

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 fourth day of January in the year of Our Lord two thousand and five.

Volume 132, No. 3

Tuesday, January 11, 2005

Third Day

The House of Representatives meets at the State House in Providence, Tuesday, January 11, 2005 and is called to order at 4:04 o'clock P.M., by the Honorable William J. Murphy, Speaker

The roll is called and a quorum is declared present with 74 members present and 1 member absent as follows:

PRESENT - 74: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT –: 1 Representative Ginaitt.

INVOCATION

The Honorable Speaker presents Representative Corvese 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

Representative Menard objects to the wording of the Journal as to his bill introduction.

The Honorable Speaker comments as follows:

Rule 30(a) provides that no bill or resolution shall be heard on the floor unless it has previously been heard in committee. Therefore, a request for immediate consideration of a matter, or a request that a matter be placed on a particular day's calendar without reference to committee, is in effect a request for unanimous consent that the provisions of Rule 30 be waived in that instance. Like all requests for unanimous consent, it is subject to the right of any member to object, for which the member objecting need give no explanation. The objection must be raised before the Speaker has in fact placed the matter on the calendar, but whether the original request, or motion, was seconded is not in itself material.

Representative Kilmartin discusses Representative Menard's objection.

The Honorable Speaker indicates that, as a courtesy to Representative Menard, his objection to the wording of the Journal will be noted. Thereupon, and with that provision, the House Journal of January 5, 2005 is approved as printed.

ANNOUNCEMENTS

Representative Ginaitt will not be in session January 11, 12, and 13, 2005. He will be out of town.

Also,

As Speaker of the House, I hereby appoint the following to the House Rules Committee:

Representatives

Eileen Naughton
Timothy Williamson (Vice Chair)
Peter Kilmartin
Fausto Anguilla
Grace Diaz
Gregory Schadone
Donald Lally
J. Patrick O'Neill
Jan Malik
Raymond Sullivan
Nicholas Gorham
John Savage

Received and placed on file.

NEW BUSINESS

House Resolution No. 5004**BY** Gorham**ENTITLED**, HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO STUDY THE FEASIBILITY OF STATEWIDE TEACHER CONTRACTS IN THE STATE OF RHODE ISLAND {LC341/1}

01/11/2005 Introduced, referred to House Finance

House Bill No. 5005**BY** McHugh**ENTITLED**, AN ACT RELATING TO THE BLOCK ISLAND HOUSING BOARD {LC211/1}

01/11/2005 Introduced, referred to House Finance

House Bill No. 5006**BY** Voccola, Moran, Winfield**ENTITLED**, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX {LC102/1}

01/11/2005 Introduced, referred to House Finance

House Resolution No. 5007**BY** Voccola, Ucci, Palumbo, Moran**ENTITLED**, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$149,460 TO UNITED METHODIST ELDER CARE {LC417/1}

01/11/2005 Introduced, referred to House Finance

House Bill No. 5008**BY** Giannini, Petrarca, McHugh, Handy**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- OFFICE OF THE LONG-TERM HEALTH CARE ADVOCATE {LC480/1}

01/11/2005 Introduced, referred to House Finance

House Bill No. 5009**BY** Lewiss, Kennedy, McHugh**ENTITLED**, AN ACT RELATING TO TAXATION -- ELDERLY EXEMPTION -- TOWN OF WESTERLY {LC462/1}

01/11/2005 Introduced, referred to House Finance

House Bill No. 5010**BY** Mumford, Moffitt, Davey, Ehrhardt, Loughlin**ENTITLED**, AN ACT RELATING TO TAXATION -- INHERITANCE TAX {LC408/1}

01/11/2005 Introduced, referred to House Finance

House Bill No. 5011**BY** Giannini, McHugh, Petrarca, Handy**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- OFFICE OF THE LONG-TERM HEALTH CARE ADVOCATE {LC370/1}

01/11/2005 Introduced, referred to House Finance

House Bill No. 5012**BY** Carter, San Bento, Moffitt, Gallison, Malik**ENTITLED**, AN ACT RELATING TO JOINT COMMITTEE ON NAMING STATE CONSTRUCTIONS {LC451/1}

01/11/2005 Introduced, referred to House Corporations

House Bill No. 5013**BY** Gemma, Church, Schadone, Menard, Carter**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- FIRE SAFETY CODE {LC110/1}

01/11/2005 Introduced, referred to House Corporations

House Bill No. 5014**BY** Pacheco, Church**ENTITLED**, AN ACT RELATING TO THE TOWN OF BURRILLVILLE {LC399/1}

01/11/2005 Introduced, referred to House Corporations

House Bill No. 5015**BY** Carter, Lewiss, Gallison, Malik, San Bento**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- CHILDREN {LC271/1}

01/11/2005 Introduced, referred to House Judiciary

House Bill No. 5016**BY** Voccola, Flaherty**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- BAIL AND RECOGNIZANCE {LC100/1}

01/11/2005 Introduced, referred to House Judiciary

House Bill No. 5017**BY** Voccola, Ucci, Palumbo**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- COMPENSATION FOR THE WRONGLY CONVICTED {LC96/1}

01/11/2005 Introduced, referred to House Judiciary

House Resolution No. 5018**BY** Gemma, Church, Schadone, Menard, Carter**ENTITLED**, HOUSE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO INVESTIGATE SUBSIDIZED FUNDING FOR THE PRODUCTION OF FLU VACCINES IN THE UNITED STATES {LC112/1}

01/11/2005 Introduced, referred to House H.E.W.

House Bill No. 5019 (by request)**BY** Ginaitt, Naughton**ENTITLED**, AN ACT RELATING TO BOARD OF MEDICAL LICENSURE AND DISCIPLINE {LC302/1}

01/11/2005 Introduced, referred to House H.E.W.

House Bill No. 5020**BY** Faria**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY {LC278/1}

01/11/2005 Introduced, referred to House Labor

House Bill No. 5021**BY** Voccola, Ucci**ENTITLED**, AN ACT TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (GENERAL ASSEMBLY) {LC88/1}

01/11/2005 Introduced, referred to House Separation of Powers

House Resolution No. 5022**BY** Carter, Gallison, Lewiss, Malik, Gemma**ENTITLED**, HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO UNDERTAKE A COMPREHENSIVE STUDY OF THE VETERANS HOME IN BRISTOL AND DEVELOP A MASTER PLAN FOR THE OVERALL FUTURE DIRECTION OF THE FACILITY {LC452/1}

01/11/2005 Introduced, referred to House Veterans Affairs

House Bill No. 5023**BY** Lewiss, Kennedy, McHugh**ENTITLED**, AN ACT RELATING TO TAXATION -- VETERANS' EXEMPTIONS -- WESTERLY {LC210/1}

01/11/2005 Introduced, referred to House Veterans Affairs

House Resolution No. 5024**BY** Voccola, Ucci, Palumbo, Moran**ENTITLED**, HOUSE RESOLUTION RESPECTFULLY REQUESTING THE STATE TRAFFIC COMMISSION TO INSTALL A TRAFFIC LIGHT IN THE TOWN OF JOHNSTON {LC98/1}

01/11/2005 Introduced, referred to Jt. Committee on Highway Safety

House Resolution No. 5025**BY** Fox**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC620/1}

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 rising vote.

House Resolution No. 5026

BY Fox

ENTITLED, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC621/1}

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.

TRANSMITTAL

By unanimous consent, all matters on the Clerk's desk are ordered to be transmitted to the Honorable Secretary of State, forthwith.

ANNOUNCEMENTS

Representative Rose wishes Representative Helio Melo a Happy Birthday.

The Honorable Speaker also wishes Representative Melo a Happy Birthday.

Representative Ucci recognizes Johnston Firefighters Pvt. Paul Giroux, Lt. Scott McHugh, Lt. Joseph Andriole, and Capt. Arthur Moretti for their efforts in saving lives in the fire at Simmons Village in Johnston, (Housing for the Elderly).

GUESTS

Representative Davey welcomes to the House Chamber as a guest, Chris Rivera.

Representative Mumford welcome to the House as guests, Cub Scouts from Den 9 Pack 1 in North Scituate as follows: Nicholas Corey, Denis Prior, Joseph Monterio, Ryan Lozinski, along with their Den Leader Doug Corey, and Assistant Den Leader Mary Anne Lozinski.

Representative Watson welcomes to the House of Representatives former Representative Paul Archetto, member of the Cranston school committee.

The Honorable Speaker also welcomes Paul Archetto back to the House.

Representative Schadone welcomes to the Chamber Shawn Vivieros.

ADJOURNMENT

At 4:20 o'clock P.M. on motion of Representative Lima, and as a further mark of respect to the memory of Montie G. Ciarlo, Grace LaDuke, and Santo DiRaimo; on motion of Representative Williamson, and as a further mark of respect to the memory of Constance Zannini, and Henry Alvernaz; on motion of Representative Giannini and as a further mark of respect to the memory of Americo Giannini; on motion of Representative Story, and as a further mark of respect to the memory of Gail DeStefano seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE ARTHUR J. CORVESE

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