

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. 19

Wednesday, February 25, 2004

Nineteenth Day

The House of Representatives meets at the State House in Providence, Wednesday February 25, 2004 and is called to order at 6:17 o'clock P.M., by the Honorable William J. Murphy, Speaker

The roll is called and a quorum is declared present with 68 members present and 6 members absent as follows:

PRESENT – 68: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anderson, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Enos, Faria, Fox, Gallison, Giannini, Ginaitt, Gorham, Handy, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Lowe, Malik, McCauley, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Moura, Mumford, Palumbo, Petrarca, Picard, Reilly, Rose, San Bento, Savage, Schadone, Scott, Shanley, Shavers, Slater, Smith, Story, Tejada, Trillo, Voccola, Wasylyk, Watson, Williams, Winfield.

ABSENT – 6: Representatives Coderre, Flaherty, Harwood, Jacquard, Naughton, Williamson.

INVOCATION

The Honorable Speaker presents Representative Amaral 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 Tuesday, February 24, 2004, is approved as printed.

CORRECTION

By unanimous consent, the House Journal of Wednesday, February 4, 2004, is hereby corrected on page 11, line 6, by deleting "Introduced, referred to Jt. Committee on Accounts & Claims" and inserting "Introduced, referred to House Finance"

ANNOUNCEMENT

Representative Melvoid Benson will not be in session tomorrow, Thursday, February 26, 2004.

COMMUNICATION FROM THE SENATE

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

Senate Bill No. 2468

BY Montalbano J

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF GREENVILLE INSULATION CO., INC. {LC2701/1}

02/25/2004 Referred to House Corporations

REPORTS OF COMMITTEES**TRANSFER OF BILLS**

Representative Kennedy, for the Committee on Corporations, reports back the following measures, with recommendation of transfer to the Committee on Finance:

House Bill No. 7644

BY Schadone, Corvese, Malik, Winfield

ENTITLED, AN ACT RELATING TO TAXATION -- REAL ESTATE EVALUATION ASSESSMENTS {LC1230/1}

02/25/2004 Read and transferred to the House Committee on Finance

House Bill No. 7970

BY Crowley, Kennedy, Shavers

ENTITLED, AN ACT RELATING TO EDUCATION -- TRANSPORTATION OF SCHOOL PUPILS BEYOND CITY AND TOWN LIMITS {LC1932/1}

02/25/2004 Read and transferred to the House Committee on Finance

House Bill No. 7976**BY** Crowley, Shanley**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS {LC2361/1}

02/25/2004 Read and transferred to the House Committee on Finance

House Bill No. 7969**BY** Crowley, Kennedy, Shavers**ENTITLED**, AN ACT RELATING TO TRANSPORTATION OF SCHOOL PUPILS BEYOND CITY AND TOWN LIMITS {LC1836/1}

02/25/2004 Read and transferred to the House Committee on Finance

House Bill No. 7966**BY** Crowley**ENTITLED**, AN ACT RELATING TO SCHOOL COMMITTEES {LC1834/1}

02/25/2004 Read and transferred to the House Committee on Finance

Representative Kennedy, for the Committee on Corporations, reports back the following measures, with recommendation of transfer to the Committee on Judiciary:

House Bill No. 7599**BY** Flaherty, San Bento**ENTITLED**, AN ACT RELATING TO INSURANCE -- INDIVIDUAL DEFERRED ANNUITIES {LC1711/1}

02/25/2004 Read and transferred to the House Committee on Judiciary

Representative Kennedy, for the Committee on Corporations, reports back the following measures, with recommendation of transfer to the Committee on Labor:

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

02/25/2004 Read and transferred to the House Committee on Labor

House Bill No. 7431 (by request)**BY** Shanley**ENTITLED**, AN ACT RELATING TO APTITUDE AND PSYCHOLOGICAL TEST FOR LAW ENFORCEMENT CANDIDATES {LC181/1}

02/25/2004 Read and transferred to the House Committee on Labor

House Bill No. 7602**BY** Brien T, Winfield, Lowe, Schadone, Palumbo**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- BENEFITS FOR FIRE FIGHTERS {LC922/1}

02/25/2004 Read and transferred to the House Committee on Labor

House Bill No. 7643**BY** Corvese**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- OPTIONAL RETIREMENT FOR POLICE AND FIREFIGHTERS {LC1830/1}

02/25/2004 Read and transferred to the House Committee on Labor

House Bill No. 7645**BY** Montanaro, Kilmartin**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- OPTIONAL RETIREMENT FOR MEMBERS OF POLICE FORCE AND FIRE FIGHTERS {LC866/1}

02/25/2004 Read and transferred to the House Committee on Labor

House Bill No. 7811**BY** Malik, Rose**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- MOTOR PASSENGER CARRIERS {LC2124/1}

02/25/2004 Read and transferred to the House Committee on Labor

House Bill No. 7812**BY** Malik, Rose**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS {LC2131/1}

02/25/2004 Read and transferred to the House Committee on Labor

House Bill No. 7814**BY** Malik, Rose**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- MOTOR PASSENGER CARRIERS {LC2147/1}

02/25/2004 Read and transferred to the House Committee on Labor

House Bill No. 7813**BY** Malik, Rose**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS {LC2244/1}

02/25/2004 Read and transferred to the House Committee on Labor

House Bill No. 7815**BY** Malik, Rose**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- MOTOR PASSENGER CARRIERS {LC2242/1}

02/25/2004 Read and transferred to the House Committee on Labor

House Bill No. 7816**BY** Williams, Slater, Fox, Moura, Tejada**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES {LC1135/1}

02/25/2004 Read and transferred to the House Committee on Labor

House Bill No. 7879**BY** Laroche**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- OPTIONAL RETIREMENT FOR MEMBERS OF POLICE FORCE AND FIRE FIGHTERS {LC1136/1}

02/25/2004 Read and transferred to the House Committee on Labor

NEW BUSINESS**House Bill No. 8161** (Transportation)**BY** Moffitt, Amaral**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - - ACQUISITION OF LAND {LC1609/1}

02/25/2004 Introduced, referred to House Judiciary

House Bill No. 8162 (Health)**BY** Moffitt, Long**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - BARBERS, HAIRDRESSERS, COSMETICIANS, MANICURIST AND ESTHETICIANS {LC1758/1}

02/25/2004 Introduced, referred to House Labor

House Bill No. 8163 (Dept. of Business Regulation)**BY** Story**ENTITLED**, AN ACT RELATING TO INSURANCE {LC2475/1}

02/25/2004 Introduced, referred to House Corporations

House Bill No. 8164 (Dept. of Corrections)**BY** Moffitt, Long**ENTITLED**, AN ACT RELATING TO CORRECTIONS DEPARTMENT {LC1709/1}

02/25/2004 Introduced, referred to House Judiciary

House Bill No. 8165 (Dept. of Business Regulation)**BY** Story**ENTITLED**, AN ACT RELATING TO INSURANCE -- MANDATORY PRELICENSING EDUCATION REQUIREMENTS {LC2474/1}

02/25/2004 Introduced, referred to House Corporations

House Bill No. 8166 (Dept. of Business Regulation)**BY** Story**ENTITLED**, AN ACT RELATING TO INSURANCE -- UNFAIR CLAIMS SETTLEMENT PRACTICES {LC2473/1}

02/25/2004 Introduced, referred to House Corporations

House Bill No. 8167 (Dept. of Business Regulation)

BY Story

ENTITLED, AN ACT RELATING TO INSURANCE {LC2471/1}

02/25/2004 Introduced, referred to House Corporations

House Bill No. 8168 (Dept. of Business Regulation)

BY Savage

ENTITLED, AN ACT RELATING TO INSURANCE -- FIRE INSURANCE POLICIES AND RESERVES {LC2470/1}

02/25/2004 Introduced, referred to House Corporations

House Bill No. 8169

BY Almeida, Ajello, Williams

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- TEMPORARY DISABILITY INSURANCE -- BENEFITS {LC2702/1}

02/25/2004 Introduced, referred to House Labor

House Bill No. 8170

BY Trillo, Giannini, Story, Malik

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - NURSING HOMES - - FREEDOM OF CHOICE {LC1292/1}

02/25/2004 Introduced, referred to House H.E.W.

House Bill No. 8171

BY Trillo, Story, Long, Malik

ENTITLED, AN ACT RELATING TO INSURANCE {LC1773/1}

02/25/2004 Introduced, referred to House Corporations

House Bill No. 8172 (Governor)

BY Mumford, Watson, Moffitt, Trillo, Story

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT {LC2481/1}

02/25/2004 Introduced, referred to House Finance

House Bill No. 8173 (Dept. of Business Regulation)

BY Story, Long

ENTITLED, AN ACT RELATING TO INSURANCE -- INSURERS' REHABILITATION AND LIQUIDATION {LC2478/1}

02/25/2004 Introduced, referred to House Corporations

House Bill No. 8174 (Governor)

BY Watson, Trillo

ENTITLED, AN ACT RELATING TO THE RHODE ISLAND HUMAN RESOURCE INVESTMENT COUNCIL {LC2734/1}

02/25/2004 Introduced, referred to House Finance

House Resolution No. 8175**BY** Trillo, Story, Long, Giannini**ENTITLED**, JOINT RESOLUTION ESTABLISHING A PERMANENT HEALTHCARE DISPUTE RESOLUTION COMMISSION TO DECIDE DISPUTES ON REIMBURSEMENT AND OTHER ISSUES BETWEEN HEALTH INSURERS AND HEALTHCARE PROVIDERS {LC2079/1}

02/25/2004 Introduced, referred to House Corporations

House Bill No. 8176 (Governor)**BY** Long**ENTITLED**, AN ACT RELATING TO TAXATION - CERTIFICATION OF CREATIVE COMPANIES {LC2730/1}

02/25/2004 Introduced, referred to House Finance

House Bill No. 8177 (Governor)**BY** Long**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT {LC2731/1}

02/25/2004 Introduced, referred to House Finance

House Bill No. 8178 (Governor)**BY** Trillo, Watson**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- ACQUISITION OF LAND {LC2732/1}

02/25/2004 Introduced, referred to House Corporations

House Resolution No. 8179**BY** Lowe, Aubin, Picard**ENTITLED**, HOUSE RESOLUTION THANKING DEPUTY CHIEF DOUGLAS L. KEENE FOR HIS 22 YEARS OF OUTSTANDING AND DEDICATED SERVICE TO THE NORTH SMITHFIELD FIRE AND RESCUE SERVICE AND THE CITIZENS OF NORTH SMITHFIELD {LC2657/1}

Representative Lowe requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Lowe seconded by Representatives Picard, Brien, Laroche, Reilly, Carter and by unanimous consent, on a voice vote.

House Bill No. 8180**BY** Crowley, Shavers**ENTITLED**, AN ACT RELATING TO EDUCATION -- RHODE ISLAND LITERACY AND DROPOUT PREVENTION ACT {LC2363/1}

02/25/2004 Introduced, referred to House H.E.W.

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.

APPOINTMENT

The Honorable Speaker Murphy appoints the following committee to escort the Honorable President of the Senate and the members of the Honorable Senate to the House Chamber to meet with the House of Representatives in Joint Session to hear the Budget address of the Governor: Representative Shavers, Representative Handy, Representative Enos, Representative Lewiss, Representative McManus, and Representative Savage.

ADJOURNMENT

At 6:20 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 JOSEPH N. AMARAL

Dear God, we are grateful for the privilege of serving in this House of Representatives. Keep us ever mindful that we are here to serve those who elected us and all of the people of Rhode Island. Amen.

APPENDIX**CALENDAR****IN ORDER FOR THURSDAY, FEBRUARY 26, 2004:****1 2004-H 7032 SUB A****BY Kilmartin****ENTITLED,** HOUSE RESOLUTION ADOPTING RULES OF THE HOUSE OF REPRESENTATIVES FOR THE YEARS 2003-2004

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

2 2004-H 7326**BY Shanley****ENTITLED,** AN ACT RELATING TO PROPERTY SUBJECT TO TAXATION -- SOUTH KINGSTOWN

Committee on Corporations recommends passage.

3 2004-H 7166**BY Giannini****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

4 2004-H 7424**BY Kennedy****ENTITLED,** AN ACT RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS - UNFAIR SALES PRACTICES

Committee on Corporations recommends passage.

5 2004-S 2204**BY Pichardo****ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF DAN SLEBODA EXCAVATING, INC.

Committee on Corporations recommends passage in concurrence.

IN ORDER FOR TUESDAY, MARCH 2, 2004:

1 2004-H 7085

BY Corvese

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS --
CORRECTIONAL OFFICERS -- ARBITRATORS

Committee on Labor recommends passage.

2 2004-H 7590

BY Menard

ENTITLED, AN ACT RELATING TO INSURANCE -- SMALL EMPLOYER
HEALTH INSURANCE

Committee on Corporations recommends passage.

Louis D'Antuono
Clerk of the House

Wednesday, February 25, 2004

Appendix

PROCEEDINGS IN JOINT SESSION

See Appendix of Journal for Thursday, February 26, 2004