

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. 26

Thursday, March 11, 2004

Twenty-sixth Day

The House of Representatives meets at the State House in Providence, Thursday, March 11, 2004 and is called to order at 4:20 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 5 members absent as follows:

PRESENT – 69: 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, Fox, Gallison, Giannini, Ginaitt, Gorham, Harwood, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Lowe, Malik, McCauley, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Moura, Mumford, Naughton, Palumbo, Petrarca, Picard, Reilly, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Slater, Smith, Story, Tejada, Trillo, Voccola, Wasyluk, Watson, Williams, Williamson, Winfield.

ABSENT – 5: Representatives Benson, Coogan, Flaherty, Handy, Scott.

INVOCATION

The Honorable Speaker presents Representative Coderre 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 Wednesday, March 10, 2004, is approved as printed.

ANNOUNCEMENT

Representative Arthur B. Handy will be unable to attend session today, March 11, due to illness.

NEW BUSINESS**House Bill No. 8282**

BY Rose, Dennigan, Savage, Coogan, Moura

ENTITLED, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES {LC2925/1}

03/11/2004 Introduced, referred to House Corporations

House Bill No. 8283

BY Naughton, Malik, McNamara, Crowley, Ginaitt

ENTITLED, AN ACT RELATING TO CAPITAL DEVELOPMENT PROGRAM {LC2129/1}

03/11/2004 Introduced, referred to House Finance

House Bill No. 8284

BY Naughton, Malik, McNamara, Crowley, Ginaitt

ENTITLED, AN ACT RELATING TO CAPITAL DEVELOPMENT PROGRAM {LC2130/1}

03/11/2004 Introduced, referred to House Finance

House Bill No. 8285

BY Naughton, Slater, Cerra, McCauley, Malik

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY OF PUPILS {LC2908/1}

03/11/2004 Introduced, referred to House Finance

House Bill No. 8286

BY Benson, Carter

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - STATE AID {LC2931/1}

03/11/2004 Introduced, referred to House Finance

House Bill No. 8287

BY Gallison, Anguilla, Malik, Rose, Enos

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION {LC2934/1}

03/11/2004 Introduced, referred to House Environment and Natural Resources

House Bill No. 8288 (by request)

BY Carter

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION - CONSTRUCTION OF PORT FACILITIES {LC2913/1}

03/11/2004 Introduced, referred to House Environment and Natural Resources

House Resolution No. 8289**BY** Williams

ENTITLED, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$906.38 TO PAY THE CLAIM OF PROGRESSIVE INSURANCE COMPANY, PO BOX 89440, CLEVELAND, OHIO 44101 AS SUBROGEE OF JACK LAURSEN, PO BOX 81, SLOCUM, RHODE ISLAND 02877 {LC2901/1}

03/11/2004 Introduced, referred to Jt. Committee on Accounts & Claims

House Resolution No. 8290**BY** Lima

ENTITLED, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$139.00 TO PAY THE CLAIM OF LORI A. CALIFANO OF 259 HEATHER STREET, CRANSTON, RHODE ISLAND 02920 {LC2902/1}

03/11/2004 Introduced, referred to Jt. Committee on Accounts & Claims

House Resolution No. 8291**BY** Corvese

ENTITLED, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$275.86 TO PAY THE CLAIM OF JESSICA R. OWEN OF 27 GILLEN AVENUE, NORTH PROVIDENCE, RHODE ISLAND 02904 {LC2945/1}

03/11/2004 Introduced, referred to Jt. Committee on Accounts & Claims

House Resolution No. 8292**BY** Lally

ENTITLED, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$150.05 TO PAY THE CLAIM OF LOUIS D'ANTUONO OF 42 CONANICUS ROAD, NARRAGANSETT, RHODE ISLAND 02882 {LC2903/1}

03/11/2004 Introduced, referred to Jt. Committee on Accounts & Claims

House Resolution No. 8293**BY** Story

ENTITLED, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$101.30 TO PAY THE CLAIM OF ELLEN S. PARKER OF 31 ALFRED DROWNE ROAD, BARRINGTON, RHODE ISLAND 02806 {LC2946/1}

03/11/2004 Introduced, referred to Jt. Committee on Accounts & Claims

House Bill No. 8294**BY** Slater, Williams

ENTITLED, AN ACT RELATING TO A JOINT LEGISLATIVE COMMISSION TO STUDY THE IMPLEMENTATION OF A FUNDING INDEX FOR PRIVATE COMMUNITY-BASED PROVIDERS OPERATING PURSUANT TO CONTRACTS WITH THE STATE OF RHODE ISLAND {LC2959/1}

Representative Slater requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Slater seconded by Representatives Tejada, Fox, and Williams on a roll call vote, 59 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 59: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Brien, Caprio, Carter, Cerra, Coderre, Costantino, Dennigan, DeSimone, Enos, Faria, Fox, Gallison, Ginaitt, Gorham, Handy, Harwood, Jacquard, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Long, Lowe, Malik, McCauley, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Moura, Mumford, Naughton, Palumbo, Petrarca, Picard, Rose, San Bento, Savage, Shanley, Slater, Smith, Story, Tejada, Trillo, Voccola, Wasyluk, Williams, Williamson, Winfield.

NAYS - 0.

House Resolution No. 8295

BY Smith, Moura, Fox, Ajello, Montanaro

ENTITLED, HOUSE RESOLUTION PROCLAIMING THE MONTH OF MARCH AS "YOUTH ART MONTH" {LC2932/1}

Representative Smith requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Smith seconded by Representatives Montanaro, Ajello, Coderre, Callahan, Fox and by unanimous consent, on a voice vote.

COMMUNICATION FROM THE SENATE

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

Senate Bill No. 2754 (Dept. of Business Regulation)

BY Bates

ENTITLED, AN ACT RELATING TO INSURANCE -- RHODE ISLAND LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION ACT {LC2289/1}

03/11/2004 Referred to House Corporations

Senate Bill No. 2688 (Dept. Business Regulation)

BY Blais, Breene

ENTITLED, AN ACT RELATING TO INSURANCE -- MANDATORY PRELICENSING EDUCATION REQUIREMENTS {LC2294/1}

03/11/2004 Referred to House Corporations

Senate Bill No. 2686 (Dept. of Business Regulation)

BY Blais

ENTITLED, AN ACT RELATING TO INSURANCE {LC2286/1}

03/11/2004 Referred to House Corporations

Senate Bill No. 2107 SUB A

BY Bates, Walaska

ENTITLED, AN ACT RELATING TO INSURANCE - FIRE INSURANCE APPLICATIONS
{LC21/1/A}

03/11/2004 Referred to House Corporations

Senate Bill No. 2106 SUB A

BY Bates, Walaska

ENTITLED, AN ACT RELATING TO LIABILITY INSURANCE -- RENTAL VEHICLE
COVERAGE {LC19/1/A}

03/11/2004 Referred to House Corporations

Senate Bill No. 2738

BY McCaffrey

ENTITLED, AN ACT RELATING TO PROPERTY - MECHANICS' LIENS {LC2690/1}

03/11/2004 Referred to House Judiciary

CALENDAR

From the Calendar are taken:

1 2004-H 7465

BY Moura

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

Representative Anguilla moves passage of the act, seconded by Representatives Landroche, Moura, Giannini, and Shavers

Read and passed, on a roll call vote, 56 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 56: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anderson, Anguilla, Aubin, Brien, Caprio, Carter, Cerra, Coderre, Costantino, Dennigan, DeSimone, Enos, Fox, Gallison, Giannini, Ginaitt, Gorham, Jacquard, Kilmartin, Landroche, Laroche, Lewiss, Lima, Long, Lowe, Malik, McCauley, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Moura, Naughton, Palumbo, Petrarca, Picard, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Smith, Story, Tejada, Trillo, Voccola, Wasylyk, Winfield.

NAYS - 0.

REQUEST

Representative Mumford requests the journal to reflect that if she had voted on (04-H7465), she would have voted in the affirmative. There is no objection.

2 2004-H 7529

BY Shavers

ENTITLED, AN ACT RELATING TO THE SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

Representative Anguilla moves passage of the act, seconded by Representatives Gallison, Cerra, and Shavers.

Read and passed, on a roll call vote, 59 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 59: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anderson, Anguilla, Aubin, Brien, Caprio, Carter, Cerra, Coderre, Costantino, Dennigan, DeSimone, Enos, Faria, Fox, Gallison, Giannini, Ginaitt, Gorham, Jacquard, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Long, Lowe, Malik, McCauley, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Moura, Mumford, Naughton, Palumbo, Petrarca, Picard, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Smith, Story, Tejada, Trillo, Voccola, Wasylyk, Winfield.

NAYS - 0.

3 2004-H 8045

BY Gorham

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

Representative Anguilla moves passage of the act, seconded by Representative Carter.

Read and passed, on a roll call vote, 58 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 58: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anderson, Anguilla, Aubin, Brien, Caprio, Carter, Cerra, Coderre, Costantino, Dennigan, DeSimone, Enos, Faria, Fox, Gallison, Giannini, Ginaitt, Gorham, Jacquard, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Long, Lowe, Malik, McCauley, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro,

Moran, Moura, Mumford, Naughton, Palumbo, Petrarca, Picard, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Smith, Story, Tejada, Trillo, Voccola, Wasylyk.

NAYS - 0.

4 2004-H 8143

BY Amaral

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

Representative Anguilla moves passage of the act, seconded by Representative Gallison.

Read and passed, on a roll call vote, 58 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 58: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anderson, Anguilla, Aubin, Brien, Caprio, Carter, Cerra, Coderre, Costantino, Dennigan, DeSimone, Enos, Faria, Fox, Gallison, Giannini, Ginaitt, Gorham, Jacquard, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Long, Lowe, Malik, McCauley, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Moura, Mumford, Naughton, Palumbo, Petrarca, Picard, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Smith, Story, Tejada, Trillo, Voccola, Wasylyk.

NAYS - 0.

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.

CALENDAR

5 2004-H 8280

BY Montanaro

ENTITLED, HOUSE RESOLUTION HEREBY REQUESTING THAT THE ELECTED LEADERS OF THE CITY OF CRANSTON REJECT THE RECOMMENDATIONS PROVIDED BY THE AUDITING FIRM OF CARROLL BURACKER AND ASSOCIATES

Ordered on the Calendar

Representative Montanaro moves passage of the act, seconded by Representatives Palumbo, Lima, Jacquard, Cerra, Faria, and McNamara.

Representatives Trillo, Jacquard, Lima, Mumford, Palumbo, Amaral, Long, McNamara, Gorham, discuss the resolution. Representatives McNamara and Kilmartin rise on points of order for Representative Gorham to speak germane to the resolution. The Honorable Speaker rules for Representative Gorham to speak germane to the resolution. Representatives Slater, Corvese, Savage, Cerra, Williamson, and Montanaro continue discussion. The resolution prevails by unanimous consent on a voice vote.

6 2004-H 8281

BY Palumbo

ENTITLED, HOUSE RESOLUTION HEREBY REQUESTING THAT THE ELECTED LEADERS OF THE CITY OF CRANSTON REJECT THE RECOMMENDATIONS PROVIDED BY THE AUDITING FIRM OF CARROLL BURACKER AND ASSOCIATES

Ordered on the Calendar

Read and passed, on a motion of Representative Palumbo seconded by Representatives Lima, Montanaro, Jacquard, McNamara, Cerra and by unanimous consent on a voice vote.

Representative Menard requests to have (04H8274) removed from the Calendar in order for Wednesday, March 17, 2004, and referred to the committee on Labor. There is no objection.

Read and referred to the committee on Labor.

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 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.

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

Representative Lima wishes Representative McCauley a Happy Birthday.

GUESTS

At 4:22 o'clock P.M. the Honorable Speaker yields the rostrum to Representative Trillo.

By unanimous consent, Representative Trillo addresses the members of the House and welcomes to the House Laurie Beth Gray, Miss Rhode Island, a concert violinist, who finished in the top ten finalists in the

Miss America pageant.

By unanimous consent, Miss Rhode Island addresses the members of the House.

At 4:30 o'clock P.M. the Honorable Speaker returns to the rostrum.

Representative Ajello welcomes to the House Chambers representatives from the Campaign for Marriage Equally.

Representative Naughton welcomes to the House as guests The Boy Scout Troop #15 from Warwick as follows: Leader Tom Selby, Boy Scouts - Chris Usler, Eric Butler, Brian Butler, Adam Kadonion, Matt Brown, Bill Leach, Adam Littlefield.

Representative Montanaro welcomes to the House Chambers James Davey a resident of District 15.

ADJOURNMENT

At 5:25 o'clock P.M. on motion of the Honorable Speaker Murphy, Representatives Williamson, and Landroche, and as a further mark of respect to the memory of Frances Champagne seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote

Linda M. McElroy

Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE ELAINE A. CODERRE

Almighty God, our strength from day to day, keep each of us faithful to the claims of justice and freedom. Amen.

APPENDIX

CALENDAR

IN ORDER FOR TUESDAY, MARCH 16, 2004:

1 2004-S 2470

BY Caprio F

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF BOWLING GREEN, INC.

Committee on Corporations recommends passage in concurrence.

2 2004-S 2847

BY Ruggerio

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF ALMAN PRODUCTS, INC.

Committee on Corporations recommends passage in concurrence.

Louis D'Antuono
Clerk of the House

Thursday, March 11, 2004