

**State of Rhode Island and Providence Plantations**

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**JOURNAL**  
**-OF THE-**  
**HOUSE OF REPRESENTATIVES**

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**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.**

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Volume 132, No. 11

Tuesday, February 1, 2005

Eleventh Day

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The House of Representatives meets at the State House in Providence, Tuesday, February 1, 2005 and is called to order at 4:13 o'clock P.M., by the Honorable William J. Murphy, Speaker.

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

PRESENT - 70: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Voccola, Wasylyk, Watson, Williamson, Winfield.

ABSENT – 5: Representatives Carter, Jacquard, Naughton, Rose, Williams.

**INVOCATION**

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

(For Invocation, see Appendix, this Journal.)

**APPROVAL OF RECORD**

By unanimous consent, the House Journal of Thursday, January, 27, 2005, is approved as printed.

**ANNOUNCEMENT**

Representative Eileen S. Naughton will be unable to attend session Tuesday, February 1, 2005. She is at a seminar in Washington, DC.

**ANNOUNCEMENT FROM SPEAKER WILLIAM J. MURPHY**

As Speaker of the House, I hereby appoint Representative Paul Crowley as Deputy Finance Chair.

**NEW BUSINESS****House Bill No. 5226**

**BY** Lewiss, San Bento, Picard, Kennedy, Jackson

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- ENVIRONMENTAL LEAD PROGRAM {LC397/1}

02/01/2005 Introduced, referred to House Corporations

**House Bill No. 5227**

**BY** Gallison, Anguilla

**ENTITLED**, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF BRISTOL {LC854/1}

02/01/2005 Introduced, referred to House Corporations

**House Bill No. 5228**

**BY** Naughton, Costantino, Slater

**ENTITLED**, AN ACT RELATING TO INSURANCE -- EARLY INTERVENTION SERVICES {LC958/1}

02/01/2005 Introduced, referred to House Corporations

**House Bill No. 5229**

**BY** Kilmartin, Picard, Anguilla, Crowley

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES {LC305/1}

02/01/2005 Introduced, referred to House Corporations

**House Bill No. 5230**

**BY** Savage, Moffitt, Story

**ENTITLED**, AN ACT RELATING TO ELECTIONS {LC905/1}

02/01/2005 Introduced, referred to House Corporations

**House Bill No. 5231**

**BY** Gallison, Moran, Rice, Church, Gemma

**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES {LC752/1}

02/01/2005 Introduced, referred to House Corporations

**House Bill No. 5232****BY** Picard**ENTITLED**, AN ACT RELATING TO PHARMACY {LC109/1}

02/01/2005 Introduced, referred to House Corporations

**House Bill No. 5233****BY** Menard, Petrarca, Brien T, Ucci, McHugh**ENTITLED**, AN ACT RELATING TO MANDATED BENEFITS REVIEW ACT {LC794/1}

02/01/2005 Introduced, referred to House Corporations

**House Bill No. 5234****BY** Lewiss**ENTITLED**, AN ACT RELATING TO THE WATCH HILL FIRE DISTRICT {LC686/1}

02/01/2005 Introduced, referred to House Corporations

**House Bill No. 5235****BY** Lewiss, Kennedy, Lally, Picard, Jackson**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - - LEAD HAZARD MITIGATION {LC937/1}

02/01/2005 Introduced, referred to House Corporations

**House Bill No. 5236****BY** Gorham, Mumford, Moffitt**ENTITLED**, AN ACT RELATING TO BRIDLE AND HIKING TRAILS {LC347/1}

02/01/2005 Introduced, referred to House Environment and Natural Resources

**House Bill No. 5237****BY** Gorham, Davey, Singleton, Trillo**ENTITLED**, AN ACT RELATING TO THE GENERAL ASSEMBLY -- JOINT COMMITTEE ON LEGISLATIVE SERVICES -- ELECTRONIC PUBLICATION OF VOTES {LC351/1}

02/01/2005 Introduced, referred to House Judiciary

**House Bill No. 5238****BY** O'Neill, Coderre E, Moran, Gemma, Kilmartin**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLE OFFENSES {LC1062/1}

02/01/2005 Introduced, referred to House Judiciary

**House Bill No. 5239****BY** Rice, Moura, Ajello, Jackson, Handy**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- LAW PRACTICE {LC793/1}

02/01/2005 Introduced, referred to House Judiciary

**House Bill No. 5240****BY** Church, Pacheco, Kilmartin, Moran**ENTITLED**, AN ACT RELATING TO THEFT, EMBEZZLEMENT -- MISAPPROPRIATION {LC882/1}

02/01/2005 Introduced, referred to House Judiciary

**House Bill No. 5241****BY** Church, Pacheco, Kilmartin, Moran**ENTITLED**, AN ACT RELATING TO THEFT, EMBEZZLEMENT, FALSE PRETENSES AND MISAPPROPRIATION {LC989/1}

02/01/2005 Introduced, referred to House Judiciary

**House Bill No. 5242****BY** Church, Gemma, Lima**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- EMINENT DOMAIN {LC873/1}

02/01/2005 Introduced, referred to House Judiciary

**House Resolution No. 5243****BY** Picard**ENTITLED**, JOINT RESOLUTION TO APPROVE AND PUBLISH, AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (INITIATIVE AND REFERENDUM) {LC105/1}

02/01/2005 Introduced, referred to House Judiciary

**House Bill No. 5244****BY** Picard**ENTITLED**, AN ACT RELATING TO DELINQUENT AND DEPENDENT CHILDREN {LC113/1}

02/01/2005 Introduced, referred to House Judiciary

**House Bill No. 5245****BY** Picard**ENTITLED**, AN ACT RELATING TO INITIATIVE AND REFERENDUM {LC115/1}

02/01/2005 Introduced, referred to House Judiciary

**House Resolution No. 5246****BY** Palumbo, Jacquard, Ucci, Lima**ENTITLED**, HOUSE RESOLUTION HONORING JACQUELINE A. WHITE ON HER RETIREMENT AFTER SIXTEEN YEARS OF DEDICATED SERVICE ON THE CRANSTON SCHOOL COMMITTEE {LC610/1}

02/01/2005 Introduced, referred to House H.E.W.

**House Bill No. 5247****BY** Diaz, Slater, Lima, McNamara, Church**ENTITLED**, AN ACT RELATING TO EDUCATION OF LIMITED ENGLISH PROFICIENT STUDENTS {LC696/1}

02/01/2005 Introduced, referred to House H.E.W.

**House Bill No. 5248****BY** Giannini, Petrarca, Trillo, Williams, McHugh**ENTITLED**, AN ACT RELATING TO HEALTH INSURANCE COVERAGE {LC122/1}

02/01/2005 Introduced, referred to House H.E.W.

**House Bill No. 5249****BY** Giannini, Petrarca, Trillo, Williams, McHugh**ENTITLED**, AN ACT RELATING TO HEALTH INSURANCE COVERAGE {LC116/1}

02/01/2005 Introduced, referred to House H.E.W.

**House Bill No. 5250****BY** Giannini, Petrarca, Trillo, Moffitt, Williams**ENTITLED**, AN ACT RELATING TO HEALTH INSURANCE COVERAGE {LC155/1}

02/01/2005 Introduced, referred to House H.E.W.

**House Bill No. 5251****BY** Picard**ENTITLED**, AN ACT RELATING TO PRIVATE SCHOOLS {LC111/1}

02/01/2005 Introduced, referred to House H.E.W.

**House Bill No. 5252****BY** McHugh, Story, Savage, Dennigan**ENTITLED**, AN ACT RELATING TO EDUCATION -- FOUNDATION LEVEL SCHOOL SUPPORT {LC173/1}

02/01/2005 Introduced, referred to House H.E.W.

**House Bill No. 5253****BY** Lewiss, Dennigan, Anguilla, Shanley, San Bento**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- MICROLOAN PROGRAM FOR MICROENTERPRISES {LC389/1}

02/01/2005 Introduced, referred to House Finance

**House Bill No. 5254****BY** Naughton, Slater, Ginaitt, Handy, McNamara**ENTITLED**, AN ACT RELATING TO THE PERMANENT JOINT COMMITTEE ON NAMING ALL NEW BUILDINGS, BRIDGES, EDIFICES AND OTHER STATE CONSTRUCTIONS {LC1060/1}

02/01/2005 Introduced, referred to House Finance

**House Bill No. 5255****BY** Kilmartin, Coderre E, Crowley, Anguilla**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY {LC203/1}

02/01/2005 Introduced, referred to House Finance

**House Bill No. 5256****BY** Gorham**ENTITLED**, AN ACT RELATING TO TAXATION -- COLLECTION OF TAXES  
GENERALLY {LC247/1}

02/01/2005 Introduced, referred to House Finance

**House Bill No. 5257****BY** Fox**ENTITLED**, AN ACT RELATING TO TAXATION {LC808/1}

02/01/2005 Introduced, referred to House Finance

**House Bill No. 5258****BY** Fox, Gallison, Rice, Jackson, Long**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT {LC804/1}

02/01/2005 Introduced, referred to House Finance

**House Bill No. 5259****BY** Fox, Gallison, Rice, Jackson, Long**ENTITLED**, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE --  
NATIONAL SECURITY INFRASTRUCTURE SUPPORT FUND {LC806/1}

02/01/2005 Introduced, referred to House Finance

**House Bill No. 5260****BY** Fox**ENTITLED**, AN ACT RELATING TO TAXATION - BUSINESS CORPORATION TAX  
{LC807/1}

02/01/2005 Introduced, referred to House Finance

**House Bill No. 5261****BY** Fox**ENTITLED**, AN ACT RELATING TO TAXATION -- BUSINESS CORPORATION TAX  
{LC805/1}

02/01/2005 Introduced, referred to House Finance

**House Bill No. 5262****BY** Lewiss, Fox, Crowley, Pacheco**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES {LC904/1}

02/01/2005 Introduced, referred to House Finance

**House Bill No. 5263****BY** Mumford, Moffitt, Savage, Ehrhardt, Loughlin**ENTITLED**, AN ACT RELATING TO TAXATION -- SALES AND USE TAXES -- LIABILITY AND COMPUTATION {LC761/1}

02/01/2005 Introduced, referred to House Finance

**House Bill No. 5264****BY** Brien T, Menard, Laroche, Pichardo, Church**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS {LC503/1}

02/01/2005 Introduced, referred to House Finance

**House Bill No. 5265****BY** Moffitt, Williams, Mumford, Handy, Trillo**ENTITLED**, AN ACT RELATING TO EDUCATION -- PERMANENT SCHOOL FUND {LC917/1}

02/01/2005 Introduced, referred to House Finance

**House Resolution No. 5266****BY** Moffitt, Mumford, Handy, Long, Ehrhardt**ENTITLED**, HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO STUDY THE RULES AND REGULATIONS PERTAINING TO PUBLIC ACCESS, CABLE TV PROGRAMMING, INTERNET ACCESS, AND PUBLIC AIRING OF GOVERNMENTAL MEETINGS, INCLUDING THE GENERAL ASSEMBLY AND ITS COMMITTEES {LC1052/1}

02/01/2005 Introduced, referred to House Finance

**House Bill No. 5267****BY** Lima, Almeida, Gallison, Naughton, Wasylyk**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- ACQUISITION OF LAND {LC841/1}

02/01/2005 Introduced, referred to House Finance

**House Bill No. 5268****BY** Picard**ENTITLED**, AN ACT RELATING TO SALES AND USE TAXES -- LIABILITY AND COMPUTATION {LC106/1}

02/01/2005 Introduced, referred to House Finance

**House Bill No. 5269****BY** Picard**ENTITLED**, AN ACT RELATING TO SALES TAX {LC108/1}

02/01/2005 Introduced, referred to House Finance

**House Bill No. 5270 (Governor)****BY** Watson, Mumford, Long, Gorham, Savage**ENTITLED**, AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2006 {LC1122/1}

02/01/2005 Introduced, referred to House Finance

**House Bill No. 5271****BY** Kilmartin, Crowley, Coderre E, Anguilla**ENTITLED**, AN ACT CREATING A SUNSET OVERSIGHT COMMISSION {LC186/1}

02/01/2005 Introduced, referred to House Separation of Powers

**House Resolution No. 5272****BY** Fox**ENTITLED**, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC1274/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

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

**House Resolution No. 5273****BY** Lewiss, Long, Fox, Ajello, Crowley**ENTITLED**, HOUSE RESOLUTION COMMEMORATING THE 60TH ANNIVERSARY OF THE LIBERATION OF AUSCHWITZ-BIRKENAU CONCENTRATION CAMP ON JANUARY 27, 1945 AND HONORING THE MEMORY OF ALL WHO PERISHED THERE {LC1327/1}

Representative Lewiss requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Lewiss seconded by Representatives McNamara, Gallison, Savage, Long, Mumford, Ajello, Ucci, Picard, Schadone, Winfield 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.



**ANNOUNCEMENTS**

Representative Picard announces that the Representative Kennedy's mother received a successful kidney transplant on Sunday evening, and wishes her the best of luck.

Also:

The Honorable Speaker on behalf of the Entire House of Representatives wishes Representative Kennedy's mother the best.

Representative Fox announces a change in the legislative calendar for the introduction of bills. The bill introduction date has been changed from February 10<sup>th</sup> to February 17<sup>th</sup>. Bill drafts must be submitted to legislative council by the close of business on Thursday, February 10<sup>th</sup>.

**ADJOURNMENT**

At 4:28 o'clock P.M. on motion of Representative Lima, and as a further mark of respect to the memory of Senator William Zuccarelli; and as a further mark of respect to the memory of Nikki Gizzarelli; on motion of Representatives San Bento and Melo and as a further mark of respect to the memory of Henry D. Rose, father of Representative Rose; on motion of Representative Jackson, and as a further mark of respect to the memory of Elaine Claire Burbage; and as a further mark of respect to the memory of Dorothy M. Hogan; on motion of Representative Church, and as a further mark of respect to the memory of Marcel D. Hebert; seconded by Representatives Fox and the entire Republican caucus the House adjourns, on a unanimous rising vote.

**Linda M. McElroy**  
**Recording Clerk**

**APPENDIX**

**INVOCATION**

**REPRESENTATIVE GREGORY J. SCHADONE**

Heavenly Father, look with favor on our deliberation and assist us by your grace to do what is just and wise. Amen.

APPENDIX

CALENDAR

IN ORDER FOR WEDNESDAY, FEBRUARY 2, 2005:

**1 2005-H 5014**

**BY Pacheco**

**ENTITLED,** AN ACT RELATING TO THE TOWN OF BURRILLVILLE

Committee on Corporations recommends passage.

**2 2005-H 5067**

**BY Kilmartin**

**ENTITLED,** AN ACT RELATING TO MOTOR VEHICLES -- REGISTRATION  
OF VEHICLES

Committee on Corporations recommends passage.

**3 2005-H 5104 SUB A**

**BY Kilmartin**

**ENTITLED,** AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES --  
MERIT SYSTEM

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

**Louis D'Antuono**  
**Clerk of the House**

Tuesday, February 1, 2005