

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. 56

Wednesday, June 2, 2004

Fifty-sixth Day

The House of Representatives meets at the State House in Providence, Wednesday, June 2, 2004 and is called to order at 4:12 o'clock P.M., by the Honorable William J. Murphy, Speaker

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

PRESENT – 68: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Enos, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Long, Lowe, Malik, McCauley, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Moura, Mumford, Naughton, Petrarca, Picard, Reilly, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Slater, Smith, Story, Tejada, Trillo, Voccola, Wasyluk, Watson, Williamson, Winfield.

ABSENT – 7: Representatives Anderson, Ginaitt, Harwood, Lima, Palumbo, Scott, Williams.

INVOCATION

The Honorable Speaker presents Representative Winfield 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, June 1, 20004, is approved as printed.

ANNOUNCEMENT

Representative Charlene Lima will be absent from session today, Wednesday June 2nd, and Thursday, June 3rd due to family illness.

COMMUNICATION FROM THE SENATE

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

Senate Bill No. 3159**BY** Sheehan**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC3565/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, in concurrence, on a motion of Representative Fox seconded by Representative Menard, on a roll call vote with 66 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 66: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Enos, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Long, Lowe, Malik, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Moura, Mumford, Naughton, Petrarca, Picard, Reilly, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Slater, Smith, Story, Tejada, Trillo, Wasylyk, Watson, Williamson, Winfield.

NAYS - 0.

TRANSMITTAL

By unanimous consent, (04-S 3159), on the Clerk's desk is, ordered to be transmitted to the His Excellency the Governor, forthwith.

Senate Bill No. 3083**BY** Sosnowski**ENTITLED**, AN ACT RELATING TO THE BLOCK ISLAND HOUSING BOARD
{LC3320/1}

06/02/2004 Referred to House Corporations

Senate Bill No. 2032 SUB A

BY Blais

ENTITLED, AN ACT RELATING TO HUMAN SERVICES - ABUSED AND NEGLECTED CHILDREN {LC425/2/A}

06/02/2004 Referred to House Judiciary

Senate Bill No. 2051

BY Blais

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT {LC97/1}

06/02/2004 Referred to House Judiciary

Senate Bill No. 2249 (Dept. Children, Youth and Families)

BY Blais, Parella

ENTITLED, AN ACT RELATING TO CHILDREN, YOUTH AND FAMILIES DEPARTMENT -- CONFIDENTIALITY OF RECORDS {LC1384/1}

06/02/2004 Referred to House Health, Education and Welfare

REPORTS OF COMMITTEES TRANSFER OF BILLS

Representative Giannini, for the Committee on Health, Education and Welfare, reports back the following measures, with recommendation of transfer to the Committee on Finance:

Senate Bill No. 2134 SUB A

BY Polisen, McCaffrey, Tassoni, Ciccone, Badeau

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - NURSES {LC829/1/A}

06/02/2004 Read and transferred to the House Committee on Finance

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

Senate Bill No. 2737

BY McCaffrey

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - CHILDREN {LC1925/1}

06/02/2004 Read and transferred to the House Committee on Finance

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

Senate Bill No. 2351

BY McBurney

ENTITLED, AN ACT RELATING TO VICTIMS ECONOMIC SECURITY AND SAFETY {LC2006/1}

06/02/2004 Read and transferred to the House Committee on Labor

COMMITTEE ON FINANCE

Representative Costantino, for the Committee on Finance, reports back the following measure, with recommendation of passage:

Senate Bill No. 2859**BY** DaPonte**ENTITLED**, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE -- UNCLAIMED INTANGIBLE AND TANGIBLE PROPERTY {LC2445/1}

06/02/2004 Placed on House Calendar

Senate Bill No. 2041 as amended**BY** Fogarty P, Walaska, Sosnowski, Breene, Sheehan**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- REGISTRATION OF VEHICLES (temporary plates) {LC512/1}

06/02/2004 Placed on House Calendar

Senate Bill No. 2892**BY** DaPonte, Perry, Damiani, Felag, Ruggerio**ENTITLED**, AN ACT RELATING TO PUBLIC FINANCE MANAGEMENT BOARD {LC2219/1}

06/02/2004 Placed on House Calendar

COMMITTEE ON HEALTH, EDUCATION AND WELFARE

Representative Giannini, for the Committee on Health, Education and Welfare, reports back the following measure, with recommendation of passage:

Senate Bill No. 2317 SUB B**BY** Perry, Goodwin, Caprio F, DaPonte, Pichardo**ENTITLED**, AN ACT RELATING TO DETERMINATION OF NEED FOR NEW HEALTH CARE EQUIPMENT AND NEW INSTITUTIONAL HEALTH SERVICES {LC1577/1/B}

06/02/2004 Placed on House Calendar

Senate Bill No. 2549 (Lt. Governor)**BY** Alves, Roberts, McBurney, Goodwin**ENTITLED**, AN ACT RELATING TO ASSISTED LIVING RESIDENCES {LC1934/1}

06/02/2004 Placed on House Calendar

Senate Bill No. 2594 SUB B (Attorney General)**BY** Gallo, Issa**ENTITLED**, AN ACT RELATING TO EDUCATION {LC2382/1/B}

06/02/2004 Placed on House Calendar

Senate Bill No. 2755 as amended

BY Blais

ENTITLED, AN ACT RELATING TO PHYSICIAN ASSISTANTS (board makeup/functions) {LC1916/1}

06/02/2004 Placed on House Calendar

COMMITTEE ON JUDICIARY

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

Senate Bill No. 2401 (by request)

BY McCaffrey, Connors, Caprio F

ENTITLED, AN ACT RELATING TO PUBLIC BUILDINGS {LC1061/1}

06/02/2004 Placed on House Calendar

Senate Bill No. 2420 SUB B

BY Lenihan, Sosnowski, Sheehan, Polisena, Cote

ENTITLED, AN ACT RELATING TO LOB

BY ING {LC1443/1/B}

06/02/2004 Placed on House Calendar

Senate Bill No. 2636 SUB A (Dept. of Children, Youth and Families)

BY Roberts, Issa, Gallo

ENTITLED, AN ACT RELATING TO HUMAN SERVICES -- CERTIFICATION OF CHILD CARE AND YOUTH WORKERS {LC1669/1/A}

06/02/2004 Placed on House Calendar

Senate Bill No. 2857

BY Lenihan

ENTITLED, AN ACT RELATING TO ELECTIONS - BALLOT SECURITY AND STORAGE {LC2535/1}

06/02/2004 Placed on House Calendar

NEW BUSINESS

House Bill No. 8590

BY Scott, McHugh

ENTITLED, AN ACT IN AMENDMENT OF CHAPTER 55 OF THE PUBLIC LAWS, 1958, AS AMENDED, **ENTITLED** "AN ACT AUTHORIZING THE TOWNS OF CHARLESTOWN, RICHMOND AND HOPKINTON, TO JOIN A REGIONAL SCHOOL DISTRICT, INCORPORATING SAID REGIONAL SCHOOL DISTRICT, AND PROVIDING FOR THE ISSUANCE OF BONDS, CONSTRUCTION AND OPERATION OF A REGIONAL SCHOOL SYSTEM FOR THE JOINT USE OF THE PARTICIPATING TOWNS, WITHIN SAID REGIONAL SCHOOL DISTRICT ESTABLISHED BY THIS ACT." {LC3408/1}

06/02/2004 Introduced, referred to House Corporations

House Bill No. 8591**BY** Scott, McHugh

ENTITLED, AN ACT AUTHORIZING THE TOWN OF CHARLESTOWN TO FINANCE CAPITAL COSTS ASSOCIATED WITH THE TOWN'S WITHDRAWAL FROM THE CHARIHO REGIONAL SCHOOL DISTRICT INCLUDING THE ACQUISITION OF LAND FOR AND THE DESIGN, CONSTRUCTION, FURNISHING AND EQUIPPING OF A MIDDLE SCHOOL/HIGH SCHOOL COMPLEX AND THE RENOVATION, REHABILITATION, REPAIR, IMPROVEMENT AND EQUIPPING OF AND/OR ADDITIONS TO EXISTING SCHOOLS AND SCHOOL FACILITIES IN THE TOWN BY THE ISSUANCE OF NOT MORE THAN \$34,900,000 BONDS AND/OR NOTES THEREFOR {LC3515/1}

06/02/2004 Introduced, referred to House Corporations

House Bill No. 8592**BY** Scott, McHugh

ENTITLED, AN ACT AUTHORIZING THE TOWN OF CHARLESTOWN TO FINANCE THE DESIGN, CONSTRUCTION, FURNISHING AND EQUIPPING OF AN AUDITORIUM AT THE MIDDLE SCHOOL/HIGH SCHOOL IN THE TOWN BY THE ISSUANCE OF NOT MORE THAN \$3,000,000 BONDS AND/OR NOTES THEREFOR {LC3516/1}

06/02/2004 Introduced, referred to House Corporations

House Bill No. 8593**BY** Winfield, Petrarca

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- RETIREMENT OF MUNICIPAL EMPLOYEES {LC3543/1}

06/02/2004 Introduced, referred to House Corporations

House Bill No. 8594**BY** Anguilla, Crowley, Gallison, Trillo, McHugh

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- LICENSE FOR MOTORCYCLES {LC3514/1}

06/02/2004 Introduced, referred to House Judiciary

House Resolution No. 8595**BY** Gallison, Anguilla

ENTITLED, HOUSE RESOLUTION CONGRATULATING NICHOLAS T. BAKER ON ATTAINING THE RANK OF EAGLE SCOUT {LC3566/1}

Representative Gallison requests unanimous consent for immediate consideration.

There is no objection.

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

House Resolution No. 8596**BY** Naughton, Coderre E, San Bento, Carter, Picard**ENTITLED**, HOUSE RESOLUTION PROCLAIMING MAY 15, 2004 THROUGH JUNE 15, 2004 AS "TOURETTE SYNDROME AWARENESS MONTH" {LC3555/1}

Representative Naughton requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Naughton seconded by Representatives Coderre, McNamara, Long and by unanimous consent, on a voice vote.

House Resolution No. 8597**BY** Trillo, Picard, Moffitt**ENTITLED**, HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO STUDY ALL ISSUES RELATING TO LEAD PAINT POISONING, PREVENTION AND ABATEMENT {LC3582/1}

Representative Trillo requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Trillo seconded by Representatives Picard, Watson, Lowe, McHugh, Corvese, Kennedy, Gemma, San Bento and several other members of the House and by unanimous consent, on a voice vote.

TRANSMITTAL

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

CALENDAR

By unanimous consent, Majority Leader Fox seconded by Minority Leader Watson moves to take number one on tomorrow's calendar up first on today's calendar.

From the Calendar are taken:

IN ORDER FOR THURSDAY, JUNE 3, 2004:**1 2004-H 7659****BY** Giannini**ENTITLED**, AN ACT RELATING TO DELINQUENT AND DEPENDENT CHILDREN -- O'ROURKE CHILDREN'S CENTER

Committee on Health, Education & Welfare recommends passage.

Representative Giannini moves passage of the act, seconded by Representatives Naughton, Shavers, Cerra, Coderre, Tejada, Corvese, and Gemma.

By unanimous consent, Representative Giannini, seconded by Representatives Naughton, Ajello, Shavers, Cerra, Coderre, Tejada, Aubin and Gemma offers a written motion to amend.

**FLOOR AMENDMENT
TO
2004 -- H 7659**

**AN ACT RELATING TO DELINQUENT AND DEPENDENT CHILDREN -- O'ROURKE
CHILDREN'S CENTER**

Mr. Speaker:

I hereby move to amend 2004 -- H 7659, entitled "AN ACT RELATING TO DELINQUENT AND DEPENDENT CHILDREN -- O'ROURKE CHILDREN'S CENTER", as follows:

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

“SECTION 1. Section 42-72-5 of the General Laws in Chapter 42-72 entitled "Children, Youth, and Families Department" is hereby amended to read as follows:

42-72-5. Powers and scope of activities. -- (a) The department is the principal agency of the state to mobilize the human, physical and financial resources available to plan, develop, and evaluate a comprehensive and integrated statewide program of services designed to ensure the opportunity for children to reach their full potential. The services include prevention, early intervention, out-reach, placement, care and treatment, and after-care programs; provided, however, that the department notifies the state police and cooperates with local police departments when it receives and/or investigates a complaint of sexual assault on a minor and concludes that probable cause exists to support the allegations(s). The department also serves as an advocate for the needs of children.

(b) To accomplish the purposes and duties, as set forth in this chapter, the director is authorized and empowered:

(1) To establish those administrative and operational divisions of the department that the director determines is in the best interests of fulfilling the purposes and duties of this chapter;

(2) To assign different tasks to staff members that the director determines best suit the purposes of this chapter;

(3) To establish plans and facilities for emergency treatment, relocation and physical custody of abused or neglected children which may include, but are not limited to, homemaker/educator child case aides, specialized foster family programs, day care facilities, crisis teams, emergency parents, group homes for teenage parents, family centers within existing community agencies, and counselling services;

(4) To establish, monitor, and evaluate protective services for children including, but not limited to, purchase of services from private agencies and establishment of a policy and procedure manual to standardize protective services;

(5) To plan and initiate primary and secondary treatment programs for abused and

neglected children;

(6) To evaluate the services of the department and to conduct periodic comprehensive needs assessment;

(7) To license, approve, monitor, and evaluate all residential and non-residential child care institutions, group homes, foster homes, and programs;

(8) To recruit and coordinate community resources, public and private;

(9) To promulgate rules and regulations concerning the confidentiality, disclosure and expungement of case records pertaining to matters under the jurisdiction of the department;

(10) To establish a minimum mandatory level of twenty (20) hours of training per year and provide ongoing staff development for all staff; provided, however, all social workers hired after June 15, 1991, within the department shall have a minimum of a bachelor's degree in social work or a closely related field, and must be appointed from a valid civil service list;

(11) To establish procedures for reporting suspected child abuse and neglect pursuant to chapter 11 of title 40;

(12) To promulgate all rules and regulations necessary for the execution of departmental powers pursuant to the Administrative Procedures Act, chapter 35 of title 42;

(13) To provide and act as a clearinghouse for information, data and other materials relative to children;

(14) To initiate and carry out studies and analysis which will aid in solving local, regional and statewide problems concerning children;

(15) To represent and act on behalf of the state in connection with federal grant programs applicable to programs for children in the functional areas described in this chapter;

(16) To seek, accept, and otherwise take advantage of all federal aid available to the department, and to assist other agencies of the state, local agencies, and community groups in taking advantage of all federal grants and subventions available for children;

(17) To review and coordinate those activities of agencies of the state and of any political subdivision of the state which affect the full and fair utilization of community resources for programs for children, and initiate programs that will help assure utilization;

(18) To administer the pilot juvenile restitution program, including the overseeing and coordinating of all local community based restitution programs, and the establishment of procedures for the processing of payments to children performing community service; and

(19) To adopt rules and regulations which:

(i) For the twelve (12) month period beginning on October 1, 1983, and for each subsequent twelve (12) month period, establish specific goals as to the maximum number of children who will remain in foster care for a period in excess of two (2) years; and

(ii) Are reasonably necessary to implement the child welfare services and foster care programs;

(20) May establish and conduct seminars for the purpose of educating children regarding sexual abuse;

(21) To establish fee schedules by regulations for the processing of requests from adoption placement agencies for adoption studies, adoption study updates, and supervision related to interstate and international adoptions. The fee shall equal the actual cost of the service(s) rendered, but in no event shall the fee exceed two thousand dollars (\$2,000);

(22) To be responsible for the education of all children who are placed, assigned, or otherwise accommodated for residence by the department in a state operated or supported community residence licensed by a Rhode Island state agency. In fulfilling this responsibility the

department is authorized to enroll and pay for the education of students in the public schools or, when necessary and appropriate, to itself provide education in accordance with the regulations of the board of regents for elementary and secondary education either directly or through contract;

(23) To develop multidisciplinary service plans, in conjunction with the department of health, at hospitals prior to the discharge of any drug-exposed babies. The plan requires the development of a plan using all health care professionals.

(24) To be responsible for the delivery of appropriate mental health services to seriously emotionally disturbed children. Appropriate mental health services may include hospitalization, placement in a residential treatment facility, or treatment in a community based setting. The department is charged with the responsibility for developing the public policy and programs related to the needs of seriously emotionally disturbed children.

In fulfilling its responsibilities the department shall:

(i) Plan a diversified and comprehensive network of programs and services to meet the needs of seriously emotionally disturbed children;

(ii) Provide the overall management and supervision of the state program for seriously emotionally disturbed children;

(iii) Promote the development of programs for preventing and controlling emotional or behavioral disorders in children;

(iv) Coordinate the efforts of several state departments and agencies to meet the needs of seriously emotionally disturbed children and to work with private agencies serving those children;

(v) Promote the development of new resources for program implementation in providing services to seriously emotionally disturbed children.

The department shall adopt rules and regulations which are reasonably necessary to implement a program of mental health services for seriously emotionally disturbed children.

Each community, as defined in chapter 7 of title 16, shall contribute to the department, at least in accordance with rules and regulations to be adopted by the department, at least its average per pupil cost for special education for the year in which placement commences, as its share of the cost of educational services furnished to a seriously emotionally disturbed child pursuant to this section in a residential treatment program which includes the delivery of educational services.

"Seriously emotionally disturbed child" means any person under the age of eighteen (18) years or any person under the age of twenty-one (21) years who began to receive services from the department prior to attaining eighteen (18) years of age and has continuously received those services thereafter who has been diagnosed as having an emotional, behavioral or mental disorder under the current edition of the Diagnostic and Statistical Manual and that disability has been on-going for one year or more or has the potential of being ongoing for one year or more, and the child is in need of multi-agency intervention, and the child is in an out-of-home placement or is at risk of placement because of the disability.

(25) To develop and maintain, in collaboration with other state and private agencies, a comprehensive continuum of care in this state for children in the care and custody of the department or at risk of being in state care. This continuum of care should be family-centered and community-based with the focus of maintaining children safely within their families or, when a child cannot live at home, within as close proximity to home as possible based on the needs of the child and resource availability. The continuum should include community-based prevention, family support and crisis intervention services as well as a full array of foster care

and residential services, including residential services designed to meet the needs of children who are seriously emotionally disturbed and youth who have juvenile justice issues. The director shall make reasonable efforts to provide a comprehensive continuum of care for children in the care and custody of the DCYF, taking into account the availability of public and private resources and financial appropriations and the director shall submit an annual report to the general assembly as to the status of his or her efforts in accordance with the provisions of subsection 42-72-4(b)(13).

(c) In order to assist in the discharge of his or her duties, the director may request from any agency of the state information pertinent to the affairs and problems of children.”

Respectfully submitted,

REPRESENTATIVE GIANNINI

Representatives Benson, Giannini, McManus, Shavers, and Munford discuss the amendment.

The motion to amend prevails on a roll call vote 61 members voting in the affirmative and 3 members voting in the negative as follows:

YEAS - 61: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Coogan, Corvese, Crowley, Dennigan, DeSimone, Enos, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Handy, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Long, Lowe, Malik, McHugh, McNamara, Menard, Moffitt, Montanaro, Moran, Mumford, Naughton, Petrarca, Picard, Reilly, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Slater, Smith, Story, Tejada, Trillo, Wasyluk, Williamson, Winfield.

NAYS - 3: Representatives Gorham, McManus, Watson.

Representative Amaral discusses the act as amended.

Read and passed, as amended on a roll call vote, 62 members voting in the affirmative and 3 members voting in the negative as follows.

YEAS - 62: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Enos, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Handy, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Long, Lowe, Malik, McHugh, McNamara, Menard, Moffitt, Montanaro, Moran, Mumford, Naughton, Petrarca, Picard, Reilly, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Slater, Smith, Story, Tejada, Trillo, Wasyluk, Williamson, Winfield.

NAYS - 3: Representatives Gorham, McManus, Watson.

IN ORDER FOR WEDNESDAY, JUNE 2, 2004:**1 2004-H 7870 SUB A as amended****BY Winfield****ENTITLED, AN ACT RELATING TO WORKERS' COMPENSATION --
PROCEDURE**

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

Representative Corvese moves passage of the act, seconded by Representatives Fox and Malik.

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, on a roll call vote, 65 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 65: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Enos, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Long, Lowe, Malik, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Moura, Mumford, Naughton, Petrarca, Picard, Reilly, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Slater, Smith, Story, Tejada, Trillo, Wasylyk, Watson, Williamson, Winfield.

NAYS - 0.

2 2004-H 8142 SUB A**BY Trillo****ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE**

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

By unanimous consent, Majority Leader Fox moves to recommit to the committee on Judiciary, seconded by Representative Menard.

Read and recommitted to the committee on Judiciary.

3 2004-H 7510**BY Picard****ENTITLED, AN ACT RELATING TO GENERAL POWERS {LC1412/1}**

Committee on Judiciary recommends passage.

By unanimous consent, Majority Leader Fox moves to recommit to the committee on Judiciary, seconded by Representative Menard.

Read and recommitted to the committee on Judiciary.

4 2004-H 7484

BY San Bento

ENTITLED, AN ACT RELATING TO TAXATION -- TAX SALES

Committee on Judiciary recommends passage.

Read, and by unanimous consent, ordered to be placed on the Calendar for Wednesday, June 9, 2004.

5 2004-H 8033

BY Lima

ENTITLED, AN ACT RELATING TO ELECTIONS -- VOTING DISTRICTS AND OFFICIALS AND PRIMARY ELECTIONS

Committee on Judiciary recommends passage.

Read, and by unanimous consent, ordered to be placed on the Calendar for Wednesday, June 9, 2004.

6 2004-H 8230

BY Kilmartin

ENTITLED, AN ACT RELATING TO THE GENERAL ASSEMBLY - VACANCY - SPECIAL ELECTIONS

Committee on Judiciary recommends passage.

Representative Flaherty moves passage of the act, seconded by Representatives Kilmartin, and Williamson.

Read and passed, on a roll call vote, 60 members voting in the affirmative and 3 members voting in the negative as follows.

YEAS - 60: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Corvese, Costantino, Crowley, DeSimone, Enos, Faria, Flaherty, Fox, Gallison, Giannini, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lowe, Malik, McHugh, McManus, McNamara, Menard, Moffitt, Moran, Moura, Mumford, Naughton, Petrarca, Reilly, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Slater, Smith, Story, Tejada, Trillo, Wasyluk, Watson, Williamson, Winfield.

NAYS - 3: Representatives Gemma, Long, Picard.

REQUEST

Representative Gemma requests the journal to reflect that he had voted incorrectly on (04-H 8230), he should have voted in the affirmative.

7 2004-H 8531**BY Corvese****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

By unanimous consent, Majority Leader Fox moves to recommit to the committee on Judiciary, seconded by Representative Menard.

Read and recommitted to the committee on Judiciary.

8 2004-H 8485**BY Kennedy****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

By unanimous consent, Majority Leader Fox moves to recommit to the committee on Judiciary, seconded by Representative Menard.

Read and recommitted to the committee on Judiciary.

9 2004-H 8307**BY Crowley****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

By unanimous consent, Majority Leader Fox moves to recommit to the committee on Judiciary, seconded by Representative Menard.

Read and recommitted to the committee on Judiciary.

10 2004-S 2443**BY Ruggiero****ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
LABOR AND PAYMENT OF DEBTS BY CONTRACTORS**

Committee on Labor recommends passage in concurrence.

Read, and by unanimous consent, ordered to be placed on the Calendar for Thursday, June 10, 2004.

11 2004-S 2368

BY Cote

**ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
LANDSCAPE ARCHITECTS**

Committee on Corporations recommends passage in concurrence.

Representative Kennedy moves passage of the act, seconded by Representatives Fox and Menard.

By unanimous consent, Representative Kennedy, seconded by Representative San Bento offers a written motion to amend.

**FLOOR AMENDMENT
TO
2004 -- S 2368**

**AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- LANDSCAPE
ARCHITECTS**

Mr. Speaker:

I hereby move to amend 2004 -- S 2368, entitled "AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- LANDSCAPE ARCHITECTS", as follows:

On page 1, by deleting all the language after the enactment clause and inserting in place thereof the following language:

"SECTION 1. Sections 5-51-4 and 5-51-6 of the General Laws in Chapter 5-51 entitled "Rhode Island State Board of Examiners of Landscape Architects" are hereby amended to read as follows:

5-51-4. Filing of applications for license. -- (a) An application for a license to practice landscape architecture is submitted on the form provided by the board, and is received at any time during regular business hours at the office of the board. ~~An application to take the examination is filed with the board at least sixty (60) days prior to the opening date of the examination.~~ Before being eligible for licensure as a landscape architect, each applicant shall submit evidence to the board of the following:

(1) The applicant has completed a course of study and has graduated from a college or school of landscape architecture approved by the board. In lieu of graduation from an approved college or school of landscape architecture, an applicant may present evidence of at least six (6) years of practical experience in landscape architectural work of a grade and character satisfactory to the board. Credit may be given for approved college education, in the discretion of the board; and

(2) The applicant has had either: (i) a minimum of two (2) years' experience in landscape

architectural work under the direct supervision of a registered landscape architect and of a grade and character satisfactory to the board; or (ii) one year's experience in landscape architectural work under the direct supervision of a registered landscape architect and of a grade and character satisfactory to the board and one year's experience in related work under the direct supervision of a registered "allied professional" and of a grade and character satisfactory to the board. For purposes of this subsection, the term "allied professional" shall mean an individual professional licensed as an architect, engineer, or a land surveyor; and

(3) He or she has satisfactorily completed all sections of the examination as required by the board.

(b) Each applicant submits, with the formal application for a license, authentic proof of the statements made in the application, by attaching any documentary evidence, affidavits, registrars statements, diplomas, published data, photographs, photostats, or any other sworn evidence, as in the discretion of the board, may be sufficient to show that the applicant is clearly eligible under the section of the law upon which the application is based. All documents are properly marked for identification and ownership.

(c) The board reserves the right to retain, as a permanent part of the application, any or all documents submitted. Original documents may be replaced by photostatic copies of those documents, at the request and expense of the applicant.

5-51-6. Examinations. -- (a) Before being examined for registration as a landscape architect, each applicant shall submit evidence to the board that:

The applicant has completed a course of study and has graduated from a college or school of landscape architecture approved by the board. In lieu of graduation from an approved college or school of landscape architecture, an applicant may present evidence of at least six (6) years of practical experience in landscape architectural work of a grade and character satisfactory to the board. Credit may be given for approved college education, in the discretion of the board.

~~(1) He or she is at least twenty-one (21) years of age and of good moral character;~~

~~(2) He or she has completed the course of study and has graduated from a college or school of landscape architecture approved by the board. In lieu of graduation from an approved college or school of landscape architecture, an applicant may take the examination upon presenting evidence of at least six (6) years of practical experience in landscape architectural work of a grade and character satisfactory to the board. Credit may be given for approved college education at the discretion of the board.~~

~~(3) He or she has had a minimum of two (2) years' experience in landscape architectural work under the direct supervision of a registered landscape architect and of a grade and character satisfactory to the board; or (ii) one year's experience in landscape architectural work under the direct supervision of a registered landscape architect and of a grade and character satisfactory to the board and one year's experience in related work under the direct supervision of a registered "Allied Professional" and of a grade and character satisfactory to the board. For purposes of this subsection, the term "Allied Professional" means an individual professional licensed as an architect, an engineer, or a land surveyor.~~

(b) The scope of the examinations is established by the board, and the examinations designed to determine the qualifications of the applicant to practice landscape architecture. The examination covers technical, professional, and practical subjects as relate to the practice of the profession of landscape architecture. The examinations also covers the basic arts and sciences, a knowledge of which is material and necessary to the proper understanding, application, and qualification for practice, of the profession of landscape architecture. (The board may use the

~~council of landscape architects registration boards'~~ Council of Landscape Architects Registration Boards' national examination in lieu of preparing a special test for its own use.)

(c) The board may establish or change the written examination and include an oral examination as a supplement to the written examination. The board may also determine the eligibility of the applicant before permitting admittance to the examination.

(d) The subjects included in the examination shall be determined by the board and may be combined, revised, or eliminated. The time allotted for the examination may be altered at the discretion of the board.

(e) The written examination is given at least once in each calendar year. The date, time, and place of the examination are determined by the board.

(f) The examination is conducted in accordance with the instructions issued by the board. ~~A copy of these instructions is furnished to each applicant after the applicant has been certified by the board as eligible for admittance to the examination and the date of the examination has been established by the board.~~

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

Respectfully submitted,

REPRESENTATIVE KENNEDY

The motion to amend prevails on a roll call vote 63 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 63: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Corvese, Costantino, Crowley, Dennigan, Enos, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Long, Lowe, Malik, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Moura, Mumford, Naughton, Petrarca, Picard, Reilly, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Slater, Smith, Story, Tejada, Trillo, Wasylyk, Watson, Williamson, Winfield.

NAYS - 0.

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

YEAS - 60: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Corvese, Costantino, Crowley, Dennigan, Enos, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Kennedy, Kilmartin, Lally, Landroche, Laroche, Long, Lowe, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Moura, Mumford, Naughton, Petrarca, Picard, Reilly, Rose, San Bento, Savage, Shanley, Shavers, Slater, Smith, Story, Tejada, Trillo, Wasylyk, Watson, Williamson, Winfield.

NAYS - 0.

12 2004-S 2231 SUB A**BY McCaffrey****ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION - UNIFORM BOAT TITLE ACT**

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

Representative Flaherty moves passage of the act, seconded by Representatives Lally, and Carter.

The bill marked Substitute "A" is read and passed, in concurrence, and the original bill indefinitely postponed, on a roll call vote, 61 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 61: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Corvese, Costantino, Dennigan, DeSimone, Enos, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Long, Lowe, McHugh, McManus, McNamara, Menard, Moffitt, Moran, Moura, Mumford, Naughton, Petrarca, Picard, Reilly, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Slater, Smith, Story, Tejada, Trillo, Wasylyk, Watson, Williamson, Winfield.

NAYS - 0.

13 2004-S 2957 SUB A**BY Paiva-Weed****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ABRAHAM LINCOLN BICENTENNIAL COMMISSION**

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

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

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, on a roll call vote, 66 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 66: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Enos, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Long, Lowe, Malik, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran,

Moura, Mumford, Naughton, Petrarca, Picard, Reilly, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Slater, Smith, Story, Tejada, Trillo, Wasylyk, Watson, Williamson, Winfield.

NAYS - 0.

TRANSMITTAL

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

ANNOUNCEMENTS

Representative Kennedy announces that the Committee on Corporations will meet today, at the rise of the House, in Room 313 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 Brien and the Honorable Speaker Murphy congratulate Nicole Picard, House page, on graduating in the top ten of her class from Bishop Fehan High School. Nicole will be attending Providence College.

POINT OF PERSONAL PRIVILEGE

Representative Benson rises on a point of personal privilege in regards to a newspaper article.

GUEST

Representatives Enos and McNamara welcome to the House Chamber as guest Al Notarianni of Cranston.

ADJOURNMENT

At 4:50 o'clock P.M. on motion of Representatives Lewiss and McHugh, and as a further mark of respect to the memory of the Honorable Charles F. Trumpetto; on motion of Representative Benson, and as a further mark of respect to the memory of Frank J. Newman, former President of the University of Rhode Island, seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE THOMAS WINFIELD

Dear Lord, as the days lengthen and the summer days near, strengthen our resolve to do the work we were sent to this legislature to do, with patience and diligence Amen.

APPENDIX

TRANSMITTED TO THE GOVERNOR

Senate Bill No. 3159

BY Sheehan

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC3565/1}

APPENDIX

CALENDAR

IN ORDER FOR THURSDAY, JUNE 3, 2004:

1 2004-H 8141**BY Trillo****ENTITLED,** AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS

Committee on Judiciary recommends passage.

2 2004-H 7425**BY Kennedy****ENTITLED,** AN ACT RELATING TO INSURANCE

Committee on Corporations recommends passage.

3 2004-H 8548**BY Gemma****ENTITLED,** AN ACT RELATING TO PROPERTY SUBJECT TO TAXATION

Committee on Corporations recommends passage.

4 2004-H 7990**BY Story****ENTITLED,** AN ACT RELATING TO EDUCATION -- CIVIC EDUCATION COMMISSION

Committee on Health, Education & Welfare recommends passage.

5 2004-S 3087**BY Sosnowski****ENTITLED,** AN ACT AUTHORIZING THE TOWN OF SOUTH KINGSTOWN TO FINANCE THE ACQUISITION OF LAND FOR OPEN SPACE, RECREATION AND AGRICULTURAL PURPOSES AND TO ISSUE NOT MORE THAN \$2,000,000 BONDS THEREFOR

Committee on Corporations recommends passage in concurrence.

6 2004-S 3086

BY Sosnowski

ENTITLED, AN ACT AUTHORIZING THE TOWN OF SOUTH KINGSTOWN TO FINANCE CAPITAL TRANSPORTATION IMPROVEMENT PROJECTS AND TO ISSUE NOT MORE THAN \$200,000 BONDS THEREFOR

Committee on Corporations recommends passage in concurrence.

7 2004-S 3057

BY Polisena

ENTITLED, AN ACT RELATING TO INSURANCE - COMMERCIAL SPECIAL RISKS

Committee on Corporations recommends passage in concurrence.

8 2004-S 2923

BY DaPonte

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- RENTAL VEHICLES -- INSURANCE

Committee on Corporations recommends passage in concurrence.

9 2004-S 2621 SUB A

BY Fogarty P

ENTITLED, AN ACT RELATING TO TAXES -- BURRILLVILLE

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

10 2004-S 2620

BY Fogarty P

ENTITLED, AN ACT RELATING TO TAXATION

Committee on Corporations recommends passage in concurrence.

11 2004-S 2143

BY Sosnowski

ENTITLED, AN ACT RELATING TO PROPERTY SUBJECT TO TAXATION -- SOUTH KINGSTOWN

Committee on Corporations recommends passage in concurrence.

12 2004-S 3137

BY Montalbano J

ENTITLED, AN ACT RELATING TO THE GENERAL ASSEMBLY --
COMPOSITION OF THE SENATE

Committee on Judiciary recommends passage in concurrence.

IN ORDER FOR TUESDAY, JUNE 8, 2004:**1 2004-S 2401****BY McCaffrey****ENTITLED, AN ACT RELATING TO PUBLIC BUILDINGS**

Committee on Judiciary recommends passage in concurrence.

2 2004-S 2420 SUB B**BY Lenihan****ENTITLED, AN ACT RELATING TO LOBBYING**

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

3 2004-S 2636 SUB A**BY Roberts****ENTITLED, AN ACT RELATING TO HUMAN SERVICES -- CERTIFICATION OF CHILD CARE AND YOUTH WORKERS**

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

4 2004-S 2857**BY Lenihan****ENTITLED, AN ACT RELATING TO ELECTIONS - BALLOT SECURITY AND STORAGE**

Committee on Judiciary recommends passage in concurrence.

5 2004-S 2317 SUB B**BY Perry****ENTITLED, AN ACT RELATING TO DETERMINATION OF NEED FOR NEW HEALTH CARE EQUIPMENT AND NEW INSTITUTIONAL HEALTH SERVICES**

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

6 2004-S 2549**BY Alves****ENTITLED, AN ACT RELATING TO ASSISTED LIVING RESIDENCES**

Committee on Health, Education & Welfare recommends passage in concurrence.

7 2004-S 2594 SUB B**BY Gallo****ENTITLED, AN ACT RELATING TO EDUCATION**

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

8 2004-S 2755 as amended**BY Blais****ENTITLED, AN ACT RELATING TO PHYSICIAN ASSISTANTS**

Committee on Health, Education & Welfare recommends passage as amended in concurrence.

9 2004-S 2859**BY DaPonte****ENTITLED, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE
-- UNCLAIMED INTANGIBLE AND TANGIBLE PROPERTY**

Committee on Finance recommends passage in concurrence.

10 2004-S 2041 as amended**BY Fogarty P****ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
REGISTRATION OF VEHICLES**

Committee on Finance recommends passage as amended in concurrence.

11 2004-S 2892**BY DaPonte****ENTITLED, AN ACT RELATING TO PUBLIC FINANCE MANAGEMENT
BOARD**

Committee on Finance recommends passage in concurrence.

IN ORDER FOR WEDNESDAY, JUNE 9, 2004:**1 2004-H 7484****BY San Bento****ENTITLED, AN ACT RELATING TO TAXATION -- TAX SALES**

Committee on Judiciary recommends passage.

2 2004-H 8033**BY Lima****ENTITLED,** AN ACT RELATING TO ELECTIONS -- VOTING DISTRICTS AND OFFICIALS AND PRIMARY ELECTIONS

Committee on Judiciary recommends passage.

3 2004-H 7445 SUB A**BY Lima****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- VETERINARY PRACTICE

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

4 2004-H 7375 SUB A**BY Moura****ENTITLED,** AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- RENEWABLE ENERGY STANDARD

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

5 2004-S 2447 SUB A as amended**BY Ruggerio****ENTITLED,** AN ACT RELATING TO SAFETY AWARENESS

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

6 2004-S 2597**BY Gallo****ENTITLED,** AN ACT RELATING TO EDUCATION - SCHOOL COMMITTEES AND SUPERINTENDENTS

Committee on Health, Education & Welfare recommends passage in concurrence.

7 2004-S 2829**BY Sosnowski****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- VETERINARY PRACTICE

Committee on Health, Education & Welfare recommends passage in concurrence.

IN ORDER FOR THURSDAY, JUNE 10, 2004:

1 2004-S 2443

BY Ruggiero

**ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
LABOR AND PAYMENT OF DEBTS BY CONTRACTORS**

Committee on Labor recommends passage in concurrence.

Louis D'Antuono
Clerk of the House

Wednesday, June 2, 2004