

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. 9

Tuesday, January 25, 2005

Ninth Day

The House of Representatives meets at the State House in Providence, Tuesday, January 25, 2005 and is called to order at 4:22 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 69 members present and 6 members absent as follows:

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

ABSENT – 6: Representatives Caprio, Carter, Landroche, Palumbo, Petrarca, Schadone.

INVOCATION

The Honorable Speaker presents Representative Corvese 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

Representative Voccola objects to the Ruling of the Chair in Thursday's House Journal. The Honorable Speaker refers Representative Voccola to the announcement on page 7 of that Journal and states that he stands by his ruling.

By unanimous consent, the House Journal of Thursday, January 20, 2005 is approved as printed.

REQUEST

Representative Voccola requests the journal to reflect that if he had voted on (05 H-5132), and (05 H-5133) in the journal for Thursday January 20th he would have voted in the affirmative.

ANNOUNCEMENTS

Representative Susan Story was unable to attend session on Wednesday, January 19th and Thursday, January 20th. She was in Washington, DC attending the President's Inauguration.

Representative Peter G. Palumbo will be unable to attend session Tuesday, January 25, 2005. He is still out of the country.

Representative Norman Landroche will be unable to attend session Tuesday, January 25, 2005.

Representative Kenneth Carter will be unable to attend session Tuesday, January 25, 2005.

POINT OF ORDER

Representative Voccola objects to not following Rule 5a, the reading of the House Journal. Representative Fox moves to dispense with the reading of the House Journal of the previous day as printed, seconded by Representative Williamson. The motion prevails on a voice vote.

REPORT OF COMMITTEE TRANSFER OF BILL

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

House Bill No. 5097

BY Gallison, Brien T, Jacquard, Sullivan

ENTITLED, AN ACT RELATING TO FOOD AND DRUGS -- UNIFORM CONTROLLED SUBSTANCES ACT {LC235/1}

01/25/2005 Read and transferred to the House Committee on Judiciary

NEW BUSINESS

House Bill No. 5164

BY Naughton, Kilmartin, Schadone, Lally, O'Neill

ENTITLED, AN ACT ADOPTING RULES OF THE HOUSE OF REPRESENTATIVES FOR THE YEARS 2005-2006 {LC959/1}

01/25/2005 Introduced referred to House Rules

House Bill No. 5165**BY** Mumford, Davey**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES {LC409/1}

01/25/2005 Introduced, referred to House Judiciary

House Bill No. 5166**BY** Church, Gemma, Almeida**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- VICTIM'S RIGHTS {LC874/1}

01/25/2005 Introduced, referred to House Judiciary

House Bill No. 5167**BY** Church, Gemma, Moran, Almeida, Rice**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- FAILURE TO PAY CHILD SUPPORT {LC872/1}

01/25/2005 Introduced, referred to House Judiciary

House Bill No. 5168 (Lieutenant Governor)**BY** Dennigan, Anguilla, Church, Ajello, Rose**ENTITLED**, AN ACT RELATING TO TAXATION -- STATE TAX OFFICIALS {LC833/1}

01/25/2005 Introduced, referred to House Finance

House Bill No. 5169**BY** Winfield, Petrarca, Brien T, Laroche, McCauley**ENTITLED**, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -- NATIONAL GUARD {LC757/1}

01/25/2005 Introduced, referred to House Finance

House Bill No. 5170**BY** Fox, Ajello, Costantino, Naughton, Jacquard**ENTITLED**, AN ACT RELATING TO LIBRARIES -- STATE AID TO LIBRARIES {LC947/1}

01/25/2005 Introduced, referred to House Finance

House Bill No. 5171**BY** Winfield**ENTITLED**, AN ACT RELATING TO RETIREMENT SYSTEM -- CONTRIBUTIONS AND BENEFITS {LC755/1}

01/25/2005 Introduced, referred to House Finance

House Bill No. 5172**BY** Davey, Loughlin, Amaral, McHugh, Petrarca**ENTITLED**, AN ACT RELATING TO THE GENERAL ASSEMBLY -- JOINT COMMITTEE ON LEGISLATIVE SERVICES {LC646/1}

01/25/2005 Introduced, referred to House Finance

House Bill No. 5173**BY** McNamara, Malik, Lewiss**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -
CORRECTIONS DEPARTMENT {LC194/1}

01/25/2005 Introduced, referred to House Finance

House Bill No. 5174**BY** Davey, Loughlin, Amaral, McHugh, Petrarca**ENTITLED**, AN ACT RELATING TO JOINT COMMITTEE ON LEGISLATIVE
SERVICES {LC519/1}

01/25/2005 Introduced, referred to House Finance

House Bill No. 5175**BY** Fox, Slater, Lewiss, Pacheco, Rice**ENTITLED**, AN ACT RELATING TO HOUSING RESOURCES - NEIGHBORHOOD
OPPORTUNITIES PROGRAM {LC718/1}

01/25/2005 Introduced, referred to House Finance

House Bill No. 5176**BY** Gemma, McNamara, Giannini, Williams, Almeida**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- STATE
LOTTERY {LC803/1}

01/25/2005 Introduced, referred to House Finance

House Bill No. 5177**BY** San Bento, Gemma, Rice, Lewiss, Church**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS
{LC861/1}

01/25/2005 Introduced, referred to House Separation of Powers

House Bill No. 5178**BY** Faria**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- LABOR
RELATIONS BOARD {LC694/1}

01/25/2005 Introduced, referred to House Labor

House Bill No. 5179**BY** Amaral, Savage, Loughlin, Moffitt, Davey**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES {LC711/1}

01/25/2005 Introduced, referred to House Corporations

House Bill No. 5180**BY** Moffitt, Mumford**ENTITLED**, AN ACT RELATING TO COMMERCIAL -- GENERAL REGULATING
PROVISIONS -- DECEPTIVE TRADE PRACTICES {LC909/1}

01/25/2005 Introduced, referred to House Corporations

House Bill No. 5181 (Lieutenant Governor)
BY McNamara, Ginaitt, Costantino, Fox, Kennedy
ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- NURSING FACILITY QUALITY IMPROVEMENT AND REFORM {LC483/1}
01/25/2005 Introduced, referred to House H.E.W.

House Bill No. 5182
BY Naughton, Slater, Lima, Kennedy, Coderre E
ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY OF PUPILS {LC770/1}
01/25/2005 Introduced, referred to House H.E.W.

House Bill No. 5183
BY McNamara, Malik, Gemma, Ginaitt, Corvese
ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- ASSISTED LIVING RESIDENCE LICENSING ACT {LC715/1}
01/25/2005 Introduced, referred to House H.E.W.

House Bill No. 5184
BY Laroche, Brien T, Landroche, Winfield
ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- LICENSING OF HEALTH CARE FACILITIES {LC920/1}
01/25/2005 Introduced, referred to House H.E.W.

House Bill No. 5185
BY McHugh
ENTITLED, AN ACT RELATING TO LABOR RELATIONS -- SCHOOL COMMITTEES/TEACHER NEGOTIATIONS {LC216/1}
01/25/2005 Introduced, referred to House H.E.W.

House Bill No. 5186
BY Almeida, Williams, Diaz, McNamara
ENTITLED, AN ACT RELATING TO EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION {LC153/1}
01/25/2005 Introduced, referred to House H.E.W.

House Resolution No. 5187
BY Fox, Watson
ENTITLED, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC1024/1}

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. 5188**BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC1023/1}

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 rising vote.

House Resolution No. 5189**BY** Gorham, Mumford**ENTITLED**, HOUSE RESOLUTION EXTENDING THE REPORTING DATE OF A SPECIAL "HOUSE COMMISSION TO STUDY THE DESIGNATION OF ROUTE 14 AS AN HISTORIC HIGHWAY" IN COMMEMORATION OF GENERAL ROCHAMBEAU'S MARCH TO YORKTOWN IN THE REVOLUTIONARY WAR" {LC350/1}

Representative Gorham requests unanimous consent for immediate consideration.

There is no objection.

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

CONSENT CALENDAR

From the Consent Calendar is taken:

IN ORDER FOR TUESDAY, JANUARY 25, 2005:**1 2005-S 49****BY** Felag**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF D & M CUSTOM HOMES, INC.

Ordered on the Calendar

Read and passed, in concurrence, on a motion of Majority Leader Fox, seconded by Minority Leader Watson, by unanimous consent on a voice vote.

TRANSMITTAL

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

ANNOUNCEMENTS

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

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 Flaherty announces that the Committee on Judiciary will meet today, at the rise of the House, in Room 205 of the State House.

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

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

Representative Naughton announces that the Committee on Rules will meet Thursday, January 27, 2005, at the rise of the House, in Room 205 of the State House.

Representative Lally announces that there will be a meeting of the Deputy Majority Leaders at 5:30 o'clock P.M. on the third floor in the conference room.

GUESTS

At 4:43 o'clock P.M. the Honorable Speaker yields the rostrum to Representative Williamson.

By unanimous consent, Representative Williamson addresses the members of the House and welcomes to the House Chief Peter T. Brousseau, from the West Warwick Police Department. Representative Williamson announces that Chief Brousseau was honored and installed as President of the Rhode Island Police Chief's Association. Representative Williamson presents Chief Brousseau with a citation.

At 4:44 o'clock P.M. the Honorable Speaker returns to the rostrum.

Representative Dennigan announces today is the 100th Anniversary of Professional Nursing in Rhode Island. Representative Dennigan welcomes to the House Chamber as guests Penny Sprarfven, RN – Rhode Island Nurses Association, and Christiana Rosa, RN - Rhode Island Hispanic Nurses Association.

Representative Ucci welcomes to the House as guests newly elected Councilwoman Stephanie Manzi, and Councilman John DiMaio of Johnston.

The Honorable Speaker also congratulates and welcomes them to the House Chamber.

ADJOURNMENT

At 4:50 o'clock P.M. on motion of Representative Sullivan, and as a further mark of respect to the memory of Anne Barlow; on motion of Representatives Shanley and Giannini, and as a further mark of respect to the memory of Henry Murray; on motion of Representative Anguilla and as a further mark of respect to the memory of Nicoletta Ruggiero; on motion of Representative Corvese, and as a further mark of respect to the memory of Frank Robertshaw, Jr.; on motion of Representative Slater, and as a further mark of respect to the memory of Roosevelt Bells Benton; on motion of Representative DeSimone, and as a further mark of respect to the memory of Joseph Albanese; on motion of Representative Williamson, and as a further mark of respect to the memory of Albert Muschiano; on motion of Representative McNamara, and as a further mark of respect to the memory of Paul J. Fox seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE ARTHUR J. CORVESE

Lord may it be Thy will, not our own, which governs our deliberations this day. Amen

TRANSMITTED TO THE GOVERNOR

Senate Bill No. 49

BY Felag

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF D & M CUSTOM HOMES, INC. {LC659/1}