

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. 49

Tuesday, May 18, 2004

Forty-ninth Day

The House of Representatives meets at the State House in Providence, Tuesday, May 18, 2004 and is called to order at 4:08 o'clock P.M., by the Honorable William J. Murphy, Speaker

The roll is called and a quorum is declared present with 71 members present and 4 members absent as follows:

PRESENT – 71: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Enos, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, 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, Wasylyk, Watson, Williams, Winfield.

ABSENT – 4: Representatives Anderson, Harwood, Scott, Williamson.

INVOCATION

The Honorable Speaker presents Representative Moran 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, May 13, 2004, is approved as printed.

ANNOUNCEMENT

Representative Timothy Williamson will be unable to attend session on May 18, 2004, due to family business.

COMMUNICATION FROM THE SENATE

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

Senate Bill No. 3115

BY Issa, Goodwin, Roberts, Lanzi, Gallo

ENTITLED, AN ACT RELATING TO THE GENERAL ASSEMBLY {LC3407/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, in concurrence on a motion of Representative Fox seconded by Representative Watson on a roll call vote, 61 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 61: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Coogan, Corvese, Dennigan, DeSimone, Enos, Faria, Flaherty, Fox, Gemma, Giannini, Ginaitt, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Lowe, Malik, McHugh, McManus, McNamara, Moffitt, Montanaro, Moran, Moura, Mumford, Naughton, Palumbo, Petrarca, Picard, Reilly, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Story, Tejada, Trillo, Wasyluk, Winfield.

NAYS - 0.

Senate Bill No. 2078 as amended

BY Revens

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- BEDDING AND UPHOLSTERED FURNITURE {LC17/1}

05/18/2004 Referred to House Corporations

Senate Bill No. 2229 SUB A as amended

BY Perry, Pichardo, McCaffrey, Connors, Paiva-Weed

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE - EYEWITNESS IDENTIFICATION {LC836/1/A}

05/18/2004 Referred to House Judiciary

Senate Bill No. 2299 SUB A as amended
BY Blais, Walaska, DaPonte
ENTITLED, AN ACT RELATING TO ADMINISTRATIVE PROCEDURES {LC850/2/A}
05/18/2004 Referred to House Judiciary

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. 8268
BY Menard, Petrarca, McManus
ENTITLED, AN ACT RELATING TO HOMESTEAD EXEMPTIONS IN THE TOWN OF LINCOLN {LC2912/1}
05/18/2004 Placed on House Calendar

House Bill No. 8477
BY Gorham, Winfield, Aubin
ENTITLED, AN ACT PROVIDING FOR THE CONSTRUCTION OF A NEW MIDDLE SCHOOL AND THE ACQUISITION OF LAND THEREFOR AND FOR THE RENOVATION OF THE PONAGANSET HIGH SCHOOL AND PONAGANSET MIDDLE SCHOOL BY THE FOSTER-GLOCESTER REGIONAL SCHOOL DISTRICT AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$45,720,000.00 IN BONDS THEREFOR {LC3275/1}
05/18/2004 Placed on House Calendar

COMMITTEE ON HEALTH, EDUCATION AND WELFARE

Representative Giannini, for the Committee on Health, Education and Welfare, reports back the following measure, with recommendation of passage:

House Resolution No. 8313
BY Savage, McHugh, Giannini, McManus, Cerra
ENTITLED, HOUSE RESOLUTION RESPECTFULLY REQUESTING THE DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION AND THE DEPARTMENT OF HEALTH TO DEVELOP RULES AND REGULATIONS TO INSURE THAT RHODE ISLAND CHILDREN WITH DIABETES ARE MEDICALLY SAFE IN THE SCHOOL SETTING {LC2972/1}
05/18/2004 Placed on House Calendar

House Bill No. 7727 SUB A (Department of Health)
BY Coderre E, Giannini, Brien T, Ajello, Story
ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - MENTAL HEALTH COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS {LC1730/1/A}

05/18/2004 Placed on House Calendar

House Bill No. 7051 SUB A

BY Giannini, McNamara, Kennedy, Wasylyk, Gallison

ENTITLED, AN ACT RELATING TO HEALTH INSURANCE COVERAGE {LC408/1/A}

05/18/2004 Placed on House Calendar

House Bill No. 7305 SUB A (Attorney General)

BY Anguilla, Amaral, Dennigan, Malik

ENTITLED, AN ACT RELATING TO EDUCATION - - HEALTH AND SAFETY OF PUPILS {LC968/2/A}

05/18/2004 Placed on House Calendar

House Bill No. 7298 SUB A

BY McNamara, Giannini, Cerra, Aubin

ENTITLED, AN ACT RELATING TO THE RHODE ISLAND STUDENT INVESTMENT INITIATIVE {LC284/1/A}

05/18/2004 Placed on House Calendar

House Bill No. 7404 SUB A

BY Naughton, Giannini, Ginaitt, Rose, Cerra

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- LICENSING OF HEALTH CARE FACILITIES {LC861/2/A}

05/18/2004 Placed on House Calendar

House Bill No. 7476 SUB A

BY Ajello, Anguilla, Moura, Giannini, Handy

ENTITLED, AN ACT RELATING TO THE RHODE ISLAND EDUCATIONAL RECORDS BILL OF RIGHTS {LC1087/1/A}

05/18/2004 Placed on House Calendar

House Bill No. 7665 SUB A

BY Handy, Giannini, McHugh, Petrarca, Lima

ENTITLED, AN ACT RELATING TO PHYSICIAN ASSISTANTS {LC1602/1/A}

05/18/2004 Placed on House Calendar

House Bill No. 7445 SUB A

BY Lima

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- VETERINARY PRACTICE {LC1239/1/A}

05/18/2004 Placed on House Calendar

NEW BUSINESS**House Bill No. 8538** (by request)**BY** Enos**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES {LC3418/1}

05/18/2004 Introduced, referred to House Finance

House Bill No. 8539**BY** Costantino, Slater, Almeida, Williams, Tejada**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES -- DEPARTMENT OF HUMAN SERVICES {LC3406/1}

05/18/2004 Introduced, referred to House Finance

House Resolution No. 8540**BY** Murphy, Fox, Naughton, Crowley, Ginaitt**ENTITLED**, JOINT RESOLUTION STRONGLY ENDORSING THE RECOMMENDATIONS OF THE PRELIMINARY REPORT OF THE UNITED STATES OCEAN COMMISSION ON OCEAN POLICY {LC3447/1}

Representative Naughton requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Naughton seconded by Representatives Fox and Menard 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 His Excellency, the Governor, and the Honorable Senate forthwith, with the exception of bills being held on the desk.

House Resolution No. 8541**BY** Slater, Giannini, Costantino, Almeida, Fox**ENTITLED**, HOUSE RESOLUTION CELEBRATING THE SUCCESS OF THE RHODE ISLAND HEALTH CENTER ASSOCIATION AND COMMUNITY HEALTH CENTERS {LC3428/1}

Representative Slater requests unanimous consent for immediate consideration.

There is no objection.

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

House Bill No. 8542**BY** Carter, Rose, Malik, Brien T, Gallison**ENTITLED**, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -- RHODE ISLAND VETERANS' HOME {LC3422/1}

Representative Carter requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Carter seconded by Representatives Gallison, Aubin, Moffitt, Brien, Shavers, Benson, and Cerra on a roll call vote, 63 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 63: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Corvese, Costantino, Dennigan, DeSimone, Enos, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Lowe, Malik, McCauley, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Mumford, Petrarca, Picard, Reilly, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Slater, Story, Tejada, Trillo, Watson, Williams, Winfield.

NAYS - 0.

House Resolution No. 8543**BY** Carter, Rose, Malik, Brien T, Gallison**ENTITLED**, HOUSE RESOLUTION COMMEMORATING THE 50TH ANNIVERSARY OF THE FOUNDING OF THE DISABLED AMERICAN VETERANS POISSON-COURNOYER CHAPTER 12 {LC3413/1}

Representative Carter requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Carter seconded by Representatives Gallison, Moffitt, Aubin, Brien, and Landroche on a roll call vote, 57 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 57: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Brien, Callahan, Caprio, Carter, Coderre, Corvese, Costantino, Dennigan, DeSimone, Enos, Faria, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Long, Lowe, Malik, McCauley, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Mumford, Palumbo, Petrarca, Picard, Reilly, Rose, San Bento, Savage, Schadone, Shanley, Slater, Story, Tejada, Trillo, Williams, Winfield.

NAYS - 0.

House Bill No. 8544**BY** Flaherty, Gemma, Naughton, McNamara, Trillo**ENTITLED**, AN ACT RELATING TO THE CITY OF WARWICK TO PLACE ON THE BALLOT A QUESTION AUTHORIZING \$2,000,000 IN BONDS TO PURCHASE OPEN SPACE {LC3442/1}

Representative Flaherty requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Flaherty seconded by Representatives Gemma, Naughton, McNamara, Ginaitt, and Trillo on a roll call vote, 65 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 65: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Enos, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Lowe, Malik, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Mumford, Palumbo, Petrarca, Picard, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Slater, Story, Tejada, Trillo, Wasyluk, Watson, Williams, Winfield.

NAYS - 0.

House Resolution No. 8545**BY** Giannini, Watson, Costantino**ENTITLED**, HOUSE RESOLUTION PROCLAIMING MAY 19, 2004 AS THE FIRST "NATHANAEL GREENE DAY" IN THE STATE OF RHODE ISLAND {LC3434/1}

Representative Giannini requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Giannini seconded by Representatives Gallison, Fox, Benson, Moffitt and by unanimous consent, on a voice vote.

House Resolution No. 8546**BY** Gallison, Anguilla**ENTITLED**, HOUSE RESOLUTION CONGRATULATING NICHOLAS DEVEAU ON ATTAINING THE RANK OF EAGLE SCOUT {LC3440/1}

Representative Gallison requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Gallison seconded by Representatives Anguilla, Menard, Fox, and by unanimous consent, on a voice vote.

House Resolution No. 8547

BY Winfield, Kilmartin, Menard

ENTITLED, HOUSE RESOLUTION EXPRESSING ITS DEEPEST CONDOLENCES ON THE PASSING OF RETIRED STATE POLICE CAPTAIN AND FORMER SMITHFIELD POLICE CHIEF, JOHN R. "JACK" DEVINE {LC3455/1}

Representative Winfield requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Winfield seconded by Representative Kilmartin and by unanimous consent, on a rising vote.

RECONSIDERATION

From the Desk is taken:

House Resolution No. 7157

BY Naughton, Giannini, Lewiss, Crowley

ENTITLED, HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO PROMOTE AND DEVELOP A COMPREHENSIVE SYSTEM OF EDUCATION FOR THE VISUALLY IMPAIRED CHILDREN {LC249/1}

Representative Giannini requests to reconsider (04-H 7157).

There is no objection.

The motion to reconsider prevails 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, Benson, Brien, Callahan, Carter, Cerra, Coderre, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Malik, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Mumford, Petrarca, Picard, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Slater, Story, Tejada, Trillo, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

The act has been moved and seconded supra.

By unanimous consent, Representative Giannini, seconded by Representatives Fox and Lima offers Representative Naughton's written motion to amend.

F L O O R A M E N D M E N T
TO
2004 -- H 7157

HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO PROMOTE
AND DEVELOP A COMPREHENSIVE SYSTEM OF EDUCATION FOR THE VISUALLY
IMPAIRED CHILDREN

Mr. Speaker:

I hereby move to amend 2004 -- H 7157, entitled "HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO PROMOTE AND DEVELOP A COMPREHENSIVE SYSTEM OF EDUCATION FOR THE VISUALLY IMPAIRED CHILDREN", as follows:

On page 1, by deleting lines 1 through 10 and inserting in place thereof the following language:

“RESOLVED, That a special house commission created by resolution No. 6 passed by the House of Representatives at its January session, A.D. 2003, and approved January 14, 2003 entitled “House Resolution Creating A Special House Commission To Promote And Develop A Comprehensive System of Education For The Visually Impaired Children" is hereby authorized to continue its study and make a report to the House of Representatives on or before March 18, 2005, and said commission shall expire on May 18, 2005; and be it further

RESOLVED, That the time for reporting authorized by resolution No. 6 passed by the House of Representatives at its January session, A.D. 2003, and approved January 14, 2003 be and the same is hereby rescinded; and be it further

RESOLVED, That a special house commission be and the same is hereby created consisting of thirteen (13) members: one of whom shall be from the House of Representatives, to be appointed by the Speaker of the House; one of whom shall be the Commissioner of Education, or designee; one of whom shall be the Director of Human Services, or designee; one of whom shall be the Director of the Rhode Island Department of Health, or designee; one of whom shall be the Director of the Paul V. Sherlock Center on Disabilities, or designee; one of whom shall be a vision educator specialist, to be appointed by the Speaker; one of whom shall be a public school system representative, to be appointed by the Speaker; one of whom shall be a representative from INSIGHT, to be appointed by the president of INSIGHT; one of whom shall be a representative from the Governor's Advisory Council for the Blind, to be appointed by the Council President; and one of whom shall be an ophthalmologist, appointed by the Rhode Island Medical Society; one of whom shall be an optometrist appointed by the Rhode Island Optometrist Association; and two (2) of whom shall be parents of visually impaired children, to be appointed by the Speaker.

The purpose of said commission shall be to promote and develop a comprehensive system of education for visually impaired children that includes early child screening, development, and as well as K-12 instruction.

Forthwith upon passage of this resolution, the members of the commission shall meet at

the call of the Speaker of the House and organize and shall appoint the member from the House of Representatives as the chair. Vacancies in said commission shall be filled in like manner as the original appointment.

The membership of said commission shall receive no compensation for their services.

All departments and agencies of the state shall furnish such advice and information, documentary and otherwise, to said commission and its agents as is deemed necessary or desirable by the commission to facilitate the purposes of this resolution.

The Speaker of the House is hereby authorized and directed to provide suitable quarters for said commission; and be it further

RESOLVED, That the commission shall report its findings and recommendations to the House of Representatives on or before March 18, 2005 and said commission shall expire on May 18, 2005.”

Respectfully submitted,
REPRESENTATIVE NAUGHTON

The motion to amend prevails on a roll call vote 63 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 63: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Coogan, Corvese, Crowley, DeSimone, Enos, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Lowe, Malik, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Mumford, Naughton, Palumbo, Petrarca, Picard, Reilly, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Story, Tejada, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

Read and passed, as amended, on a roll call vote, 60 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 60: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Coogan, Corvese, Crowley, Dennigan, DeSimone, Enos, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Lowe, Malik, McHugh, McManus, McNamara, Menard, Moffitt, Moran, Mumford, Naughton, Palumbo, Petrarca, Picard, Reilly, Rose, Savage, Shavers, Story, Tejada, Trillo, Wasylyk, Williams, Winfield.

NAYS - 0.

CALENDAR

From the Calendar are taken:

IN ORDER FOR TUESDAY, MAY 18, 2004:**1 2004-H 7666****BY Handy****ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS**

Committee on Health, Education & Welfare recommends passage.

Representative Handy moves passage of the act, seconded by Representatives Lima, Ajello and Corvese.

By unanimous consent, Representative Handy, seconded by Representatives Corvese and Lima offers a written motion to amend. Representatives Handy and Mumford discuss the amendment.

**FLOOR AMENDMENT
TO
2004 -- H 7666****AN ACT RELATING TO BUSINESSES AND PROFESSIONS**

Mr. Speaker:

I hereby move to amend 2004 -- H 7666, entitled "AN ACT RELATING TO BUSINESSES AND PROFESSIONS", as follows:

(1) On page 1, line 10, by inserting the language "Knowingly placing the health of a client at serious risk without maintaining proper precautions;" after the number "(3)".

(2) On page 2, line 20, by inserting the language "Knowingly placing the health of a client at serious risk without maintaining proper precautions;" after the number "(2)".

(3) On page 6, line 20, by inserting the language "Knowingly placing the health of a client at serious risk without maintaining proper precautions." after the number "(4)".

(4) On page 7, line 10, by inserting the language "and shall have the authority to take disciplinary action against a licensee for knowingly placing the health of a client at serious risk without maintaining the proper precautions" after the word "chapter".

Respectfully submitted,
REPRESENTATIVE HANDY

The motion to amend prevails on a roll call vote 61 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 61: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Cerra, Coderre, Coogan, Corvese, DeSimone, Enos, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Lowe, Malik, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Moura, Mumford, Naughton, Palumbo, Picard, Reilly, Rose, San Bento, Savage, Schadone, Shavers, Story, Tejada, Trillo, Wasyluk, Watson, Williams, Winfield.

NAYS - 0.

Read and passed, as amended, on a roll call vote, 55 members voting in the affirmative and 2 members voting in the negative as follows.

YEAS - 55: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Aubin, Brien, Callahan, Caprio, Cerra, Coderre, Coogan, Corvese, Dennigan, DeSimone, Enos, Flaherty, Gallison, Gemma, Giannini, Ginaitt, Handy, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Lowe, Malik, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Moura, Mumford, Naughton, Palumbo, Picard, Reilly, Rose, San Bento, Savage, Schadone, Shavers, Story, Tejada, Trillo, Wasyluk, Williams, Winfield.

NAYS - 2: Representatives Gorham, Watson.

2 2004-H 8162

BY Moffitt

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -
BARBERS, HAIRDRESSERS, COSMETICIANS, MANICURIST AND
ESTHETICIANS

Committee on Labor recommends passage.

By unanimous consent, Representative Fox moves to recommit to the committee on Labor.

Read and recommitted to the committee on Labor.

3 2004-H 8237 SUB A

BY Moura

ENTITLED, AN ACT RELATING TO INSURANCE -- UNFAIR COMPETITION
AND PRACTICES

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

Read, and by unanimous consent, ordered to be placed on the Calendar for Thursday, May 20, 2004.

4 2004-H 8340**BY Crowley****ENTITLED, AN ACT RELATING TO CITIES AND TOWNS**

Committee on Corporations recommends passage.

Representative Kennedy moves passage of the act, seconded by Representatives Shavers, Crowley, Gemma, Callahan, and Landroche

Read and passed, on a roll call vote, 62 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 62: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Enos, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Handy, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Lowe, Malik, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Mumford, Naughton, Palumbo, Petrarca, Picard, Reilly, Rose, San Bento, Savage, Shavers, Story, Tejada, Trillo, Watson, Williams, Winfield.

NAYS - 0.

5 2004-H 8475**BY Menard****ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY
-- DOGS**

Committee on Corporations recommends passage.

Representative Kennedy moves passage of the act, seconded by Representative Menard.

Read and passed, on a roll call vote, 66 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 66: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Enos, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Lowe, Malik, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Mumford, Naughton, Palumbo, Petrarca, Picard, Reilly, Rose, San Bento, Savage, Schadone, Shavers, Slater, Story, Tejada, Trillo, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

6 2004-H 8482**BY Brien T****ENTITLED,** HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO STUDY THE FEASIBILITY OF THE WOONSOCKET HOUSING AUTHORITY CONVERTING CERTAIN HIGH-RISE ELDERLY DEVELOPMENTS INTO AFFORDABLE ASSISTED LIVING

Committee on Corporations recommends passage.

Representative Kennedy moves passage of the resolution, seconded by Representatives Brien, Williams, Landroche, Gemma, Shavers, Cerra, and Picard.

Read and passed, on a roll call vote, 66 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 66: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Enos, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Lowe, Malik, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Mumford, Naughton, Palumbo, Petrarca, Picard, Reilly, Rose, San Bento, Savage, Schadone, Shavers, Slater, Story, Tejada, Trillo, Wasyluk, Watson, Williams, Winfield.

NAYS - 0.

7 2004-H 8483**BY Menard****ENTITLED,** AN ACT AUTHORIZING THE TOWN OF LINCOLN TO ISSUE GENERAL OBLIGATION BONDS AND NOTES IN AN AMOUNT NOT TO EXCEED \$5,000,000 FOR THE IMPROVEMENT, REPAIR, AND RENOVATIONS TO PUBLIC MUNICIPAL BUILDINGS (OTHER THAN SCHOOLS) AND FOR REPAIRS AND IMPROVEMENTS TO SEWER INFRASTRUCTURE IN THE TOWN

Committee on Corporations recommends passage.

Representative Kennedy moves passage of the act, seconded by Representatives Menard, McManus and Petrarca.

Read and passed, on a roll call vote, 67 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 67: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Enos, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewis, Lima, Long, Lowe, Malik, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Moura, Mumford, Naughton, Palumbo, Petrarca, Picard, Reilly, Rose, San Bento, Savage, Schadone, Shavers, Slater, Story, Tejada, Trillo, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

8 2004-H 8490

BY Malik

ENTITLED, AN ACT RELATING TO CITIES AND TOWNS - WARREN

Committee on Corporations recommends passage.

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
HOUSE OF REPRESENTATIVES
AFFIDAVIT**

I, Fausto Anguilla State Representative, District 68, hereby under oath depose and say:

- 1. (Matter requiring action) I expect to be called upon, in my capacity as State Representative, to participate in the consideration of, and to vote upon 04-H-8490
- 2. (Nature of the potential conflict) I have the following interest in the matter:

I am Town solicitor for Warren.

B. In compliance with Section 36-14-6(1) & (2)A of the General laws, I hereby request the Speaker of the House of Representatives to excuse me from voting on or participating in the consideration of the matter described in paragraph 1 above.

Fausto Anguilla
Representative, District 68

County of Providence

Subscribed and sworn to before me this 18th, day of May 2004

David Dumas
Notary Public

Representative Anguilla is excused from voting on or participating in the consideration of the matter described in paragraph 1, above.

WILLIAM J. MURPHY
Speaker of the House of Representatives

Representative Kennedy moves passage of the act, seconded by Representative Malik.

Read and passed, on a roll call vote, 65 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 65: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Enos, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Lowe, Malik, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Moura, Mumford, Naughton, Palumbo, Petrarca, Picard, Reilly, Rose, San Bento, Savage, Schadone, Shavers, Slater, Smith, Story, Tejada, Trillo, Williams, Winfield.

NAYS - 0.

9 2004-S 3077

BY Bates

**ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF EAGLE ENTERPRISES, INC.**

Committee on Corporations recommends passage in concurrence.

Representative Kennedy moves passage of the act, seconded by Representatives Savage, and Story.

Read and passed, in concurrence, on a roll call vote, 67 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 67: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Enos, Faria, Flaherty, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, 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, Shavers, Slater, Smith, Story, Tejada, Trillo, Wasyluk, Watson, Williams, Winfield.

NAYS - 0.

RECONSIDERATION

From the Desk is taken:

House Bill No. 7104 as amended

BY Kilmartin

ENTITLED, AN ACT RELATING TO TOBACCO SALES {LC588/1

Representative Long requests to reconsider (04-H 7104aa) seconded by Representative Handy.

There is no objection.

The motion to reconsider prevails on a roll call vote, 67 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 67: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Benson, Brien, Callahan, Carter, Cerra, Coderre, Coogan, Corvese, Costantino, Crowley, DeSimone, Enos, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, 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, Shavers, Slater, Smith, Story, Tejada, Trillo, Wasyluk, Watson, Williams, Winfield.

NAYS – 0

Representative Fox requests to place (04-H 7104) on the Calendar for Wednesday, May 19, 2004.

Read and by unanimous consent, ordered to be placed on the Calendar for Wednesday, May 19, 2004.

HOLD ON DESK

Representative Costantino requests to hold (04-H 8490) on the desk.

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 with the exception of bills being held on the desk.

ANNOUNCEMENTS

Representative Kennedy announces that the Committee on Corporations will meet today, at the rise of the House, in Room 203 of the State House.

Representative Coderre announces that the Committee on Separation of Powers will meet tomorrow, at 3:45 P.M, in Room 313 of the State House.

Representative Kennedy announces that the Joint Committee of House Corporations and the Senate Commerce, Housing and Municipal Government will meet tomorrow, at the rise of the Chambers, in Room 313 of the State House.

Representative Lima congratulates Representative Coogan on the birth of his third son Sebastian St. Rocco Coogan.

Representative Lima also wishes Representative Jacquard a Happy Birthday.

GUESTS

The Honorable Speaker Murphy welcomes A special guest, Dr. Robert Ballard, director of the institute of Archaeological Oceanography at the University of Rhode Island.

At 4:10 o'clock P.M. the Honorable Speaker yields the rostrum to Sheldon Whitehouse.

By unanimous consent, Sheldon Whitehouse addresses the members of the House and welcomes to the House Dr. Ballard.

By unanimous consent, Dr. Ballard addresses the members of the House.

At 4:12 o'clock P.M. the Honorable Speaker returns to the rostrum.

The Honorable Speaker also welcomes Ms. Sandra Whitehouse, President Robert L. Carothers of the University of Rhode Island, and Dean Farmer of the School of Oceanography.

Representatives Slater, Giannini, and Dennigan welcome to the House the Rhode Island Health Center Association, Board of Directors as follows: Kerrie Jones Clark, RI Health Center Association, Executive Director; Bayside Family Healthcare, Inc., Charlotte Taylor, Executive Director; Blackstone Valley Community Health Care Inc., Ray Lavoie, Executive Director; Block Island Health Services, Gerald Lange, Administrator; Chad Brown Health Services, Louise Ornstein, Executive Director; East Bay Family Health Care, Dennis Roy, Executive Director; Comprehensive Community Action Program / Family Health Services, William Hochstrasser-Walsh, Executive Director; Northwest Health Center, Peter Bancroft, President, CEO; Providence Community Health Center, Merrill Thomas, Executive Director; Thundermist Health Centers, Maria Montanaro, President, CEO; Tri-Town Community Action Agency / Tri-Town Health Center, Joyce Heimbecker, Director; Travelers Aid of Rhode Island, Linda Dziobek, Director of Professional Services; and Wood River Health Services, Ernie Balasco,

Executive Director.

Representatives Benson and Carter also welcome Charlotte Madison Taylor to the Chambers.

Representative Slater also welcomes to the House Don Murphy, former Legislator from Maryland.

Representative Ginaitt welcomes to the House, for National EMS Week, Monica Kleinman MD, Vice Chair, American Heart Association, and Boston Children's Hospital; David Hiltz, EMT/Paramedic, AHA-ECC Staff from Westerly, RI; Nicholas A. Oliver, State Director of Advocacy, Rhode Island and also recognizes Representatives Landroche, Laroche, Menard and Dennigan.

ADJOURNMENT

At 4:55 o'clock P.M. on motion of Representative Mumford, and as a further mark of respect to the memory of Howard Brightman; on motion of Representative McNamara and as a further mark of respect to the memory of Steven Brunelli; on motion of Representative Kilmartin and as a further mark of respect to the memory of William Gray; on motion of Representative Landroche, and as a further mark of respect to the memory of Patricia Fecteau; on motion of Representatives Moran and Faria, and as a further mark of respect to the memory of Theresa Gillan; on motion of Representative Lima, and as a further mark of respect to the memory of Lucia Ritz; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE JOSEPH P MORAN, III

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

APPENDIX

TRANSMITTED TO THE GOVERNOR

2004-S 3077

BY Bates

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF EAGLE ENTERPRISES, INC.

2004-S 3115

BY Issa, Goodwin, Roberts, Lanzi, Gallo

ENTITLED, AN ACT RELATING TO THE GENERAL ASSEMBLY {LC3407/1}

APPENDIX

CALENDAR

IN ORDER FOR WEDNESDAY, MAY 19, 2004:

1 2004-H 7647 SUB A**BY Fox****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- INDUSTRIAL PROPERTY REMEDIATION AND REUSE ACT

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

2 2004-H 7425**BY Kennedy****ENTITLED,** AN ACT RELATING TO INSURANCE

Committee on Corporations recommends passage.

3 2004-H 7510**BY Picard****ENTITLED,** AN ACT RELATING TO GENERAL POWERS

Committee on Judiciary recommends passage.

4 2004-H 7104 as amended**BY Kilmartin****ENTITLED,** AN ACT RELATING TO TOBACCO SALES

Committee on Judiciary recommends passage.

IN ORDER FOR THURSDAY, MAY 20, 2004:**1 2004-H 8237 SUB A****BY Moura****ENTITLED,** AN ACT RELATING TO INSURANCE -- UNFAIR COMPETITION
AND PRACTICES

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

2 2004-H 7397 SUB A**BY Winfield****ENTITLED,** AN ACT RELATING TO EDUCATION

Committee on Health, Education & Welfare recommends indefinite postponement of the original bill and passage of Substitute A.

3 2004-H 8142 SUB A**BY Trillo****ENTITLED,** AN ACT RELATING TO COURTS AND CIVIL PROCEDURE

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

4 2004-H 7806**BY Coderre E****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT

Committee on Corporations recommends passage.

5 2004-H 7368**BY Giannini****ENTITLED,** AN ACT RELATING TO DOMESTIC RELATIONS-DOMESTIC
ABUSE PREVENTION

Committee on Health, Education & Welfare recommends passage.

6 2004-H 7369**BY Giannini****ENTITLED,** AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
DOMESTIC ASSAULT

Committee on Health, Education & Welfare recommends passage.

7 2004-H 8313**BY Savage**

ENTITLED, HOUSE RESOLUTION RESPECTFULLY REQUESTING THE DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION AND THE DEPARTMENT OF HEALTH TO DEVELOP RULES AND REGULATIONS TO INSURE THAT RHODE ISLAND CHILDREN WITH DIABETES ARE MEDICALLY SAFE IN THE SCHOOL SETTING

Committee on Health, Education & Welfare recommends passage.

8 2004-H 7727 SUB A**BY Coderre E**

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - MENTAL HEALTH COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS

Committee on Health, Education & Welfare recommends indefinite postponement of the original bill and passage of Substitute A.

9 2004-H 7051 SUB A**BY Giannini**

ENTITLED, AN ACT RELATING TO HEALTH INSURANCE COVERAGE

Committee on Health, Education & Welfare recommends indefinite postponement of the original bill and passage of Substitute A.

10 2004-H 7305 SUB A**BY Anguilla**

ENTITLED, AN ACT RELATING TO EDUCATION - - HEALTH AND SAFETY OF PUPILS

Committee on Health, Education & Welfare recommends indefinite postponement of the original bill and passage of Substitute A.

11 2004-H 7298 SUB A**BY McNamara**

ENTITLED, AN ACT RELATING TO THE RHODE ISLAND STUDENT INVESTMENT INITIATIVE

Committee on Health, Education & Welfare recommends indefinite postponement of the original bill and passage of Substitute A.

12 2004-H 7404 SUB A**BY Naughton****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- LICENSING OF HEALTH CARE FACILITIES

Committee on Health, Education & Welfare recommends indefinite postponement of the original bill and passage of Substitute A.

13 2004-H 7476 SUB A**BY Ajello****ENTITLED,** AN ACT RELATING TO THE RHODE ISLAND EDUCATIONAL RECORDS BILL OF RIGHTS

Committee on Health, Education & Welfare recommends indefinite postponement of the original bill and passage of Substitute A.

14 2004-H 7665 SUB A**BY Handy****ENTITLED,** AN ACT RELATING TO PHYSICIAN ASSISTANTS

Committee on Health, Education & Welfare recommends indefinite postponement of the original bill and passage of Substitute A.

15 2004-H 7445 SUB A**BY Lima****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- VETERINARY PRACTICE

Committee on Health, Education & Welfare recommends indefinite postponement of the original bill and passage of Substitute A.

16 2004-H 8268**BY Menard****ENTITLED,** AN ACT RELATING TO HOMESTEAD EXEMPTIONS IN THE TOWN OF LINCOLN

Committee on Corporations recommends passage.

17 2004-H 8477

BY Gorham

ENTITLED, AN ACT PROVIDING FOR THE CONSTRUCTION OF A NEW MIDDLE SCHOOL AND THE ACQUISITION OF LAND THEREFOR AND FOR THE RENOVATION OF THE PONAGANSET HIGH SCHOOL AND PONAGANSET MIDDLE SCHOOL BY THE FOSTER-GLOCESTER REGIONAL SCHOOL DISTRICT AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$45,720,000.00 IN BONDS THEREFOR

Committee on Corporations recommends passage.

IN ORDER FOR WEDNESDAY, MAY 26, 2004:**1 2004-H 7659****BY Giannini****ENTITLED,** AN ACT RELATING TO DELINQUENT AND DEPENDENT CHILDREN -- O'ROURKE CHILDREN'S CENTER

Committee on Health, Education & Welfare recommends passage.

2 2004-H 8141**BY Trillo****ENTITLED,** AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS

Committee on Judiciary recommends passage.

IN ORDER FOR THURSDAY, MAY 27, 2004:**1 2004-H 7670****BY Fox****ENTITLED,** AN ACT RELATING TO SPORTS RACING AND ATHLETICS -- BOXING AND WRESTLING

Committee on Labor recommends passage.

2 2004-H 7658**BY Giannini****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS - BOARD OF RADIOLOGIC TECHNOLOGY

Committee on Health, Education & Welfare recommends passage.

3 2004-H 7585 SUB A**BY Giannini****ENTITLED,** AN ACT RELATING TO HUMAN SERVICES - ABUSED AND NEGLECTED CHILDREN

Committee on Health, Education & Welfare recommends indefinite postponement of the original bill and passage of Substitute A.

Louis D'Antuono
Clerk of the House

Tuesday, May 18, 2004