

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. 25

Wednesday, March 10, 2004

Twenty-fifth Day

The House of Representatives meets at the State House in Providence, Wednesday, March 10, 2004 and is called to order at 4:15 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 4 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, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Enos, Faria, Fox, Gallison, Giannini, Ginaitt, Gorham, Handy, 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, Shanley, Shavers, Slater, Smith, Story, Tejada, Trillo, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT – 4: Representatives Flaherty, Harwood, San Bento, Scott.

INVOCATION

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

(For Invocation, see Appendix, this Journal.)

APPROVAL OF RECORD

By unanimous consent, the House Journal of Tuesday, March 9, 2004, is approved as printed.

ANNOUNCEMENTS

Representative Caprio congratulates Susan and Alan Skiffington on the birth of their daughter Aleoa Marie Skiffington born February 9, 2004.

Representative Peter L. Lewis is hereby appointed as Chairman of the House Education Accountability Committee.

REPORTS OF COMMITTEES**TRANSFER OF BILLS**

Representative Flaherty, for the Committee on Judiciary, reports back the following measures, with recommendation of transfer to the Committee on Corporations

House Bill No. 8054

BY Moura, Dennigan, Rose, Savage, Ajello

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - ENERGY FACILITY SITING ACT {LC2413/1}

03/10/2004 Read and transferred to the House Committee on Corporations

Representative Corvese, for the Committee on Labor, reports back the following measures, with recommendation of transfer to the Committee on Corporations.

House Bill No. 7669

BY Montanaro, Anderson R, Winfield, Lowe, Menard

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- EXPLOSIVES - - SEISMIC LIMITS {LC2151/1}

03/10/2004 Read and transferred to the House Committee on Corporations

Representative Kennedy, for the Committee on Corporations, reports back the following measures, with recommendation of transfer to the Committee on Health, Education and Welfare.

House Bill No. 7503

BY Giannini, Naughton, Handy, Gallison, Enos

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- DISABILITY BUSINESS ENTERPRISES {LC411/1}

03/10/2004 Read and transferred to the House Committee on H.E.W.

House Bill No. 7929

BY Moura, Ajello

ENTITLED, AN ACT RELATING TO INSURANCE {LC111/1}

03/10/2004 Read and transferred to the House Committee on H.E.W.

House Bill No. 8123**BY** McHugh, Petrarca, Scott**ENTITLED**, AN ACT RELATING TO SCHOOL COMMITTEES AND SUPERINTENDENTS {LC2663/1}

03/10/2004 Read and transferred to the House Committee on H.E.W.

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

House Bill No. 7964**BY** Jacquard**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES {LC2574/1}

03/10/2004 Read and transferred to the House Committee on Finance

House Bill No. 7930**BY** Moura**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ECONOMIC DEVELOPMENT REPORTING {LC625/1}

03/10/2004 Read and transferred to the House Committee on Finance

House Bill No. 7770 (by request)**BY** Carter, Rose, Gallison, Anguilla, Lewiss**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT {LC1162/1}

03/10/2004 Read and transferred to the House Committee on Finance

House Bill No. 7497**BY** Lewiss, Kennedy, Costantino, Ginaitt, Anguilla**ENTITLED**, AN ACT RELATING TO INSURANCE -- AUTHORIZING HEALTH CARE PROVIDERS TO NEGOTIATE WITH HEALTH CARE INSURERS AND PROVIDING FOR THE POWERS AND DUTIES OF THE ATTORNEY GENERAL {LC1653/1}

03/10/2004 Read and transferred to the House Committee on Finance

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

House Bill No. 7701**BY** Menard, McManus, Petrarca**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- GENERAL POWERS {LC928/1}

03/10/2004 Read and transferred to the House Committee on Judiciary

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

House Bill No. 8037**BY** Kilmartin, Almeida, Corvese, Moura**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- FAIR EMPLOYMENT PRACTICES {LC666/1}

03/10/2004 Read and transferred to the House Committee on Labor

Representative Kennedy, for the Committee on Corporations, reports back the following measures, with recommendation of transfer to the Committee on House Veterans Affairs.

House Bill No. 8016**BY** Menard, Winfield, Brien T, Gallison, Carter**ENTITLED**, AN ACT RELATING TO TAXATION -- VETERANS' EXEMPTION {LC2660/1}

03/10/2004 Read and transferred to the House Committee on Veterans Affairs

COMMITTEE ON CORPORATIONS

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

Senate Bill No. 2470**BY** Caprio F**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF BOWLING GREEN, INC. {LC2433/1}

03/10/2004 Placed on House Calendar

Senate Bill No. 2847**BY** Ruggerio**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF ALMAN PRODUCTS, INC. {LC2553/1}

03/10/2004 Placed on House Calendar

NEW BUSINESS**House Bill No. 8268****BY** Menard, Petrarca, McManus**ENTITLED**, AN ACT RELATING TO HOMESTEAD EXEMPTIONS IN THE TOWN OF LINCOLN {LC2912/1}

03/10/2004 Introduced, referred to House Corporations

House Bill No. 8269**BY** Gallison, Enos, Anguilla, McNamara, Amaral**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS -- DECEPTIVE TRADE PRACTICES {LC2894/1}

03/10/2004 Introduced, referred to House Corporations

House Bill No. 8270**BY** Giannini, Dennigan, Handy**ENTITLED**, AN ACT RELATING TO AUTOMOBILE WRECKING AND SALVAGE YARDS {LC2814/1}

03/10/2004 Introduced, referred to House Corporations

House Bill No. 8271**BY** Murphy, Fox, Menard, Lima**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ABRAHAM LINCOLN BICENTENNIAL COMMISSION {LC2928/1}

03/10/2004 Introduced, referred to House Judiciary

House Resolution No. 8272**BY** Giannini, Dennigan, Handy**ENTITLED**, HOUSE RESOLUTION RESPECTFULLY URGING THE UNITED STATES CONGRESS TO REVISE CERTAIN PROVISIONS OF THE MEDICARE PRESCRIPTION DRUG, IMPROVEMENT AND MODERNIZATION ACT OF 2003 (HR-1) {LC2819/1}

03/10/2004 Introduced, referred to House Judiciary

House Bill No. 8273**BY** Lima**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS {LC2915/1}

03/10/2004 Introduced, referred to House Labor

By the agreement with the majority and the minority (04-H 8274) is ordered on the Calendar. There is no objection.

House Resolution No. 8274**BY** Gallison, Shavers, Carter, Anguilla, Rose**ENTITLED**, HOUSE RESOLUTION MEMORIALIZING CONGRESS TO SUPPORT THE REPEAL OF THE GOVERNMENT PENSION OFFSET AND THE WINDFALL ELIMINATION PROVISION {LC2906/1}

03/10/2004 Placed on House Calendar

House Resolution No. 8275**BY** Carter, Montanaro, Cerra, Rose, Moffitt**ENTITLED**, HOUSE RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL HOUSE COMMISSION TO STUDY THE FEASIBILITY OF DESIGNING A NEW VETERANS LICENSE PLATE {LC2935/1}

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, Moffitt, Aubin, Benson and by unanimous consent, on a voice vote.

House Resolution No. 8276

BY Carter, Montanaro, Cerra, Rose, Moffitt

ENTITLED, HOUSE RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL HOUSE COMMISSION TO UNDERTAKE A COMPREHENSIVE STUDY OF THE VETERANS HOME IN BRISTOL AND DEVELOP A MASTER PLAN FOR THE OVERALL FUTURE DIRECTION OF THE FACILITY {LC2936/1}

Representative Carter requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Carter seconded by Representatives Brien, Gallison, Benson, Aubin, Anguilla and by unanimous consent, on a voice vote.

House Resolution No. 8277

BY Naughton, Ginaitt, McNamara, Shavers, Carter

ENTITLED, HOUSE RESOLUTION PROCLAIMING THE MONTH OF MARCH, 2004 TO BE "SAVE YOUR VISION MONTH" IN THE STATE OF RHODE ISLAND {LC2941/1}

Representative Naughton requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Naughton seconded by Representative Shavers and many other members of the House and by unanimous consent, on a voice vote.

House Resolution No. 8278

BY Kilmartin, Handy, Carter, Crowley, Ajello

ENTITLED, HOUSE RESOLUTION RESPECTFULLY REQUESTING FLEETBOSTON AND BANK OF AMERICA EFFECT EMPLOYMENT SECURITY GUARANTEES FOR THE CITIZENS OF RHODE ISLAND EMPLOYED BY FLEETBOSTON {LC2737/1}

Representative Kilmartin requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Kilmartin seconded by Representative Coderre and many other members of the House and by unanimous consent, on a voice vote.

House Resolution No. 8279**BY** Winfield**ENTITLED**, HOUSE RESOLUTION CONGRATULATING PHILIP H. O'SHAN FOR BEING HONORED BY THE GREENVILLE BAPTIST CHURCH WITH THE STATUS OF "DEACON FOR LIFE" {LC2930/1}

Representative Winfield requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Winfield seconded by Representative Jacquard and many other members of the House and by unanimous consent, on a voice vote.

By the agreement with the majority and the minority (04-H 8280) and (04-H 8281) are ordered on the Calendar for Thursday, March 11, 2004. There is no objection..

House Resolution No. 8280**BY** Montanaro, Palumbo, Lima, Jacquard, Cerra**ENTITLED**, HOUSE RESOLUTION HERE**BY** REQUESTING THAT THE ELECTED LEADERS OF THE CITY OF CRANSTON REJECT THE RECOMMENDATIONS PROVIDED BY THE AUDITING FIRM OF CARROLL BURACKER AND ASSOCIATES {LC2944/1}

03/10/2004 Placed on House Calendar

House Resolution No. 8281**BY** Palumbo, Montanaro, Jacquard, Lima, McNamara**ENTITLED**, HOUSE RESOLUTION HERE**BY** REQUESTING THAT THE ELECTED LEADERS OF THE CITY OF CRANSTON REJECT THE RECOMMENDATIONS PROVIDED BY THE AUDITING FIRM OF CARROLL BURACKER AND ASSOCIATES {LC2943/1}

03/10/2004 Placed on House 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.

COMMUNICATION

The Honorable Speaker announces the following appointments:

March 10, 2004

TO THE HONORABLE, THE SECRETARY OF STATE:

I have the honor to inform you that pursuant to 2004-H-8181 of the Rhode Island General Laws, I hereby appoint:

Representative Kenneth Carter

to the Commission to Study the Ramifications of the Fire Safety Code.

Sincerely,

William J. Murphy
SPEAKER

March 10, 2004

TO THE HONORABLE, THE SECRETARY OF STATE:

I have the honor to inform you that pursuant to 2004-H-8181 of the Rhode Island General Laws, I hereby appoint:

Representative Peter T. Ginaitt

to the Commission to Study the Ramifications of the Fire Safety Code.

Sincerely,

William J. Murphy
SPEAKER

March 10, 2004

TO THE HONORABLE, THE SECRETARY OF STATE:

I have the honor to inform you that pursuant to 2004-H-8181 of the Rhode Island General Laws, I hereby appoint:

Representative Norman L. Landroche, Jr.

to the Commission to Study the Ramifications of the Fire Safety Code.

Sincerely,

William J. Murphy
SPEAKER

March 10, 2004

TO THE HONORABLE, THE SECRETARY OF STATE:

I have the honor to inform you that pursuant to 2004-H-8181 of the Rhode Island General Laws, I hereby appoint:

Representative Mathew J. McHugh

to the Commission to Study the Ramifications of the Fire Safety Code.

Sincerely,

William J. Murphy
SPEAKER

March 10, 2004

TO THE HONORABLE, THE SECRETARY OF STATE:

I have the honor to inform you that pursuant to 2004-H-8181 of the Rhode Island General Laws, I hereby appoint:

Representative Joseph A. Trillo

to the Commission to Study the Ramifications of the Fire Safety Code.

Sincerely,

William J. Murphy
SPEAKER

Received and placed on file.

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 Carter announces that the Committee on Finance will meet today, at the rise of the House, in Room 35 of the State House, for a budget briefing.

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

Representative Corvese announces that the Committee on Labor will meet today, at the rise of the House, in Room 201 of the State House.

Representative Coderre announces that the Committee on Separation of Powers will meet today, a half hour after the rise in Room 313 of the State House.

GUESTS

The Honorable Speaker Murphy introduced to the House Miss Ireland, Mary Ribiero, her parents Pat and John Ribiero, Mike O'Connell, the West Warwick St. Patrick's Day Parade Chairman, and Frank McCabe, President of the Friendly Sons of St. Patrick. The Speaker also welcomes Senator Stephen Alves who will serve as the Parade Grand Marshall.

ADJOURNMENT

At 4:30clock P.M. on motion of Representative Carter, and as a further mark of respect to the memory of Edwin A. Miller Sr.; on motion of Representative Giannini, and as a further mark of respect to the memory of The Honorable Robert Lynch, and Elaine Marchette on motion of Representative Shanley and as a further mark of respect to the memory of Michele Mattice seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy

Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE JOSEPH A TRILLO

Lord, we have been sent to these positions of responsibility by the people. Make us mindful that we are their servants. Give us the wisdom and energy to serve them honestly and well. Amen.

APPENDIX

CALENDAR

IN ORDER FOR THURSDAY, MARCH 11, 2004:

1 2004-H 7465

BY Moura

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

2 2004-H 7529

BY Shavers

ENTITLED, AN ACT RELATING TO THE SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

3 2004-H 8045

BY Gorham

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

4 2004-H 8143

BY Amaral

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

5 2004-H 8280

BY Montanaro

**ENTITLED, HOUSE RESOLUTION HEREBY REQUESTING THAT THE
ELECTED LEADERS OF THE CITY OF CRANSTON REJECT
THE RECOMMENDATIONS PROVIDED BY THE AUDITING FIRM
OF CARROLL BURACKER AND ASSOCIATES**

Ordered on the Calendar

6 2004-H 8281

BY Palumbo

ENTITLED, HOUSE RESOLUTION HEREBY REQUESTING THAT THE ELECTED LEADERS OF THE CITY OF CRANSTON REJECT THE RECOMMENDATIONS PROVIDED BY THE AUDITING FIRM OF CARROLL BURACKER AND ASSOCIATES

Ordered on the Calendar

IN ORDER FOR TUESDAY, MARCH 16, 2004:

1 2004-S 2470

BY Caprio F

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF BOWLING GREEN, INC.

Committee on Corporations recommends passage in concurrence.

2 2004-S 2847

BY Ruggerio

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF ALMAN PRODUCTS, INC.

Committee on Corporations recommends passage in concurrence.

IN ORDER FOR WEDNESDAY, MARCH 17, 2004:

1 2004-H 8274

BY Gallison

ENTITLED, HOUSE RESOLUTION MEMORIALIZING CONGRESS TO SUPPORT THE REPEAL OF THE GOVERNMENT PENSION OFFSET AND THE WINDFALL ELIMINATION PROVISION

Ordered on the Calendar

Louis D'Antuono
Clerk of the House