

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. 16

Thursday, February 10, 2005

Sixteenth Day

The House of Representatives meets at the State House in Providence, Thursday, February 10, 2005 and is called to order at 4:28 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 72 members present and 3 members absent as follows:

PRESENT - 72: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, 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, Story, Sullivan, Trillo, Ucci, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT – 3: Representatives Ehrhardt, Lally, Smith.

INVOCATION

The Honorable Speaker presents Representative Savage 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, February 9, 2005 is approved as printed.

ANNOUNCEMENTS

Representative Laurence Ehrhardt will be unable to attend session Thursday, February 10, 2005. He is out of state.

Representative Steven Smith will be unable to attend session Thursday, February 10, 2005. He is attending an education conference.

**REPORT OF COMMITTEE
COMMITTEE ON RULES**

Representative Coderre, for the Committee on Rules, reports back the following measure, with recommendation of passage:

House Resolution No. 5164 SUB A

BY Naughton, Kilmartin, Schadone, Lally, O'Neill

ENTITLED, HOUSE RESOLUTION ADOPTING RULES OF THE HOUSE OF REPRESENTATIVES FOR THE YEARS 2005-2006

{LC959/3/A}

02/10/2005 Placed on House Calendar

NEW BUSINESS**House Bill No. 5455**

BY Flaherty, Palumbo, Kilmartin, Moran

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- CORRECTIONS DEPARTMENT {LC1862/1}

02/10/2005 Introduced, referred to House Labor

House Bill No. 5456

BY Gallison, Sullivan, Landroche, Slater, Carter

ENTITLED, AN ACT RELATING TO THE NATIONAL GUARD {LC1991/1}

02/10/2005 Introduced, referred to House Veterans Affairs

House Bill No. 5457

BY Ucci, Petrarca

ENTITLED, AN ACT RELATING TO HIGHWAY SAFETY -- TRAFFIC SIGNALS {LC1393/1}

02/10/2005 Introduced, referred to Jt. Committee on Highway Safety

House Bill No. 5458

BY Ajello, Handy, Moran, Rice, Gemma

ENTITLED, AN ACT RELATING TO THE AMBER ALERT PROGRAM {LC1318/1}

02/10/2005 Introduced, referred to House H.E.W.

House Bill No. 5459**BY** Giannini, Rose, Menard, Dennigan, DeSimone**ENTITLED**, AN ACT RELATING TO LICENSES - SOCIAL WORKERS {LC1155/1}

02/10/2005 Introduced, referred to House H.E.W.

House Bill No. 5460**BY** Ucci, Moran**ENTITLED**, AN ACT RELATING TO EDUCATION -- OFFENSES RELATED TO SCHOOLS {LC901/1}

02/10/2005 Introduced, referred to House H.E.W.

House Bill No. 5461**BY** Fox**ENTITLED**, AN ACT RELATING TO STATUTES AND STATUTORY CONSTRUCTION PUBLICATION OF DISTRIBUTION OF ACTS {LC1260/1}

02/10/2005 Introduced, referred to House Judiciary

House Bill No. 5462**BY** Flaherty, Palumbo, Kilmartin, Moran**ENTITLED**, AN ACT RELATING TO CORRECTIONS DEPARTMENT {LC1869/1}

02/10/2005 Introduced, referred to House Judiciary

House Bill No. 5463**BY** Petrarca, Brien T, Moran, Williams**ENTITLED**, AN ACT RELATING TO VICTIM'S RIGHTS {LC1777/1}

02/10/2005 Introduced, referred to House Judiciary

House Bill No. 5464**BY** Schadone, Landroche**ENTITLED**, AN ACT RELATING TO FINANCIAL INSTITUTIONS {LC125/1}

02/10/2005 Introduced, referred to House Corporations

House Bill No. 5465**BY** Schadone, San Bento, Malik**ENTITLED**, AN ACT RELATING TO INSURANCE -- NONPROFIT HOSPITAL SERVICE CORPORATIONS {LC1584/1}

02/10/2005 Introduced, referred to House Corporations

House Bill No. 5466**BY** Slater, Lewiss, Diaz, Williams, Sullivan**ENTITLED**, AN ACT RELATING TO THE DEPARTMENT OF ADMINISTRATION -- RHODE ISLAND STATE ENERGY OFFICE (RISEO) {LC562/1}

02/10/2005 Introduced, referred to House Corporations

House Bill No. 5467**BY** Petrarca, Ucci, Landroche, Brien T**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- MANDATORY STREET ADDRESS SIGN REQUIREMENTS {LC1775/1}

02/10/2005 Introduced, referred to House Corporations

House Bill No. 5468**BY** Ehrhardt, Carter**ENTITLED**, AN ACT RELATING TO VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF NORTH KINGSTOWN {LC1815/1}

02/10/2005 Introduced, referred to House Corporations

House Bill No. 5469 (Secretary of State)**BY** Giannini, Menard, Ucci, Brien T, Winfield**ENTITLED**, AN ACT RELATING TO INSURANCE -- DISCLOSURE OF FEES AND COMMISSIONS {LC2237/1}

02/10/2005 Introduced, referred to House Corporations

House Bill No. 5470**BY** San Bento, Anguilla**ENTITLED**, AN ACT RELATING TO THE REGISTRATION OF VEHICLES {LC1999/1}

02/10/2005 Introduced, referred to House Corporations

House Bill No. 5471**BY** Ucci, Loughlin, Voccola, Petrarca, Moran**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS - UNFAIR SALES PRACTICES {LC444/1}

02/10/2005 Introduced, referred to House Corporations

House Bill No. 5472**BY** Carter, Gallison, Almeida**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES {LC1975/1}

02/10/2005 Introduced, referred to House Corporations

House Bill No. 5473**BY** Costantino, Naughton, Slater, Carter, Rice**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- DEPARTMENT OF HEALTH {LC1624/1}

02/10/2005 Introduced, referred to House Finance

House Bill No. 5474**BY** Naughton, Crowley, Carter, Shanley**ENTITLED**, AN ACT RELATING TO EDUCATION - - UNIVERSITY OF RHODE ISLAND {LC1068/1}

02/10/2005 Introduced, referred to House Finance

House Bill No. 5475**BY** Amaral, Mumford, Singleton, Trillo, Scott**ENTITLED**, AN ACT RELATING TO PROPERTY TAX RELIEF {LC1793/1}

02/10/2005 Introduced, referred to House Finance

House Bill No. 5476**BY** Trillo, Scott, Gemma, Singleton, Mumford**ENTITLED**, AN ACT RELATING TO TAXATION {LC1753/1}

02/10/2005 Introduced, referred to House Finance

House Bill No. 5477**BY** Fox, Anguilla, Kilmartin, Jackson, Sullivan**ENTITLED**, AN ACT RELATING TO THE GENERAL ASSEMBLY LOB**BY** ING {LC1985/1}

02/10/2005 Introduced, referred to House Finance

House Bill No. 5478 (Lieutenant Governor)**BY** Gemma, Kilmartin, Sullivan, Flaherty, Trillo**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --

DEPARTMENT OF TRANSPORTATION {LC1824/1}

02/10/2005 Introduced, referred to House Finance

House Bill No. 5479**BY** Flaherty, Palumbo**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES --

RETIREMENT SYSTEM -- CONTRIBUTIONS AND BENEFITS {LC1859/1}

02/10/2005 Introduced, referred to House Finance

House Bill No. 5480**BY** Flaherty, Palumbo, Kilmartin, Moran**ENTITLED**, AN ACT RELATING TO THE RHODE ISLAND JUSTICE COMMISSION

{LC1871/1}

02/10/2005 Introduced, referred to House Finance

House Bill No. 5481**BY** Petrarca, Brien T, Ucci**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- CRIMINAL INJURIES

COMPENSATION {LC1772/1}

02/10/2005 Introduced, referred to House Finance

House Bill No. 5482**BY** Slater, Lewiss, Diaz, Williams, Sullivan**ENTITLED**, AN ACT RELATING TO MENTAL HEALTH, RETARDATION, AND

HOSPITALS - DIVISION OF MENTAL HEALTH {LC535/1}

02/10/2005 Introduced, referred to House Finance

House Bill No. 5483**BY** Slater, Lewiss, Diaz, Williams, Sullivan**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
HEALTH CARE FOR CHILDREN AND PREGNANT WOMEN {LC545/1}

02/10/2005 Introduced, referred to House Finance

House Bill No. 5484**BY** Slater, McNamara, Diaz, Moura, Williams**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT
{LC1171/1}

02/10/2005 Introduced, referred to House Finance

House Bill No. 5485**BY** Ajello, Rice, Lewiss, Coderre E, Fox**ENTITLED**, AN ACT RELATING TO TAXATION -- BUSINESS CORPORATION TAX
{LC1725/1}

02/10/2005 Introduced, referred to House Finance

House Bill No. 5486**BY** Lima, Handy, Jacquard, McNamara, Ucci**ENTITLED**, AN ACT RELATING TO CITIES AND TOWNS -- UNFUNDED PENSION
LIABILITY {LC842/1}

02/10/2005 Introduced, referred to House Finance

House Bill No. 5487**BY** Coderre E, Slater, Faria, Moura, Williams**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES -- FAMILY INDEPENDENCE
ACT {LC1506/1}

02/10/2005 Introduced, referred to House Finance

House Bill No. 5488**BY** Fox, Crowley, Lewiss, McNamara, Pacheco**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
HISTORIAN LAUREATE OF RHODE ISLAND {LC1978/1}

02/10/2005 Introduced, referred to House Finance

House Bill No. 5489**BY** Giannini**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- CANCER PATIENTS -
- TRANSPORTATION SERVICES {LC132/1}

02/10/2005 Introduced, referred to House Finance

House Bill No. 5490**BY** Landroche, Williamson**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- MUNICIPAL POLICE -- INCENTIVE PAY {LC1467/1}

02/10/2005 Introduced, referred to House Finance

House Bill No. 5491**BY** Carter, Gallison, Moffitt**ENTITLED**, AN ACT RELATING TO RETIREMENT SYSTEM - CONTRIBUTIONS AND BENEFITS {LC749/1}

02/10/2005 Introduced, referred to House Finance

House Resolution No. 5492**BY** Amaral, Savage, Gorham, Mumford, Singleton**ENTITLED**, HOUSE RESOLUTION RECOGNIZING REPRESENTATIVE BRUCE J. LONG FOR BEING THE "DEAN OF THE HOUSE" {LC1908/1}

Representative Amaral requests unanimous consent for immediate consideration.

There is no objection.

Representative Moura discusses the resolution.

Read and passed, on a motion of Representative Amaral seconded by Representatives Moura, Mumford, Watson, Singleton, Scott, Story, Savage, McManus, Shanley, Moffitt, Loughlin, Ucci and by unanimous consent, on a voice vote.

CALENDAR

From the Calendar is taken:

IN ORDER FOR THURSDAY, FEBRUARY 10, 2005:**1 2005-H 5453****BY** Singleton**ENTITLED**, AN ACT AMENDING THE INCORPORATION OF THE NORTH CUMBERLAND FIRE DISTRICT

Ordered on the Calendar

Representative Kennedy moves passage of the act, seconded by Representatives Singleton, Moran, Laroche, and Flaherty.

Read and passed, on a roll call vote, 65 members voting in the affirmative and 1 member voting in the negative as follows.

YEAS - 65: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Diaz, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Jackson, Kennedy, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Scott, Shanley, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Voccola, Wasyluk, Watson, Williams, Williamson, Winfield.

NAYS - 1: Representative San Bento.

TRANSMITTAL

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

ANNOUNCEMENTS

Representative Williamson announces that the Committee on Rules will meet today, at the rise of the House, in Room 205 of the State House.

Representative Coderre announces that there will be a Joint Meeting of Separation of Powers and Environment and Natural Resources today, at the rise of the House, in Room 35 of the State House.

A Happy Birthday is extended to Representative Joseph Trillo.

A Happy Anniversary is extended to Representative Joseph McNamara and his wife Diane.

Representative Fox announces the desk will be held open in order to receive a committee report.

GUESTS

At 4:30 o'clock P.M. the Honorable Speaker yields the rostrum to Representative Shanley.

By unanimous consent, Representative Shanley addresses the members of the House and welcomes, and congratulates Matt Chatham from the New England Patriots, Super Bowl Champions for the third year.

By unanimous consent, Matt Chatham addresses the members of the House.

At 4:33 o'clock P.M. the Honorable Speaker returns to the rostrum.

The Honorable Speaker presents Matt with a citation from the House of Representatives.

Representative Davey welcomes to the House Chamber as guests the Cranston West High School Varsity Fall Football Champions, and their Cheerleaders. Representative Davey introduces Football Head Coach Steve Stoehr and Cheerleader Coach Beth Lavine. At 4:35 o'clock P.M. the Honorable Speaker yields the rostrum to Coach Steve Stoehr and Coach Beth Lavine who introduce their teams as follows: Football Players: John Gallonio, Daniel King, Anthony Castelli, Thomas Hitt, Robert Carbone, Victor Serabian-Captain, Matthew Grande, Adam Woellner, Paul Ouellet-Captain, Kyle Izzo, Jason Cook, Steven Vendetolli, Zachary T. Kiernan, Kyle Vecchiarino, Luis Acevedo, Saul Rivera, Andrew Markatos, James Tomaselli, Steven Crandall, Michael Faria, Robert Geremia, Ceasar Martinez, Eric Moscarelli, Alex Mendez, Alex Lowenthal, David DeCristofaro, Anthony Ferrer, Charles J. DiRaimo, Ryan Forte, Luis Callado, Louis Gugliemetti, Michael Petrocelli, Patrick Centore, Melvin Reyes, Luis Dias, Steven Pirri, Louis Faiola, Kyle Dolan, Richard Aitchison, Michael Serabian, Frank DiVincenzo, Joseph Piccione, Dylan Murphy, Alex DeCiccio, Stephen Mancini, Joseph Beaudoin, Edward Varone, Zachary Okolowicz, James Rossi, Brian Wilby, Stephen Grande, Jesse DiZoglio, Keith Murray, Andrew Iannotti, Paul Carbone-Captain, Kevin Grant, Charles Haskell, Nicholas Giannini, John T. Davis, Kyle Murray-Captain, Ryan Sczerbinski, Lorenzo Lonardo, Daniel Vendettuoli, Michael Baker, George Arany, Anthony Mancini, Joe Madonna. Along with their Assistant Coaches- Mr. Jay Jones, Mr. Robert Malo, Mr. Thomas Milewski, Mr. Joseph Picano; Volunteers-Mr. Corey Capirchio, Mr. Sal Capirchio, Mr. Mike Devaney, Mr. Mike Fitzgerald, Mr. Steve Hallas, Mr. Jay Hogan, Mr. Matt Mancusco, Mr. Tony Rainone, Principal-Mr. Edmond J. Lemoi; Athletic Director-Mr. Michael Traficante; Cheerleaders: Brooke Vecchio-Captain, Taylor Conti-Captain, Daniella Ciampanelli, Ashleigh Robillard, Regina Palombo, Jaclyn Agresti, Alisha Johnson, Erica Ruggieri, Kayla Shippee, Nicole Brunhuber, Ann Trainor, Melissa Soupantnavong, Jessica Pennacchini, Tara Dessler, Nicole Lanm, Katie Trainor, Jen Heng, Brittney Santoro, Marissa Castelli, Brianna Bucci.

At 4:40 o'clock P.M. the Honorable Speaker returns to the rostrum.

Representative Rice welcomes to the House Chambers Erin Chatham, wife of Matt Chatham.

ADJOURNMENT

At 4:48 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 JOHN A. SAVAGE

Heavenly Father, look with favor on our deliberation and assist us by your grace to do what is just and wise. Amen.

APPENDIX

CONSENT CALENDAR

IN ORDER FOR TUESDAY, FEBRUARY 15, 2005:

1 2005-S 19

BY Tassoni

ENTITLED, AN ACT RELATING TO TAXATION -- NORTH SMITHFIELD

Ordered on the Calendar

2 2005-S 225

BY Issa

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF RHODE ISLAND INDEPENDENT HIGHER EDUCATION ASSOCIATION

Ordered on the Calendar

3 2005-S 251

BY Gibbs

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF POST' ALL, INC.

Ordered on the Calendar

4 2005-S 253

BY Montalbano J

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF K.F.C. OF JOHNSTON, INC.

Ordered on the Calendar

Louis D'Antuono
Clerk of the House

Thursday, February 10, 2005

APPENDIX

CALENDAR

IN ORDER FOR WEDNESDAY, FEBRUARY 16, 2005:

1 2005-H 5234

BY Lewiss

ENTITLED, AN ACT RELATING TO THE WATCH HILL FIRE DISTRICT

Committee on Corporations recommends passage.

2 2005-H 5164 SUB A

BY Naughton

ENTITLED, HOUSE RESOLUTION ADOPTING RULES OF THE HOUSE OF REPRESENTATIVES FOR THE YEARS 2005-2006

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

Louis D'Antuono
Clerk of the House

Thursday, February 10, 2005