

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. 5

Thursday, January 15, 2004

Sixth Day

The House of Representatives meets at the State House in Providence, Thursday, January 15, 2004 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 67 members present and 8 members absent as follows:

PRESENT – 67: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anderson, Anguilla, Aubin, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Enos, Faria, Flaherty, Fox, Gallison, Giannini, Ginaitt, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Malik, McCauley, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Moura, Mumford, Naughton, Palumbo, Petrarca, Picard, Rose, San Bento, Savage, Schadone, Scott, Shanley, Slater, Story, Tejada, Trillo, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT – 8: Representatives Benson, Coogan, Harwood, Lowe, Reilly, Shavers, Sherlock, Smith.

INVOCATION

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

(For Invocation, see Appendix, this Journal.)

CORRECTION

By unanimous consent, the House Journal of Wednesday, January 14, 2004, is hereby corrected on page 8, by deleting line 8 and inserting “**BY** Corvese, Schadone, Giannini, Palumbo, and Reilly” therefore.

APPROVAL OF RECORD

By unanimous consent, the House Journal of Wednesday January 14, 2004 is approved as corrected.

COMMUNICATION

January 14, 2004

TO THE HONORABLE, THE SECRETARY OF STATE:

I have the honor to inform you that pursuant to Section 23-28.2-23 of the Rhode Island General Laws, I hereby appoint:

Chief Charles Hall of West Warwick

to the Fire Education and Training Coordinating Board.

Sincerely,

William J. Murphy
SPEAKER

Received and placed on file.

GUEST

Minority Leader Watson welcomes to the House U.S. Senator Lincoln Chafee.

At 4:18 o'clock P.M. the Honorable Speaker yields the rostrum to Senator Lincoln Chafee.

By unanimous consent, Senator Chafee addresses the members of the House.

At 4:19 o'clock P.M. the Honorable Speaker returns to the rostrum.

Representative Moura publicly thanks the Senator for his support of the port authority.

ANNOUNCEMENTS

Representative Joseph L. Faria is hereby transferred to the House Committee on Finance as of January 15, 2004. William J. Murphy – Speaker

Representative Donald O. Reilly will be out of the state on business on Thursday, January 15, and will be unable to attend session.

Representative Melvoid J. Benson will be unable to attend session today, January 15, 2004.

Representative Lima wishes Representative Wasylyk a very Happy Birthday.

Representative Savage congratulates Representative Story on the birth of her granddaughter.

Representative Carter informs the members that Representative Sherlock's condition is the same, and for everyone to remember him in their prayers.

REPORTS OF COMMITTEES

COMMITTEE ON CORPORATIONS

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

House Bill No. 7011

BY Menard, McManus

ENTITLED, AN ACT RELATING TO THE INCORPORATION OF THE ALBION FIRE DISTRICT {LC213/1}

01/15/2004 Placed on the House Consent Calendar

NEW BUSINESS

House Resolution No. 7215

BY Kilmartin, Handy, Dennigan, Moura, Coderre E

ENTITLED, HOUSE RESOLUTION RESPECTFULLY REQUESTING FEDERAL REGULATORS TO REQUIRE BANK OF AMERICA TO REACH COMMUNITY INVESTMENT AGREEMENTS WITH THE STATE OF RHODE ISLAND {LC914/1}

Representative Kilmartin requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Kilmartin seconded by Representatives Lima, Handy, Carter, Faria, Rose, Naughton, Cerra, Ginaitt, San Bento Kennedy, Laroche, Landroche, Dennigan, Coderre, Malik, Montanaro, Brien, and by unanimous consent, on a voice vote.

House Bill No. 7216

BY Gorham, Moffitt, Mumford, Trillo, Scott

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- ZONING {LC331/1}

01/15/2004 Introduced, referred to House Corporations

House Bill No. 7217**BY** Long, Gorham, Kennedy, Lewiss, Scott**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- DIVISION OF FIRE SAFETY {LC321/1}

01/15/2004 Introduced, referred to House Corporations

House Bill No. 7218**BY** Gorham**ENTITLED**, AN ACT RELATING TO EDUCATION {LC322/1}

01/15/2004 Introduced, referred to House Finance

House Bill No. 7219**BY** Gorham, Mumford, Moffitt, Scott, Callahan**ENTITLED**, AN ACT RELATING TO EDUCATION {LC319/1}

01/15/2004 Introduced, referred to House Finance

House Bill No. 7220**BY** Gorham, Mumford, Moffitt, Trillo, Scott**ENTITLED**, AN ACT RELATING TO THE GENERAL ASSEMBLY -- JOINT COMMITTEE ON LEGISLATIVE SERVICES -- ELECTRONIC PUBLICATION OF VOTES {LC309/1}

01/15/2004 Introduced, referred to House Finance

House Bill No. 7221**BY** Gorham, Mumford, Moffitt, Trillo, Callahan**ENTITLED**, AN ACT RELATING TO PUBLIC FINANCE -- STATE BUDGET {LC307/1}

01/15/2004 Introduced, referred to House Finance

House Bill No. 7222**BY** Long, Gorham, Mumford, Moffitt, Lewiss**ENTITLED**, AN ACT RELATING TO PERSONAL INCOME TAX {LC323/1}

01/15/2004 Introduced, referred to House Finance

House Bill No. 7223**BY** Long, Gorham, Mumford, Lewiss, Scott**ENTITLED**, AN ACT RELATING TO TAXATION {LC320/1}

01/15/2004 Introduced, referred to House Finance

House Bill No. 7224**BY** Faria, Moura**ENTITLED**, AN ACT RELATING TO RETIREMENT -- DISABILITY {LC830/1}

01/15/2004 Introduced, referred to House Finance

House Bill No. 7225**BY** Savage, Rose, Long**ENTITLED**, AN ACT RELATING TO EDUCATION {LC697/1}

01/15/2004 Introduced, referred to House Finance

House Bill No. 7226**BY** Ginaitt, Lewiss, Gallison, Anderson R, Ajello**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- TAX REFUND FOR CONTRIBUTION TO CERTAIN NONPROFIT GROUPS {LC824/1}

01/15/2004 Introduced, referred to House Finance

House Bill No. 7227**BY** Corvese, Lima**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- GOVERNMENT OVERSIGHT AND FISCAL ACCOUNTABILITY REVIEW ACT {LC758/1}

01/15/2004 Introduced, referred to House Finance

House Bill No. 7228**BY** Anguilla, Shanley, Lewiss, Ginaitt, Rose**ENTITLED**, AN ACT RELATING TO TAXATION {LC647/1}

01/15/2004 Introduced, referred to House Finance

House Bill No. 7229**BY** Gorham, Mumford, Moffitt, Scott, Story**ENTITLED**, AN ACT RELATING TO EDUCATION -- STUDENT INVESTMENT INITIATIVE {LC325/1}

01/15/2004 Introduced, referred to House Finance

House Bill No. 7230**BY** Gorham, Mumford, Moffitt, Savage, Long**ENTITLED**, AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS {LC324/1}

01/15/2004 Introduced, referred to House Finance

House Bill No. 7231**BY** Gorham, Mumford, Moffitt, Trillo, Story**ENTITLED**, AN ACT RELATING TO TAXATION -- LOCAL MEALS AND BEVERAGE TAX {LC308/1}

01/15/2004 Introduced, referred to House Finance

House Bill No. 7232**BY** Gorham, Mumford, Moffitt, Trillo, Scott**ENTITLED**, AN ACT RELATING TO ELECTIONS {LC311/1}

01/15/2004 Introduced, referred to House Judiciary

House Bill No. 7233**BY** Gorham, Savage, Moffitt, Amaral, Story**ENTITLED**, AN ACT RELATING TO ETHICS - ETHICS COMMISSION POWERS {LC329/1}

01/15/2004 Introduced, referred to House Judiciary

House Bill No. 7234**BY** Brien T, Laroche, Almeida, Williams**ENTITLED**, AN ACT RELATING TO RENTAL PURCHASE AGREEMENTS {LC825/1}

01/15/2004 Introduced, referred to House Judiciary

House Bill No. 7235**BY** Palumbo**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- MERIT SYSTEM {LC886/1}

01/15/2004 Introduced, referred to House Judiciary

House Bill No. 7236**BY** Anguilla, Lewiss, Handy, Gallison, Ajello**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY {LC646/1}

01/15/2004 Introduced, referred to House Judiciary

House Bill No. 7237**BY** Anguilla, Lewiss, Almeida, Gallison, Dennigan**ENTITLED**, AN ACT RELATING TO RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS {LC639/1}

01/15/2004 Introduced, referred to House Judiciary

House Bill No. 7238**BY** Gorham, Mumford, Moffitt, Story, Trillo**ENTITLED**, AN ACT RELATING TO ELECTIONS -- REGISTRATION OF VOTERS {LC318/1}

01/15/2004 Introduced, referred to House Judiciary

House Bill No. 7239**BY** Fox, Lima, Costantino, Ajello, Almeida**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY {LC847/1}

01/15/2004 Introduced, referred to House H.E.W.

House Bill No. 7240**BY** Gallison, Giannini, Winfield, Anguilla, Enos**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- LYME DISEASE AND TREATMENT {LC689/1}

01/15/2004 Introduced, referred to House H.E.W.

House Resolution No. 7241**BY** Gorham, Moffitt, Mumford, Trillo, Callahan**ENTITLED**, HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO STUDY THE FEASIBILITY OF STATEWIDE TEACHER CONTRACTS IN THE STATE OF RHODE ISLAND {LC326/1}

01/15/2004 Introduced, referred to House H.E.W.

House Resolution No. 7242**BY** Malik, Story**ENTITLED**, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$197.18 TO PAY THE CLAIM OF DAVID FRYE OF 91 RUMSTICK ROAD, BARRINGTON, RHODE ISLAND 02806 {LC842/1}

01/15/2004 Introduced, referred to Jt. Committee on Accounts & Claims

House Resolution No. 7243**BY** Giannini**ENTITLED**, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$156.50 TO PAY THE CLAIM OF ARTHUR R. CONLON OF 5 CONVENT STREET, #12, PROVIDENCE, RHODE ISLAND 02908 {LC845/1}

01/15/2004 Introduced, referred to Jt. Committee on Accounts & Claims

House Resolution No. 7244**BY** Williams**ENTITLED**, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$2695.24 TO PAY THE CLAIM OF DENNIS C. BROOKS OF 6 BRAYTON ROAD, SMITHFIELD, RHODE ISLAND 02896 {LC858/1}

01/15/2004 Introduced, referred to Jt. Committee on Accounts & Claims

House Resolution No. 7245**BY** Williams, Ajello**ENTITLED**, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$150.00 TO PAY THE CLAIM OF STEPHEN A. FARRELL OF 26 RODMAN STREET, FAIRHAVEN, MASSACHUSETTS 02719-3944 {LC857/1}

01/15/2004 Introduced, referred to Jt. Committee on Accounts & Claims

House Bill No. 7246**BY** Naughton, Lewiss, Cerra, Gallison, Almeida**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE RHODE ISLAND CARBON FUEL REDUCTION AND AIR POLLUTION CONTROL ACT {LC641/1}

01/15/2004 Introduced, referred to House Environment and Natural Resources

House Bill No. 7247**BY** Gorham, Moffitt, Mumford, Trillo, Scott**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- AIR POLLUTION {LC317/1}

01/15/2004 Introduced, referred to House Environment and Natural Resources

House Bill No. 7248**BY** Moran, Brien T, Voccola, Palumbo**ENTITLED**, AN ACT RELATING TO HUNTING AND HUNTING SAFETY {LC841/1}

01/15/2004 Introduced, referred to House Environment and Natural Resources

House Bill No. 7249**BY** Gorham, Ginaitt, Mumford, Trillo, Scott**ENTITLED**, AN ACT RELATING TO BRIDLE AND HIKING TRAILS {LC316/1}

01/15/2004 Introduced, referred to House Environment and Natural Resources

House Bill No. 7250**BY** Gorham, Mumford, Moffitt, Trillo, Scott**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- RHODE ISLAND HISTORICAL PRESERVATION AND HERITAGE COMMISSION {LC315/1}

01/15/2004 Introduced, referred to House Environment and Natural Resources

House Bill No. 7251**BY** Carter, Schadone, Gallison, Brien T, San Bento**ENTITLED**, AN ACT RELATING TO MONUMENTS AND MEMORIALS {LC889/1}

01/15/2004 Introduced, referred to House Veterans Affairs

House Bill No. 7252**BY** Gallison, Winfield, Lewiss, Ginaitt, Naughton**ENTITLED**, AN ACT RELATING TO EDUCATION -- ESTABLISHMENT OF CHARTER PUBLIC SCHOOLS {LC839/1}

01/15/2004 Introduced, referred to House Finance

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.

ANNOUNCEMENTS

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 Giannini 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.

ADJOURNMENT

At 4:30 o'clock P.M. on motion of Representatives San Bento and McNamara, and as a further mark of respect to the memory of Sister Martha Serbst, R.S.M., on motion of Representative Giannini, and as a further mark of respect to the memory of Margie Sisto; on a motion of Representative Carter to remember Representative Sherlock in their prayers seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy**Recording Clerk****Appendix****INVOCATION****HENRY C. ROSE**

Thank you God for Your presence here with us and Your blessings on this Assembly today and every day. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR TUESDAY, JANUARY 20, 2004:

1. 2004-H 7167

BY Story

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Ordered on the Calendar

2. 2004-H 7166

BY Giannini

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Ordered on the Calendar

IN ORDER FOR THURSDAY, JANUARY 22, 2004:

1. 2004-H 7011

BY Menard

ENTITLED, AN ACT RELATING TO THE INCORPORATION OF THE ALBION FIRE DISTRICT

Committee on Corporations recommends passage.

Louis D'Antuono

Clerk of the House

Thursday, January 15, 2004

CALENDAR

IN ORDER FOR WEDNESDAY, JANUARY 21, 2004:

1. 2004-H 7006 SUB A

BY Murphy

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES

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

Louis D'Antuono

Clerk of the House

Thursday, January 15, 2004