

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. 5

Thursday, January 13, 2005

Fifth Day

The House of Representatives meets at the State House in Providence, Thursday, January 13, 2005 and is called to order at 4:05 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 66 members present and 9 members absent as follows:

PRESENT – 66: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Coderre, Costantino, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lima, Long, Loughlin, Malik, McCauley, McHugh, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT – 9: Representatives Church, Corvese, Crowley, Flaherty, Ginaitt, Lewiss, McManus, Palumbo, San Bento.

INVOCATION

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

(For Invocation, see Appendix, this Journal.)

APPROVAL OF RECORD

By unanimous consent, the House Journal of Wednesday, January 12, 2005 is approved as printed.

ANNOUNCEMENTS

Representative William San Bento will be unable to attend session January 13, 2005 due to a death in the family.

Representative Arthur Corvese will be unable to attend session today January 13, 2005.

Representative Peter Lewiss will not be attending session January 13, 2005. He is out of town.

ANNOUNCEMENTS FROM SPEAKER WILLIAM J. MURPHY

I hereby appoint the Honorable Arthur J. Corvese as Deputy Speaker.

I hereby appoint the Honorable Donald J. Lally, Jr., as Senior Deputy Majority Leader and the following members are hereby appointed as Deputy Majority Leaders:

The Honorable Edith H. Ajello
The Honorable Joseph S. Almeida
The Honorable Fausto C. Anguilla
The Honorable Raymond Gallison, Jr.
The Honorable Roger A. Picard
The Honorable Henry C. Rose
The Honorable William San Bento, Jr.
The Honorable Gregory J. Schadone
The Honorable Timothy A. Williamson

I hereby appoint the following to the Separation of Powers Committee:

Representatives	Elaine Coderre
	Paul Crowley (Vice Chair)
	Joseph Almeida (Secretary)
	Fausto Anguilla
	Raymond Gallison
	Peter Kilmartin
	Charlene Lima
	Timothy Williamson
	Russell Jackson
	Al Gemma
	James Davey
	Nicholas Gorham

I hereby appoint the following to the House Finance Committee:

Representatives	Steven Costantino
	Kenneth Carter (Vice Chair)
	Jan Malik (Vice Chair)
	William San Bento (Secretary)
	Paul Crowley
	Raymond Gallison
	Robert Jacquard
	Elizabeth Dennigan
	Eileen Naughton
	Patrick Shanley
	Thomas Slater
	Henry Rose
	Anastasia Williams
	Arthur Corvese
	Peter Lewiss
	John Savage
	Carol Mumford
	Victor Moffitt
	Joseph Scott

NEW BUSINESS

House Bill No. 5062

BY Kilmartin, Ajello, Moura, Dennigan, Church

ENTITLED, AN ACT RELATING TO THE RHODE ISLAND COMMUNITY FOOD BANK
{LC286/1}

01/13/2005 Introduced, referred to House Finance

House Bill No. 5063

BY Kilmartin, Coderre E, Crowley, Moura

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES {LC200/1}

01/13/2005 Introduced, referred to House Finance

House Bill No. 5064

BY Kilmartin, Moura

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES --
RETIREMENT SYSTEM -- CONTRIBUTIONS AND BENEFITS {LC177/1}

01/13/2005 Introduced, referred to House Finance

House Bill No. 5065

BY Kilmartin, Shanley, Lally, Carter

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY
PROVISIONS {LC245/1}

01/13/2005 Introduced, referred to House Corporations

House Bill No. 5066**BY** Kilmartin, Coderre E, Rose, Dennigan**ENTITLED**, AN ACT RELATING TO THE GENERAL ASSEMBLY - VACANCY - SPECIAL ELECTIONS {LC181/1}

01/13/2005 Introduced, referred to House Corporations

House Bill No. 5067**BY** Kilmartin, Ajello, Moura, Dennigan, Church**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES -- REGISTRATION OF VEHICLES {LC284/1}

01/13/2005 Introduced, referred to House Corporations

House Bill No. 5068**BY** Kilmartin, Handy, Dennigan, Church**ENTITLED**, AN ACT RELATING TO TOBACCO SALES {LC192/1}

01/13/2005 Introduced, referred to House Corporations

House Bill No. 5069**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO MISCELLANEOUS RULES {LC161/1}

01/13/2005 Introduced, referred to House Corporations

House Bill No. 5070**BY** Kilmartin, Coderre E, Moura, Lewiss**ENTITLED**, AN ACT RELATING TO EDUCATION - STATE AID {LC189/1}

01/13/2005 Introduced, referred to House Finance

House Bill No. 5071**BY** Kilmartin, San Bento, Coderre E, Moura, Lewiss**ENTITLED**, AN ACT RELATING TO EDUCATION -- CREATION OF SCHOOL FOR THE ARTS {LC170/1}

01/13/2005 Introduced, referred to House Finance

House Bill No. 5072**BY** Savage, Long, Rose, Melo, Dennigan**ENTITLED**, AN ACT RELATING TO EDUCATION {LC117/1}

01/13/2005 Introduced, referred to House Finance

House Bill No. 5073 (Lieutenant Governor)**BY** Lewiss, Malik, Crowley, O'Neill, Moura**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - - COUNCIL ON THE ARTS {LC504/1}

01/13/2005 Introduced, referred to House Finance

House Bill No. 5074**BY** Crowley, Flaherty, Anguilla, Fox, Costantino**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- STATE LOTTERY {LC597/1}

01/13/2005 Introduced, referred to House Finance

House Bill No. 5075**BY** San Bento, Flaherty, Kennedy, Gemma, Coderre E**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT {LC642/1}

01/13/2005 Introduced, referred to House Finance

House Bill No. 5076**BY** Laroche, Menard, Winfield, Ucci, Brien T**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS -- UNIFORM CONTROLLED SUBSTANCES ACT {LC501/1}

01/13/2005 Introduced, referred to House H.E.W.

House Bill No. 5077**BY** Giannini, Ucci, Williams, McCauley**ENTITLED**, AN ACT RELATING TO TAXATION - PROVIDENCE FREEZE OF CERTAIN TAX {LC228/1}

01/13/2005 Introduced, referred to House Finance

House Bill No. 5078**BY** Giannini, Ucci, Williams, Winfield, Petrarca**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES -- EXCISE TAX {LC227/1}

01/13/2005 Introduced, referred to House Finance

House Bill No. 5079**BY** Melo, San Bento, Gallison, Rose, Dennigan**ENTITLED**, AN ACT RELATING TO SALES AND USE TAXES -- LIABILITY AND COMPUTATION {LC394/1}

01/13/2005 Introduced, referred to House Finance

House Bill No. 5080**BY** Ucci, Petrarca, Voccola**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - - RESOURCE RECOVERY {LC293/1}

01/13/2005 Introduced, referred to House Corporations

House Bill No. 5081**BY** Ucci, Voccola, Petrarca**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - RHODE ISLAND RESOURCE RECOVERY CORPORATION {LC294/1}

01/13/2005 Introduced, referred to House Separation of Powers

House Bill No. 5082**BY** Corvese, Schadone, Malik, Gemma, Melo**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES {LC28/1}

01/13/2005 Introduced, referred to House Judiciary

House Bill No. 5083**BY** Corvese, Schadone, Gemma, Melo, San Bento**ENTITLED**, AN ACT RELATING TO ABORTION {LC14/1}

01/13/2005 Introduced, referred to House Judiciary

House Bill No. 5084**BY** Corvese, Schadone, Gemma, Melo, San Bento**ENTITLED**, AN ACT RELATING TO INFORMED CONSENT FOR ABORTION {LC30/1}

01/13/2005 Introduced, referred to House Judiciary

House Bill No. 5085**BY** Corvese, Schadone, Gemma, Melo, San Bento**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH CARE RIGHTS OF CONSCIENCE ACT {LC7/1}

01/13/2005 Introduced, referred to House H.E.W.

House Bill No. 5086**BY** Corvese, Schadone, Malik, Picard, San Bento**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES -- SCHOOL BUSES {LC33/1}

01/13/2005 Introduced, referred to House H.E.W.

House Bill No. 5087 (by request)**BY** Loughlin, Amaral, Ucci, Voccola, Petrarca**ENTITLED**, AN ACT RELATING TO AGRICULTURE AND FORESTRY -- TREE WARDENS {LC301/1}

01/13/2005 Introduced, referred to House Environment and Natural Resources

House Resolution No. 5088**BY** Pacheco, Church, Slater, Lewiss, O'Neill**ENTITLED**, HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO STUDY THE FEASIBILITY OF ESTABLISHING AN INSTITUTION OF HIGHER LEARNING AT THE ZAMBARANO HOSPITAL FACILITY {LC310/1}

01/13/2005 Introduced, referred to House H.E.W.

House Bill No. 5089 (by request)**BY** Gallison, Rice, Loughlin, Amaral**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES {LC600/1}

01/13/2005 Introduced, referred to House Corporations

House Bill No. 5090**BY** Gallison, Brien T, Shanley, Carter, Sullivan**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- SENTENCE AND EXECUTION {LC101/1}

01/13/2005 Introduced, referred to House Judiciary

House Bill No. 5091**BY** Gallison, Landroche, Brien T, Rose, Carter**ENTITLED**, AN ACT RELATING TO MILITARY AFFAIRS -- NATIONAL GUARD RE-ENLISTMENT BONUS {LC65/1}

01/13/2005 Introduced, referred to House Finance

House Bill No. 5092**BY** Gallison, Landroche, Brien T, Rose, Carter**ENTITLED**, AN ACT RELATING TO MILITARY SERVICE -- MILITARY SERVICE DEBT RELIEF ACT {LC87/1}

01/13/2005 Introduced, referred to House Finance

House Bill No. 5093**BY** Gallison, Carter, San Bento, Gemma, Rose**ENTITLED**, AN ACT RELATING TO THE NATIONAL GUARD {LC46/1}

01/13/2005 Introduced, referred to House Finance

House Bill No. 5094**BY** Gallison, Carter, San Bento, Rose, Landroche**ENTITLED**, AN ACT RELATING TO THE NATIONAL GUARD {LC58/1}

01/13/2005 Introduced, referred to House Finance

House Bill No. 5095**BY** Gallison, Carter, San Bento, Rose, Landroche**ENTITLED**, AN ACT RELATING TO THE NATIONAL GUARD {LC49/1}

01/13/2005 Introduced, referred to House Finance

House Bill No. 5096 (Lieutenant Governor)**BY** Gallison, Carter, San Bento, Rose, Landroche**ENTITLED**, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -- NATIONAL GUARD {LC53/1}

01/13/2005 Introduced, referred to House Finance

House Bill No. 5097**BY** Gallison, Brien T, Jacquard, Sullivan**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS -- UNIFORM CONTROLLED SUBSTANCES ACT {LC235/1}

01/13/2005 Introduced, referred to House Finance

House Bill No. 5098**BY** Gallison, Carter, Anguilla, Landroche, Malik**ENTITLED**, AN ACT RELATING TO MILITARY AFFAIRS - VETERANS' HOME
{LC104/1}

01/13/2005 Introduced, referred to House Veterans Affairs

House Bill No. 5099**BY** Gallison, Carter, Anguilla, Malik**ENTITLED**, AN ACT RELATING TO TAXATION -- SALES AND USE TAXES --
LIABILITY AND COMPUTATION {LC63/1}

01/13/2005 Introduced, referred to House Veterans Affairs

House Bill No. 5100**BY** Coderre E, Kennedy, San Bento, Costantino, McNamara**ENTITLED**, AN ACT RELATING TO INSURANCE -- RATES CHARGED {LC75/1}

01/13/2005 Introduced, referred to House Corporations

House Resolution No. 5101**BY** Savage, Story, McNamara, Corvese, Costantino**ENTITLED**, HOUSE RESOLUTION MEMORIALIZING THE CONGRESS OF THE
UNITED STATES TO FULFILL ITS COMMITMENT OF FORTY PERCENT (40%)
FEDERAL FUNDING IN ITS REAUTHORIZATION OF THE INDIVIDUALS WITH
DISABILITIES EDUCATION ACT (20 U.S.C. 1400 ET SEQ.) {LC661/1}

Representative Savage requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Savage seconded by Representatives Story,
Long, Picard and by unanimous consent, on a voice vote.**House Resolution No. 5102****BY** Williams, Fox, Ajello, Moura, Faria**ENTITLED**, HOUSE RESOLUTION COMMEMORATING THE CELEBRATION OF THE
BIRTH OF THE REVEREND MARTIN LUTHER KING, JR. {LC751/1}

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. 5103 (Governor)

BY Watson, Fox

ENTITLED, AN ACT RELATING TO PUBLIC FINANCE -- STATE BUDGET {LC728/1}

Representative Watson requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Watson seconded by Representative Fox on a roll call vote, 56 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 56: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Coderre, Davey, Dennigan, DeSimone, Ehrhardt, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Kilmartin, Landroche, Laroche, Lima, Long, Loughlin, Malik, McCauley, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, Savage, Schadone, Scott, Shanley, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Voccola, Watson, Williams, Williamson.

NAYS - 0.

REQUEST

Representative Diaz requests the journal to reflect that if she had voted on (05 H-5103), she would have voted in the affirmative.

TRANSMITTAL

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

ANNOUNCEMENTS

Majority Leader Fox announces session will convene on Tuesday, January 18th at 5 o'clock P.M., and reconvene at 7 o'clock P.M. for the Governor's State of the State.

Representative Kilmartin announces that at the rise of the House in the House Lounge, he and Representative Williamson will be there for seating and parking assignments.

Representative Naughton announces that the Committee on Rules will meet today, at the rise of the House, in Room 205 of the State House.

STATEMENT

Representative Watson rises to object to the Speaker's appointments to the committee on Finance.

The Honorable Speaker notes that the Republican Caucus was given another seat on that committee, and states that Representative Watson's comments will be noted.

Representative Kilmartin observes that the appointments were made in compliance with Rule 25(b).

Representative Fox expands on Representative Kilmartin's remarks, and asks Representative Watson to maintain the decorum of the House.

GUEST

Representative Moura welcomes to the House Chamber as a guest former Representative William McGowan.

ADJOURNMENT

At 4:27 o'clock P.M. on motion of Representative Fox seconded by Representative Watson the House adjourns, on a voice vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE ANASTASIA WILLIAMS

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

APPENDIX

CONSENT CALENDAR

IN ORDER FOR TUESDAY, JANUARY 18, 2005:

1 2005-S 10

BY Algieri

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF CROSS'S MILLS'S VOL. FIRE DEPT.

Ordered on the Calendar

Louis D'Antuono
Clerk of the House

Thursday, January 13, 2005