

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. 50

Wednesday, May 19, 2004

Fiftieth Day

The House of Representatives meets at the State House in Providence, Wednesday, May 19, 2004 and is called to order at 4:18 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, Benson, Brien, Callahan, Caprio, Carter, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Enos, Faria, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Laroche, Lewiss, Lima, Long, Lowe, Malik, McCauley, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Moura, Mumford, Petrarca, Picard, Reilly, Rose, San Bento, Savage, Schadone, Scott, Shanley, Shavers, Slater, Smith, Story, Tejada, Trillo, Voccola, Wasylyk, Watson, Williams, Winfield.

ABSENT – 8: Representatives Cerra, Coogan, Flaherty, Harwood, Landroche, Naughton, Palumbo, Williamson.

INVOCATION

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

APPROVAL OF RECORD

By unanimous consent, the House Journal of Tuesday, May 18, 2004 is approved as printed.

ANNOUNCEMENTS

Representative Norman Landroche will be unable to attend session on today, May 19, 2004, due to family business.

Representative Eileen Naughton will be attending a conference and unable to attend session on May 19, 2004.

Representative Timothy Williamson will be unable to attend session on May 19 and 20, 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. 2760

BY Goodwin, Ruggerio, Perry

ENTITLED, AN ACT RELATING TO THE INDEBTEDNESS OF TOWNS AND CITIES (interest rates cities over 125,000) {LC1880/1}

05/19/2004 Referred to House Corporations

Senate Bill No. 3086

BY Sosnowski

ENTITLED, AN ACT AUTHORIZING THE TOWN OF SOUTH KINGSTOWN TO FINANCE CAPITAL TRANSPORTATION IMPROVEMENT PROJECTS AND TO ISSUE NOT MORE THAN \$200,000 BONDS THEREFOR {LC3315/1}

05/19/2004 Referred to House Corporations

Senate Bill No. 3085

BY Fogarty P, Blais, Breene, Tassoni, Gallo

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 {LC3307/1}

05/19/2004 Referred to House Corporations

Senate Bill No. 3087

BY Sosnowski

ENTITLED, AN ACT AUTHORIZING THE TOWN OF SOUTH KINGSTOWN TO FINANCE THE ACQUISITION OF LAND FOR OPEN SPACE, RECREATION AND AGRICULTURAL PURPOSES AND TO ISSUE NOT MORE THAN \$2,000,000 BONDS THEREFOR {LC3313/1}

05/19/2004 Referred to House Corporations

Senate Bill No. 3088**BY** Sosnowski**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF SOUTH KINGSTOWN TO FINANCE THE CONSTRUCTION OF A SCHOOL/COMMUNITY GYMNASIUM AND TO ISSUE NOT MORE THAN \$1,550,000 BONDS THEREFOR {LC3314/1}

05/19/2004 Referred to House Corporations

NEW BUSINESS**House Bill No. 8548****BY** Gemma**ENTITLED**, AN ACT RELATING TO PROPERTY SUBJECT TO TAXATION {LC3441/1}

05/19/2004 Introduced, referred to House Corporations

House Bill No. 8549**BY** Gallison**ENTITLED**, AN ACT AUTHORIZING THE BRISTOL WARREN REGIONAL SCHOOL DISTRICT TO FINANCE PHASE ONE OF THE ELEMENTARY FACILITIES PROGRAM FOR CONSTRUCTION OF ADDITIONS, IMPROVEMENTS AND RENOVATIONS TO HUGH COLE ELEMENTARY SCHOOL IN WARREN, RHODE ISLAND AND TO COLT MEMORIAL, ANDREWS AND ROCKWELL SCHOOLS IN BRISTOL, RHODE ISLAND, INCLUDING SITE INFRASTRUCTURE AND IMPROVEMENTS, THE FURNISHING AND EQUIPPING THEREOF AND THE PROVISION OF ARCHITECTURAL, ENGINEERING, SURVEYING AND OTHER SERVICES NECESSARY OR APPROPRIATE THEREFOR, AND TO ISSUE NOT MORE THAN \$22,800,000 BONDS AND NOTES THEREFOR {LC3419/1}

05/19/2004 Introduced, referred to House Corporations

House Bill No. 8550**BY** Aubin, Lowe**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF BURRILLVILLE TO FINANCE THE CONSTRUCTION, EQUIPPING AND FURNISHING OF AN ADDITION TO AND REMODELING, RECONSTRUCTING AND MAKING EXTRAORDINARY REPAIRS TO THE W.L. CALLAHAN ELEMENTARY SCHOOL AND TO ISSUE NOT MORE THAN \$7,500,000 BONDS THEREFOR {LC3430/1}

05/19/2004 Introduced, referred to House Corporations

House Bill No. 8551**BY** Winfield, Petrarca**ENTITLED**, AN ACT RELATING TO TAXATION - LEVY AND ASSESSMENT OF LOCAL TAXES {LC3427/1}

05/19/2004 Introduced, referred to House Corporations

House Resolution No. 8552**BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC3445/1}

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. 8553

BY Fox, Watson

ENTITLED, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC3444/1}
05/19/2004 House read and passed

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 rising vote.

House Resolution No. 8554

BY Ajello, Watson, Fox, Coderre E, Faria

ENTITLED, HOUSE RESOLUTION RECOGNIZING FREDERICK LIPPITT FOR HIS
GENEROUS DONATION TO BUTLER HOSPITAL FOR THE GERIATRIC CENTER
SPECIALIZING IN ALZHEIMER'S AND OTHER SENILE DEMENTIA {LC3451/1}

Representative Ajello requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Ajello seconded by Representatives Costantino, Shavers, Menard and by unanimous consent, on a voice vote.

House Resolution No. 8555

BY Lewiss, Kennedy, McHugh, Shanley, Carter

ENTITLED, HOUSE RESOLUTION CELEBRATING "NEIGHBOR DAY" ON MAY 23,
2004 IN THE STATE OF RHODE ISLAND AND MEMORIALIZING THE UNITED STATES
CONGRESS TO ENACT SIMILAR LEGISLATION THROUGHOUT THE UNITED
STATES {LC3449/1}

Representative Lewiss requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Lewiss seconded by Representative McNamara and many other members of the House and by unanimous consent, on a voice vote.

CALENDAR

From the Calendar are taken:

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.

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

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

Committee on Corporations recommends passage.

Read, and by unanimous consent, ordered to be placed on the Calendar for Tuesday, May 25, 2004

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

Committee on Judiciary recommends passage.

Read, and by unanimous consent, ordered to be placed on the Calendar for Wednesday, June 2, 2004

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

Committee on Judiciary recommends passage.

Representative Anguilla moves passage of the act, seconded by Representatives Shavers, Dennigan, and Kilmartin.

By unanimous consent, Representative Long, seconded by Representative Handy offers a written motion to amend.

F L O O R A M E N D M E N T
TO
2004 -- H 7104 AS AMENDED

AN ACT RELATING TO TOBACCO SALES

Mr. Speaker:

I hereby move to amend 2004 -- H 7104 As Amended, entitled "AN ACT RELATING TO TOBACCO SALES", as follows:

(1) On page 3, line 1, by enclosing the underlined words "other than a distributor" in parentheses.

(2) On page 3, lines 10 and 11, by restoring the language:

““Person” means any individual person, firm, association, or corporation licensed as a retail dealer to sell tobacco products within the state.”

Respectfully submitted,

REPRESENTATIVE LONG

The motion to amend prevails 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, Anderson, Anguilla, Aubin, Brien, Callahan, Caprio, Carter, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Enos, Faria, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Laroche, Lewiss, Lima, Long, Lowe, McCauley, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Mumford, Petrarca, Picard, Rose, San Bento, Savage, Schadone, Scott, Shanley, Shavers, Slater, Smith, Story, Trillo, Wasyluk, Williams.

NAYS - 0:.

Representatives Handy, Lima and Kilmartin discuss the act as amended

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, Anderson, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Enos, Faria, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Laroche, Lewiss, Lima, Long, Lowe, Malik, McCauley, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Mumford, Petrarca,

Picard, Rose, San Bento, Savage, Schadone, Scott, Shanley, Shavers, Slater, Smith, Story, Trillo, Wasyluk, Watson, Williams.

NAYS - 0.

With the agreement of the Minority, Majority Leader Fox takes items 5, and 6, from the Calendar for tomorrow Thursday, May 20th and places them on the Calendar for Thursday, May 27, 2004.

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.

Read and placed on the Calendar for Thursday, May 27, 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, with the exception of a bill being held on the desk.

GUESTS

Representative Long welcomes to the House Chamber as a guest from Jamestown, Gemma Guinguing, 2004 Miss Deaf Rhode Island. Miss Deaf Rhode Island is presented with a citation.

The Honorable Speaker Murphy welcomes to the House the Rhode Island Coastline Show Chorus, and presents them with a citation. The Chorus performs for the House of Representatives.

The Honorable Speaker also welcomes his 7th grade teacher, Carol Sassy.

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 Corvese announces that the Committee on Labor will meet today, at the rise of the House, in Room 201 of the State House.

Representative Kennedy announces that the Joint Committee of House Corporations and the Senate Commerce, Housing and Municipal Government will meet today, at 5 o'clock P.M., in Room 313 of the State House.

Representative Lima and the Honorable Speaker wish Representative Rose and his wife Diana, (both born today) a Happy Birthday.

Majority Leader Fox discusses the process leading to adjournment for this year's session.

ADJOURNMENT

At 4:48 o'clock P.M. on motion of Representative McHugh and as a further mark of respect to the memory of Harris H. Bucklin Jr. seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

CALENDAR

IN ORDER FOR THURSDAY, MAY 20, 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 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.

3 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.

4 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.

5 2004-H 7806**BY Coderre E****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT

Committee on Corporations recommends passage.

6 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.

7 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.

8 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.

9 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.

10 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.

11 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.

12 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.

13 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.

14 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.

15 2004-H 8268**BY Menard****ENTITLED,** AN ACT RELATING TO HOMESTEAD EXEMPTIONS IN THE TOWN OF LINCOLN

Committee on Corporations recommends passage.

16 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 TUESDAY, MAY 25, 2004:**1 2004-H 7425****BY Kennedy****ENTITLED, AN ACT RELATING TO INSURANCE**

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

Committee on Health, Education & Welfare recommends passage.

2 2004-H 7369**BY Giannini****ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- DOMESTIC ASSAULT**

Committee on Health, Education & Welfare recommends passage.

3 2004-H 7670**BY Fox****ENTITLED, AN ACT RELATING TO SPORTS RACING AND ATHLETICS -- BOXING AND WRESTLING**

Committee on Labor recommends passage.

4 2004-H 7658

BY Giannini

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -
BOARD OF RADIOLOGIC TECHNOLOGY

Committee on Health, Education & Welfare recommends passage.

5 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.

IN ORDER FOR WEDNESDAY, JUNE 2, 2004:

1 2004-H 7510

BY Picard

ENTITLED, AN ACT RELATING TO GENERAL POWERS

Committee on Judiciary recommends passage.

Louis D'Antuono
Clerk of the House

Wednesday, May 19, 2004