard, Laroche, Lowe, Menard

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS

{LC659/1}

01/13/2004 Committee recommended referral to House Finance

Representative Kennedy, for the Committee on Corporations, reports back the following measures, with recommendation of transfer to the Committee on Separation of Powers

House Bill No. 7013

BY Picard

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- QUASI-PUBLIC CORPORATIONS

{LC184/1}

01/13/2004 Committee recommended referral to House Separation of Powers

NEW BUSINESS

House Bill No. 7123

BY Gorham, Mumford, Moffitt, Reilly

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- LOW AND MODERATE INCOME HOUSING {LC751/1}

Representative Gorham requests unanimous consent for immediate consideration.

There is no objection.

Representative Gorham moves the act seconded by Representative Scott, and the Republican Caucus.

Representatives Menard, Gorham, and Majority Leader Fox discuss the act.

Majority Leader Fox objects to immediate consideration.

Read and referred to the committee on Corporations.

House Resolution No. 7124**BY** Carter, McHugh, Flaherty, Aubin, Moran**ENTITLED**, HOUSE RESOLUTION PROCLAIMING JANUARY 14, 2004 TO BE "COMMUNITY COLLEGE OF RHODE ISLAND ALUMNI DAY" IN THE STATE OF RHODE ISLAND {LC736/1}

Representative Carter requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Carter seconded by Representatives Gallison, Benson, Moran, Faria, Moura, Mumford, and Cerra and by unanimous consent, on a voice vote.

House Resolution No. 7125**BY** Malik, Anguilla**ENTITLED**, HOUSE RESOLUTION CONGRATULATING PETER SEPE ON BEING NAMED "RECREATION CHAIRMAN EMERITUS"**BY** THE TOWN OF WARREN {LC776/1}

Representative Malik requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Malik seconded by Representatives Anguilla, and Rose and by unanimous consent, on a voice vote.

House Resolution No. 7126**BY** Malik, Anguilla**ENTITLED**, HOUSE RESOLUTION CONGRATULATING RAYMOND J. AGUIAR (POSTHUMOUSLY) ON BEING NAMED ELECTRICAL INSPECTOR EMERITUS {LC773/1}

Representative Malik requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Malik seconded by Representatives McNamara and Dennigan, and by unanimous consent, on a voice vote.

House Resolution No. 7127**BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC796/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

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

House Resolution No. 7128**BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC795/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

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

House Bill No. 7129**BY** Laroche, Enos, Coderre E, Almeida, Aubin**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS {LC389/1}

01/13/2004 Introduced, referred to House Corporations

House Bill No. 7130**BY** Naughton**ENTITLED**, AN ACT RELATING TO INSURANCE-NONPROFIT DENTAL SERVICE CORPORATIONS {LC634/1}

01/13/2004 Introduced, referred to House Corporations

House Bill No. 7131**BY** Naughton, Giannini, Lewiss, Crowley**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS {LC388/1}

01/13/2004 Introduced, referred to House Corporations

House Bill No. 7132**BY** Naughton, Giannini, Cerra, Lewiss, Shavers**ENTITLED**, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS -- NONPROFIT CORPORATIONS {LC123/1}

01/13/2004 Introduced, referred to House Corporations

House Bill No. 7133**BY** Giannini, Gallison, Cerra, McNamara, Ginaitt**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW -- UNFAIR SALES PRACTICES {LC401/1}

01/13/2004 Introduced, referred to House Corporations

House Bill No. 7134**BY** Petrarca**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- LOW AND MODERATE INCOME HOUSING {LC182/1}

01/13/2004 Introduced, referred to House Corporations

House Bill No. 7135**BY** Gallison, San Bento, Carter, Lewiss, Anguilla**ENTITLED**, AN ACT RELATING TO DISTRIBUTION OF CREDIT CARDS {LC22/1}

01/13/2004 Introduced, referred to House Corporations

House Bill No. 7136**BY** Lewiss, Winfield, Reilly, Malik, Shanley**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES --LOW AND MODERATE INCOME HOUSING {LC723/1}

01/13/2004 Introduced, referred to House Corporations

House Bill No. 7137**BY** Ginaitt, Lewiss, Giannini, McNamara, Dennigan**ENTITLED**, AN ACT RELATING TO TRAUMATIC BRAIN INJURY {LC496/1}

01/13/2004 Introduced, referred to House Finance

House Bill No. 7138 (Governor)**BY** Watson, Long, Scott, Moffitt, Mumford**ENTITLED**, AN ACT MAKING REVISED APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2004 {LC790/1}

01/13/2004 Introduced, referred to House Finance

House Bill No. 7139**BY** Gallison, San Bento, Carter, Lewiss, Winfield**ENTITLED**, AN ACT RELATING TO THE NATIONAL GUARD {LC37/1}

01/13/2004 Introduced, referred to House Finance

House Bill No. 7140**BY** Naughton, Crowley**ENTITLED**, AN ACT RELATING TO EDUCATION - - UNIVERSITY OF RHODE ISLAND {LC637/1}

01/13/2004 Introduced, referred to House Finance

House Bill No. 7141**BY** McNamara, Malik, Giannini, Ginaitt**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - CORRECTIONS DEPARTMENT {LC289/1}

01/13/2004 Introduced, referred to House Finance

House Bill No. 7142**BY** Ginaitt, Giannini, Dennigan, Reilly**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- NURSING ASSISTANTS {LC189/1}

01/13/2004 Introduced, referred to House Finance

House Bill No. 7143**BY** Dennigan, Anguilla, Slater, Williams, Ajello**ENTITLED**, AN ACT RELATING TO AFFORDABLE HOUSING -- ESTABLISHING A FUND TO SUPPORT NONPROFIT CORPORATIONS WHO PROVIDE OR DEVELOP AFFORDABLE HOUSING {LC361/1}

01/13/2004 Introduced, referred to House Finance

House Bill No. 7144**BY** Dennigan, Anguilla, Slater, Lewiss**ENTITLED**, AN ACT RELATING TO AFFORDABLE HOUSING -- ESTABLISHING A FUND TO SUPPORT NONPROFIT CORPORATIONS WHO PROVIDE OR DEVELOP AFFORDABLE HOUSING {LC379/1}

01/13/2004 Introduced, referred to House Finance

House Bill No. 7145**BY** Dennigan, Anguilla, Lewiss, Slater, Williams**ENTITLED**, AN ACT RELATING TO THE RHODE ISLAND HOUSING RESOURCES ACT OF 1998 {LC381/1}

01/13/2004 Introduced, referred to House Finance

House Bill No. 7146**BY** Shanley, Enos**ENTITLED**, AN ACT RELATING TO SALES TAX EXEMPTION {LC191/1}

01/13/2004 Introduced, referred to House Finance

House Bill No. 7147**BY** Giannini, Schadone, McNamara, Ginaitt, McHugh**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- KIDNAPPING {LC402/1}

01/13/2004 Introduced, referred to House Judiciary

House Bill No. 7148**BY** Giannini, Schadone, Cerra, Gallison, McNamara**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE {LC501/1}

01/13/2004 Introduced, referred to House Judiciary

House Bill No. 7149 (by request)**BY** Shanley**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- TRESPASS AND VANDALISM {LC422/1}

01/13/2004 Introduced, referred to House Judiciary

House Bill No. 7150**BY** Anguilla, Crowley, Lima, Ginaitt, Lewiss**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT- LOB BY ING OF STATE EMPLOYEES {LC642/1}

01/13/2004 Introduced, referred to House Judiciary

House Bill No. 7151**BY** Ginaitt, Lewiss, McNamara, Giannini, Dennigan**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - TAXATION AND TOBACCO - DELIVERY AND SALE OF TOBACCO PRODUCTS {LC395/1}

01/13/2004 Introduced, referred to House Judiciary

House Bill No. 7152**BY** Ginaitt, Lewiss, McNamara, Giannini, Dennigan**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - CRIMINALLY NEGLIGENT BATTERY {LC655/1}

01/13/2004 Introduced, referred to House Judiciary

House Bill No. 7153**BY** Petrarca, Moran**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- CRIMINAL INJURIES COMPENSATION {LC206/1}

01/13/2004 Introduced, referred to House Judiciary

House Bill No. 7154**BY** Giannini, Cerra, McNamara, Enos, Ajello**ENTITLED**, AN ACT RELATING TO SCHOOL COMMITTEES AND SUPERINTENDENTS -- MIDDLE SCHOOLS {LC413/1}

01/13/2004 Introduced, referred to House H.E.W.

House Bill No. 7155**BY** Giannini, Schadone, Gallison, McNamara, Ginaitt**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- CANCER PATIENTS -- TRANSPORTATION SERVICES {LC403/1}

01/13/2004 Introduced, referred to House H.E.W.

House Bill No. 7156**BY** McNamara, Giannini, Ginaitt, Ajello, Cerra**ENTITLED**, AN ACT RELATING TO HEALTH - DEFIBRILLATORS {LC299/1}

01/13/2004 Introduced, referred to House H.E.W.

House Resolution No. 7157**BY** Naughton, Giannini, Lewiss, Crowley**ENTITLED**, HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO PROMOTE AND DEVELOP A COMPREHENSIVE SYSTEM OF EDUCATION FOR THE VISUALLY IMPAIRED CHILDREN {LC249/1}

01/13/2004 Introduced, referred to House H.E.W.

House Bill No. 7158**BY** Savage, Amaral, Long, McManus**ENTITLED**, AN ACT RELATING TO EDUCATION -- ESTABLISHMENT OF CHARTER PUBLIC SCHOOLS {LC187/1}

01/13/2004 Introduced, referred to House H.E.W.

House Bill No. 7159**BY** Gallison, San Bento, Carter, Lewiss, Winfield**ENTITLED**, AN ACT RELATING TO EDUCATION - ESTABLISHMENT OF CHARTER SCHOOLS {LC34/1}

01/13/2004 Introduced, referred to House H.E.W.

House Bill No. 7160**BY** Shanley, Enos, Kennedy**ENTITLED**, AN ACT RELATING TO MANAGEMENT OF THE WITHDRAWAL AND USE OF THE WATERS OF THE STATE {LC421/1}

01/13/2004 Introduced, referred to House Environment and Natural Resources

House Bill No. 7161**BY** Ginaitt, Lewiss, McNamara, Dennigan**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION -- COASTAL RESOURCES MANAGEMENT COUNCIL {LC49/1}

01/13/2004 Introduced, referred to House Environment and Natural Resources

House Bill No. 7162**BY** Naughton, Carter**ENTITLED**, AN ACT RELATING TO PARKS AND RECREATIONAL AREAS -- GENERAL PROVISIONS {LC640/1}

01/13/2004 Introduced, referred to House Environment and Natural Resources

House Bill No. 7163**BY** Naughton, Crowley**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- AIR POLLUTION {LC638/1}

01/13/2004 Introduced, referred to House Environment and Natural Resources

House Bill No. 7164**BY** Gallison, San Bento, Carter, Lewiss, Anguilla**ENTITLED**, AN ACT RELATING TO COASTAL RESOURCES MANAGEMENT -- PERMITTING {LC32/1}

01/13/2004 Introduced, referred to House Environment and Natural Resources

House Bill No. 7165**BY** Gallison, San Bento, Carter, Lewiss, Anguilla**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - - HEALTH CARE FACILITIES STAFFING {LC20/1}

01/13/2004 Introduced, referred to House Labor

House Bill No. 7166**BY** Giannini, Handy**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC767/1}

01/13/2004 Placed on the House Consent Calendar

House Bill No. 7167

BY Story

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC753/1}

01/13/2004 Placed on the House Consent Calendar

TRANSMITTAL

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

REQUEST

Representative McNamara requests to exercise Rule 54 at the end of session. There is no objection.

ANNOUNCEMENTS

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

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

Representative Kilmartin announces that the Committee on House Rules will meet today, at the rise of the House, in Room 204 of the State House.

Majority Leader Fox announces the desk will remain open in order to receive committee reports.

ADJOURNMENT

At 4:38 o'clock P.M. on motion of Representative Moura, and as a further mark of respect to the memory of Julio Barros; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy

Recording Clerk

Appendix

INVOCATION

ELIZABETH M. DENNIGAN

Dear God, As this legislative sessions unfolds, help us to cultivate the qualities of cooperativeness and understanding in our dealings with all our fellow members, that we may do the work we were sent here to do in the best possible way. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR TUESDAY, JANUARY 20, 2004:

1 2004-H 7167

BY Story

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Ordered on the Calendar

2 2004-H 7166

BY Giannini

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Ordered on the Calendar

Louis D'Antuono
Clerk of the House

Tuesday, January 13, 2004