

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. 8

Thursday, January 20, 2005

Eighth Day

The House of Representatives meets at the State House in Providence, Thursday, January 20, 2005 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 69 members present and 6 members absent as follows:

PRESENT - 69: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Church, Coderre, Corvese, Costantino, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Sullivan, Trillo, Ucci, Voccola, Wasylyk, Watson, Williams, Winfield.

ABSENT -6: Representative Carter, Crowley, Menard, Palumbo, Story, Williamson.

INVOCATION

The Honorable Speaker presents Representative Slater 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, January 19, 2005 is approved as printed.

ANNOUNCEMENT

Representative Kenneth Carter will be unable to attend session today, January 20, 2005.

NEW BUSINESS**House Resolution No. 5134**

BY Gemma, McNamara, Giannini, Williams, Almeida

ENTITLED, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (ELECTIONS) {LC829/1}

01/20/2005 Introduced, referred to House Finance

House Bill No. 5135 (Lieutenant Governor)

BY Gallison, Carter, Sullivan, Brien T, Landroche

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -- NATIONAL GUARD {LC663/1}

01/20/2005 Introduced, referred to House Finance

House Bill No. 5136

BY Winfield

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES - RETIREMENT SYSTEM - CONTRIBUTIONS AND BENEFITS {LC754/1}

01/20/2005 Introduced, referred to House Finance

House Bill No. 5137

BY Winfield

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - RETIREMENT OF MUNICIPAL EMPLOYEES {LC282/1}

01/20/2005 Introduced, referred to House Finance

House Bill No. 5138

BY Gemma, Carter, Lima, Moffitt, McNamara

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -- NATIONAL GUARD {LC831/1}

01/20/2005 Introduced, referred to House Finance

House Bill No. 5139

BY Pacheco, Church, Sullivan, Fox, San Bento

ENTITLED, AN ACT RELATING TO STATE AID {LC458/1}

01/20/2005 Introduced, referred to House Finance

House Bill No. 5140

BY Sullivan, Loughlin, Singleton, Gallison, Rice

ENTITLED, AN ACT RELATING TO MOTOR VEHICLES -- SPECIAL LICENSE PLATES DECAL {LC756/1}

01/20/2005 Introduced, referred to House Finance

House Bill No. 5141

BY Gallison, Malik, Anguilla, Lewiss, Rice

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - DISTRESSED AREAS ECONOMIC REVITALIZATION ACT {LC598/1}

01/20/2005 Introduced, referred to House Finance

House Bill No. 5142 (Lieutenant Governor)

BY Gallison, Malik, Anguilla, Lewiss, Schadone

ENTITLED, AN ACT RELATING TO HUMAN SERVICES -- LONG TERM HOME HEALTH CARE {LC816/1}

01/20/2005 Introduced, referred to House Finance

House Bill No. 5143

BY Gallison, Lewiss, Schadone, Rice, Brien T

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - - HEALTH CARE FACILITIES STAFFING {LC107/1}

01/20/2005 Introduced, referred to House H.E.W.

House Bill No. 5144

BY Corvese, Schadone, Gemma, Malik, Melo

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- WOMEN'S RIGHT TO KNOW ACT {LC19/1}

01/20/2005 Introduced, referred to House H.E.W.

House Bill No. 5145

BY Gallison, Anguilla

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC855/1}

01/20/2005 Introduced, referred to House Judiciary

House Bill No. 5146

BY Schadone, Malik, Gemma, Lima

ENTITLED, AN ACT RELATING TO INSURANCE -- UNFAIR CLAIMS SETTLEMENT PRACTICES ACT {LC127/1}

01/20/2005 Introduced, referred to House Judiciary

House Bill No. 5147

BY Schadone, Jacquard, Jackson, Almeida, Lewiss

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES {LC130/1}

01/20/2005 Introduced, referred to House Judiciary

House Bill No. 5148

BY Schadone, Jacquard, Almeida, Lewiss

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- CHILDREN {LC236/1}

01/20/2005 Introduced, referred to House Judiciary

House Bill No. 5149**BY** Naughton**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- JOINT AND SEVERAL LIABILITY {LC774/1}

01/20/2005 Introduced, referred to House Judiciary

House Bill No. 5150**BY** Naughton**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - JUDGMENTS, ORDERS AND DECREES {LC778/1}

01/20/2005 Introduced, referred to House Judiciary

House Bill No. 5151**BY** Schadone, Brien T, Jacquard, Almeida, Lewiss**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- BURGLARY AND BREAKING AND ENTERING {LC123/1}

01/20/2005 Introduced, referred to House Judiciary

House Bill No. 5152**BY** Schadone, Jacquard, Jackson, Almeida, Lewiss**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- ASSAULTS {LC124/1}

01/20/2005 Introduced, referred to House Judiciary

House Bill No. 5153**BY** Schadone, Corvese, Melo, San Bento, Gemma**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- FETAL PROTECTION ACT {LC121/1}

01/20/2005 Introduced, referred to House Judiciary

House Bill No. 5154**BY** Gorham, Mumford, Scott, Trillo**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- SNOWMOBILES AND RECREATIONAL VEHICLES {LC710/1}

01/20/2005 Introduced, referred to House Judiciary

House Bill No. 5155**BY** Kennedy, Winfield, Petrarca, Scott, Lewiss**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- LOW AND MODERATE INCOME HOUSING {LC772/1}

01/20/2005 Introduced, referred to House Corporations

House Bill No. 5156**BY** Gallison, Lewiss, Schadone, Rice, Jackson**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS -- DECEPTIVE TRADE PRACTICES {LC281/1}

01/20/2005 Introduced, referred to House Corporations

House Bill No. 5157**BY** Gallison, Lewiss, Anguilla, Schadone, Rice**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS -- UNFAIR SALES PRACTICES {LC599/1}

01/20/2005 Introduced, referred to House Corporations

House Bill No. 5158**BY** Gemma, McNamara, Williams, Almeida, Rice**ENTITLED**, AN ACT RELATING TO INSURANCE -- UNINSURED MOTORIST COVERAGE {LC790/1}

01/20/2005 Introduced, referred to House Corporations

House Bill No. 5159**BY** Gemma, Giannini, Williams, Almeida, Trillo**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- FIRE SAFETY CODE {LC622/1}

01/20/2005 Introduced, referred to House Corporations

House Bill No. 5160**BY** Schadone, Kennedy, Lewiss, Picard, O'Neill**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW -- CREDIT CARD SOLICITATION {LC238/1}

01/20/2005 Introduced, referred to House Corporations

House Bill No. 5161**BY** Gallison, Ajello, Lewiss, Schadone, Rice**ENTITLED**, AN ACT RELATING TO DISTRIBUTION OF CREDIT CARDS {LC68/1}

01/20/2005 Introduced, referred to House Corporations

House Bill No. 5162**BY** Gallison, Lewiss, Schadone, Almeida, Rice**ENTITLED**, AN ACT RELATING TO OIL SPILL RESPONSE AND PREVENTION {LC83/1}

01/20/2005 Introduced, referred to House Environment and Natural Resources

House Resolution No. 5163**BY** Long, Amaral, Ehrhardt, Loughlin, McManus**ENTITLED**, HOUSE RESOLUTION RESPECTFULLY REQUESTING THAT THE WESTIN HOTEL NOT BE SOLD TO THE PROCACCIANTI GROUP UNTIL CERTAIN RECORDS ARE RELEASED TO THE PUBLIC AND THOROUGHLY REVIEWED {LC850/1}

Representative Long requests unanimous consent for immediate consideration

Representative Fox objects

Read and referred to the committee on Finance.

COMMUNICATION

The Honorable Speaker announces the receipt of the following communication:

Dear Speaker Murphy, Majority Leader Fox & Members of the House of Representatives,

I will be unable to attend on Thursday, January 20, 2005 due to the fact I will be out of state with my daughter.

Respectfully,

Rene R. Menard
Representative Rene R. Menard
House District - 45

CALENDAR

From the Calendar are taken:

IN ORDER FOR THURSDAY, JANUARY 20, 2005:

1 2005-H 5132

BY Church

ENTITLED, AN ACT RELATING TO TAXATION -- NORTH SMITHFIELD

Ordered on the Calendar

Representative Church moves passage of the act, seconded by Representatives Gemma, Fox, and San Bento.

Read and passed on a roll call vote, 55 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 55: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Caprio, Church, Coderre, Corvese, Costantino, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Gorham, Jackson, Jacquard, Kennedy, Lally, Landroche, Laroche, Lewiss, Lima, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Moffitt, Moran, Mumford, Naughton, O'Neill, Pacheco, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Trillo, Watson.

NAYS - 0.

2 2005-H 5133**BY Church****ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS**

Ordered on the Calendar

Representative Church moves passage of the act, seconded by Representatives Fox, Corvese, San Bento, Gemma and Faria.

Read and passed, on a roll call vote, 52 members voting in the affirmative and 3 members voting in the negative as follows.

YEAS - 52: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Church, Coderre, Corvese, Costantino, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Jackson, Jacquard, Kennedy, Lally, Landroche, Laroche, Lima, Malik, McCauley, McHugh, McNamara, Melo, Moffitt, Moran, Mumford, Naughton, O'Neill, Pacheco, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Trillo, Watson.

NAYS - 3: Representatives Gorham, Loughlin, McManus.

TRANSMITTAL

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

ANNOUNCEMENTS

Representative Kilmartin notes that Rule 1 gives the Speaker the authority to maintain the decorum of the House. Rule 8 provides that a member seeking to be recognized shall "activate his or her recognition button" (emphasis added). Rule 21 states that no person shall occupy the seat of a member other than that member. It follows that the Speaker need not recognize a member sitting in a seat other than his or her own, and that a member may not vote from a seat other than his or her own. Representative Moura also comments on the Rules.

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

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

Representative Lima announces all House members should have received a packet on their desks today from the State Employees Charitable Appeal Campaign, otherwise known as "SECA".

Representative Almeida announces that the Committee on Labor will meet Tuesday, January 25, 2005, at the rise of the House, in Room 201 of the State House.

Representative Lally wishes Lou D'Antuono, clerk of the House, a Happy Birthday.

Representative Kilmartin announces the photographer will be in the House Lounge today until 4:30 o'clock P.M. for pictures.

Representative Lima congratulates Representative Wasylyk on making a national name for himself in the field of consumer protection. She announces that he has won several major class action law suits designed to protect citizens from deceptive trade practices.

The Honorable Speaker also congratulates Representative Wasylyk.

GUESTS

Representative Naughton welcomes to the House Chamber as guests Our Lady of Mercy School in East Greenwich – teachers and students in particular her niece Katie Grandchamp.

Representative Moran welcomes to the House as guests Captain Bruce Ogni, Captain Paul Nadeau, and members of the Central Falls Police Department.

Representative Picard welcomes to the Chamber students and staff from Good Sheperd School in Woonsocket.

PERSONAL PRIVILEGE

Representative Williams rises on a point of personal privilege in regard to envelopes placed on everyone's desk.

Representative Watson also comments on envelopes.

ADJOURNMENT

At 4:28 o'clock P.M. on motion of Representative McNamara, and as a further mark of respect to the memory of Nicholas H. Mezzanotte; on motion of Representative Singleton, and as a further mark of respect to the memory of Rita Lepine; on motion of Representative Brien and as a further mark of respect to the memory of Robert Brien; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE THOMAS C. SLATER

Lord, we have been sent to these positions of responsibility by the people. Make us mindful that we are their servants. Give us the wisdom and energy to serve them honestly and well. Amen.

APPENDIX

CONSENT CALENDAR

IN ORDER FOR TUESDAY, JANUARY 25, 2005:

1 2005-S 49

BY Felag

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF D & M CUSTOM HOMES, INC.

Ordered on the Calendar

Louis D'Antuono
Clerk of the House

Thursday, January 20, 2005