

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. 10

Tuesday, January 27, 2004

Tenth Day

The House of Representatives meets at the State House in Providence, Tuesday, January 27, 2004 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 73 members present and 1 member absent as follows:

PRESENT – 73: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anderson, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Enos, Faria, Flaherty, Fox, Gallison, Giannini, Ginaitt, Gorham, Handy, Harwood, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Malik, McCauley, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Moura, Mumford, Naughton, Palumbo, Petrarca, Picard, Reilly, Rose, San Bento, Savage, Schadone, Scott, Shanley, Shavers, Slater, Smith, Story, Tejada, Trillo, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT – 1: Representative Lowe.

INVOCATION

The Honorable Speaker presents Representative Reilly who delivers the Invocation, and Erica Rico to sing our National Anthem.

(For Invocation, see Appendix, this Journal.)

APPROVAL OF RECORD

By unanimous consent, the House Journal of Thursday, January 22, 2004, is approved as printed.

COMMUNICATION FROM THE SENATE

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

Senate Bill No. 2124**BY** Ruggiero**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF G. PAOLINO, INC. {LC492/1}

01/27/2004 Referred to House Corporations

NEW BUSINESS**House Resolution No. 7338****BY** Carter, Shanley, Corvese, Petrarca, Aubin**ENTITLED**, HOUSE RESOLUTION CONGRATULATING THE COMMUNITY COLLEGE OF RHODE ISLAND WOMEN'S SOCCER TEAM FOR FINISHING SECOND IN THE 2003 NJCAA WOMEN'S SOCCER TOURNAMENT AND DECLARING JANUARY 27, 2004 TO BE "CCRI WOMEN'S SOCCER DAY IN RHODE ISLAND" {LC1147/1}

Representative Carter requests unanimous consent for immediate consideration.

There is no objection.

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

House Resolution No. 7339**BY** Reilly, Moran, Fox, Watson**ENTITLED**, HOUSE RESOLUTION CONGRATULATING HENRY VIVIER ON HIS RETIREMENT {LC1235/1}

Representative Reilly requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Reilly seconded by Representatives Moran, Anguilla, Jacquard, Schadone, and Moura and by unanimous consent, on a voice vote.

House Resolution No. 7340**BY** Lima, Montanaro, Handy**ENTITLED**, HOUSE RESOLUTION STRONGLY URGING THE RHODE ISLAND PUBLIC TRANSIT AUTHORITY TO IMMEDIATELY REINSTATE RIPTA ROUTE #31 {LC1233/1}

Representative Lima requests (04H 7340) be placed on tomorrow's Calendar. There is no objection.

Read and ordered on the Calendar for Wednesday, January 28, 2004.

House Resolution No. 7341**BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC1273/1}

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. 7342**BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC1272/1}

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. 7343**BY** Trillo, Scott, Moffitt**ENTITLED**, AN ACT RELATING TO INSURANCE -- SMALL EMPLOYER HEALTH INSURANCE {LC1114/1}

01/27/2004 Introduced, referred to House Corporations

House Bill No. 7344**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO BOARD OF REGENTS FOR ELEMENTARY AND SECONDARY EDUCATION {LC603/1}

01/27/2004 Introduced, referred to House Corporations

House Bill No. 7345**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY {LC601/1}

01/27/2004 Introduced, referred to House Finance

House Bill No. 7346**BY** Shanley, Enos, Scott, Carter**ENTITLED**, AN ACT RELATING TO TAXATION - SALES AND USE TAXES - LIABILITY AND COMPUTATION {LC1161/1}

01/27/2004 Introduced, referred to House Finance

House Resolution No. 7347**BY** Aubin, Gallison, Menard**ENTITLED**, HOUSE RESOLUTION RESPECTFULLY REQUESTING THE GOVERNOR OF THE STATE OF RHODE ISLAND TO OPPOSE RECOMMENDATIONS FROM GACT IN REGARD TO REALLOCATION OF HOTEL LODGING FUNDS AND THE CREATION OF A STATEWIDE TOURISM ORGANIZATION {LC1146/1}

01/27/2004 Introduced, referred to House Finance

House Bill No. 7348**BY** Moran, Faria, Picard, San Bento, Coderre E**ENTITLED**, AN ACT RELATING TO THE RHODE ISLAND STUDENT INVESTMENT INITIATIVE {LC1052/1}

01/27/2004 Introduced, referred to House Finance

House Bill No. 7349**BY** Faria**ENTITLED**, AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS {LC1245/1}

01/27/2004 Introduced, referred to House Finance

House Bill No. 7350**BY** Gallison, Moffitt, Brien T, Cerra, Landroche**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF VETERANS' AFFAIRS {LC1284/1}

01/27/2004 Introduced, referred to House Finance

House Bill No. 7351**BY** Aubin, Gallison, Menard**ENTITLED**, AN ACT RELATING TO STATE AID {LC1154/1}

01/27/2004 Introduced, referred to House Finance

House Bill No. 7352**BY** Costantino, Crowley, Slater, Malik, Carter**ENTITLED**, AN ACT RELATING TO TAXATION OF INSURANCE COMPANIES {LC1263/1}

01/27/2004 Introduced, referred to House Finance

House Bill No. 7353**BY** Laroche, Enos, Landroche, Ginaitt, Lally**ENTITLED**, AN ACT RELATING TO FIRE FIGHTERS -- ANNUITIES TO DEPARTMENTS (annuities) {LC1056/1}

01/27/2004 Introduced, referred to House Corporations

House Bill No. 7354**BY** Cerra, Montanaro, Petrarca, Handy, Slater**ENTITLED**, AN ACT RELATING TO THE RHODE ISLAND RESOURCE RECOVERY CORPORATION {LC1057/1}

01/27/2004 Introduced, referred to House Corporations

House Bill No. 7355**BY** Coderre E, Crowley, Lewiss, Ginaitt, Kennedy**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES {LC1163/1}

01/27/2004 Introduced, referred to House Corporations

House Bill No. 7356**BY** Aubin, Gallison, Benson, Brien T, Menard**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - - LOW AND MODERATE INCOME HOUSING {LC1180/1}

01/27/2004 Introduced, referred to House Corporations

House Bill No. 7357**BY** Aubin, Gallison, Benson, Brien T, Menard**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - LOW AND MODERATE INCOME HOUSING {LC1196/1}

01/27/2004 Introduced, referred to House Corporations

House Bill No. 7358**BY** Lally, Lewiss, Wasylyk**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- WRONGFUL DEATH {LC50/1}

01/27/2004 Introduced, referred to House Judiciary

House Bill No. 7359**BY** Anguilla, Landroche, Williamson, Dennigan, Ajello**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT {LC1140/1}

01/27/2004 Introduced, referred to House Judiciary

House Bill No. 7360**BY** McNamara, Ginaitt**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- ADJUDICATION OF TRAFFIC OFFENSES {LC1088/1}

01/27/2004 Introduced, referred to House Judiciary

House Bill No. 7361**BY** Anguilla, Dennigan**ENTITLED**, AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT {LC1053/1}

01/27/2004 Introduced, referred to House Judiciary

House Bill No. 7362**BY** Amaral, Enos, Long, Trillo, Rose**ENTITLED**, AN ACT RELATING TO PROPERTY - DEEDS {LC1141/1}

01/27/2004 Introduced, referred to House Judiciary

House Bill No. 7363**BY** Shavers, Crowley, Callahan, Cerra, Benson**ENTITLED**, AN ACT RELATING TO CRIMINAL LAW - POSSESSION AND OR DISTRIBUTION OF CONTROLLED SUBSTANCES OR FIREARMS NEAR SCHOOLS AND OTHER PUBLIC PLACES {LC750/1}

01/27/2004 Introduced, referred to House Judiciary

House Bill No. 7364**BY** Petrarca, Moran, McHugh**ENTITLED**, AN ACT RELATING TO VICTIM'S RIGHTS {LC1128/1}

01/27/2004 Introduced, referred to House Judiciary

House Bill No. 7365**BY** Laroche, Brien T, DeSimone, Moran, Kilmartin**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - SECOND-HAND DEALERS {LC1054/1}

01/27/2004 Introduced, referred to House Judiciary

House Bill No. 7366**BY** Trillo, Watson, Crowley, Gorham, Malik**ENTITLED**, AN ACT RELATING TO HEALTH CARE INSURERS -- MANDATORY MEETINGS {LC994/1}

01/27/2004 Introduced, referred to House H.E.W.

House Bill No. 7367**BY** Amaral, Savage, McNamara, Lewiss, Picard**ENTITLED**, AN ACT RELATING TO EDUCATION -- ATTENDANCE -- RESIDENCY {LC1221/1}

01/27/2004 Introduced, referred to House H.E.W.

House Bill No. 7368**BY** Giannini, Handy, Cerra, Gallison, Ajello**ENTITLED**, AN ACT RELATING TO DOMESTIC RELATIONS-DOMESTIC ABUSE PREVENTION {LC327/1}

01/27/2004 Introduced, referred to House H.E.W.

House Bill No. 7369**BY** Giannini, Lima, Cerra, Gallison, Ajello**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- DOMESTIC ASSAULT {LC328/1}

01/27/2004 Introduced, referred to House H.E.W.

House Bill No. 7370**BY** McNamara, Handy, Lima, Williams, Ajello**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES -- DIESEL BUS IDLING STANDARDS {LC283/1}

01/27/2004 Introduced, referred to House H.E.W.

House Bill No. 7371**BY** McNamara, Handy, Lima, Cerra, Williams**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MISCELLANEOUS RULES {LC653/1}

01/27/2004 Introduced, referred to House H.E.W.

House Bill No. 7372**BY** McNamara, Cerra, Shavers, Ginaitt, Naughton**ENTITLED**, AN ACT RELATING TO PUBLIC ACCESS DEFIBRILLATION {LC1085/1}

01/27/2004 Introduced, referred to House H.E.W.

House Bill No. 7373**BY** Ginaitt, McNamara, Dennigan, Anderson R, Landroche**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - - HEALTH CLUBS {LC955/1}

01/27/2004 Introduced, referred to House H.E.W.

House Bill No. 7374**BY** Moura, Anguilla, Long, Kilmartin, Giannini**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- FAIR MARKET DRUG PRICING {LC887/1}

01/27/2004 Introduced, referred to House Corporations

House Bill No. 7375**BY** Moura, Fox, Ginaitt, Long, Naughton**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- RENEWABLE ENERGY STANDARD {LC91/1}

01/27/2004 Introduced, referred to House Corporations

House Bill No. 7376**BY** Almeida**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- MANAGEMENT AND DISPOSAL OF PROPERTY {LC1015/1}

01/27/2004 Introduced, referred to House Environment and Natural Resources

FROM THE DESK IS TAKEN**Senate Bill No. 2139****BY** Tassoni, Polisena, Connors, Felag, Fogarty P**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- LOW AND MODERATE INCOME HOUSING {LC1143/1}

Representative Menard requests unanimous consent for immediate consideration.

Representative Watson objects.

Representatives Menard and Watson discuss the act.

Read and ordered on the Calendar for Thursday, January 29, 2004.

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 Kennedy announces that the Committee on Corporations will meet today, at the end of the Code of Ethics Seminar in Room 203 of the State House.

Representative Malik announces that the Committee on Finance will meet today, at 6 o'clock P.M. in Room 35 of the State House.

Representative Flaherty announces that the Committee on Judiciary will meet today, at 6 o'clock P.M. in Room 205 of the State House.

Representative Fox announces that there will be a Code of Ethics Seminar today, at 5 o'clock, in the House Lounge.

Representative Fox also announces on all desks there should be a copy of the Budget Briefing Book.

GUESTS

Representative McManus welcomes to the House Chambers as a guest Dan Hurwitz, a student at Northeastern University.

Representative Carter welcome to the House as guests the CCRI Women's Soccer Team who finished second in the 2003 NJCAA Women's Soccer Tournament.

At 4:30 o'clock P.M. the Honorable Speaker yields the rostrum to Louis Pallano.

By unanimous consent, Lou Pallano addresses the members of the House and presents citations to the following Amie Adams, Patrice Amaral, Kathryn Antonellis, Alana Bouley, Orlagh Cullen, Catherine Cusson, Melissa Dellay, Abby Hummel, Kara Hurston, Jessica Insana, Ruth Kennedy, Katie Leahy, Jennifer McCormack, Carrie Nadro, Erika Praire, Erica Rico, Alex Rothemich, Heather Salapa, Rachel Salois, Monica Santos, Jessica St. Angelo, Pasha Stanzone, Aubrie Wilson along with their coaches Dennis Grassini, and Kathy Bannan.

At 4:33 o'clock P.M. the Honorable Speaker returns to the rostrum.

Representative Benson welcomes Kathy Bannan, assistant coach.

Representative Rose welcomes former Representative Ray Coelho to the House Chambers.

Representative Corvese announces Representative Costantino is receiving the 2003 Representative of the Year Award from the Rhode Island Association of Nurse Anesthetists.

POINT OF PERSONAL PRIVILEGE

Representative Lima rises on a point of personal privilege in regards to an article in the Providence Journal and a radio talk show.

ADJOURNMENT

At 4:58 o'clock P.M. on motion of Representative Moffitt, and as a further mark of respect to the memory of John (Big John) Tomlin; on motion of Representative Montanaro, and as a further mark of respect to the memory of Michael Creedon; on motion of Representative Lewiss and as a further mark of respect to the memory of Florence Steadman; on motion of Representative Gorham, and as a further mark of respect to the memory of Dana Cole; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy

Recording Clerk

APPENDIX

INVOCATION

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 THURSDAY, JANUARY 29, 2004:

1 2004-H 7340

BY Lima

ENTITLED, HOUSE RESOLUTION STRONGLY URGING THE RHODE ISLAND
PUBLIC TRANSIT AUTHORITY TO IMMEDIATELY REINSTATE
RIPTA ROUTE #31

Ordered on the Calendar

2 2004-S 2139

BY Tassoni

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- LOW AND
MODERATE INCOME HOUSING

Ordered on the Calendar

Louis D'Antuono
Clerk of the House

Tuesday, January 27, 2004