

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. 29

Tuesday, March 22, 2005

Twenty-ninth Day

The House of Representatives meets at the State House in Providence, Tuesday, March 22, 2005 and is called to order at 4:16 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 73 members present and 2 members absent as follows:

PRESENT - 73: 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, Ginaitt, 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, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Wasylk, Watson, Williams, Williamson, Winfield.

ABSENT – 2: Representatives O'Neill, Voccola.

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, March 17, 2005 is approved as printed.

ANNOUNCEMENT

Representative Patrick O'Neill will be unable to attend session today, Tuesday, March 22, and Wednesday March 23, 2005. He is out of town.

APPOINTMENT

As Speaker of the House, I hereby appoint Representative Helio M. Melo to the Joint Commission to Study Education Equity and Property Tax Relief.

William J. Murphy
Speaker.

**REPORT OF COMMITTEE
COMMITTEE ON JUDICIARY**

Representative Flaherty, for the Committee on Judiciary, reports back the following measure, with recommendation of passage:

House Bill No. 5177

BY San Bento, Gemma, Rice, Lewiss, Church

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS (remove from the governor the appointment power for the clerks of the courts and give that power to the respective presiding justice and chief judges) {LC861/1}

03/22/2005 Placed on House Calendar

NEW BUSINESS**House Bill No. 6258**

BY Costantino, Malik, Slater

ENTITLED, AN ACT RELATING TO INSURANCE -- HEALTH MAINTENANCE ORGANIZATIONS {LC2845/1}

03/22/2005 Introduced, referred to House Corporations

House Bill No. 6259

BY Naughton, Dennigan, Handy, Ajello, Diaz

ENTITLED, AN ACT RELATING TO TAXATION -- SETOFF OF REFUND OF PERSONAL INCOME TAX {LC2859/1}

03/22/2005 Introduced, referred to House Finance

House Bill No. 6260

BY Costantino

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - REGISTRATION OF VEHICLES {LC2846/1}

03/22/2005 Introduced, referred to House Finance

House Bill No. 6261**BY** Costantino, Moura, Ajello, McCauley, Slater**ENTITLED**, AN ACT RELATING TO STATE GOVERNMENT --- WATERFIRE PROVIDENCE FUND {LC2843/1}

03/22/2005 Introduced, referred to House Finance

House Bill No. 6262**BY** Costantino, Naughton, Kennedy, Corvese, McNamara**ENTITLED**, AN ACT RELATING TO LICENSING OF HEALTH CARE FACILITIES {LC2844/1}

03/22/2005 Introduced, referred to House H.E.W.

House Bill No. 6263**BY** Voccola, Ucci, Moran, Trillo**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- PET WARRANTIES -- DOGS {LC505/1}

03/22/2005 Introduced, referred to House H.E.W.

House Resolution No. 6264**BY** Giannini, McCauley, Palumbo, Smith, Caprio D**ENTITLED**, HOUSE RESOLUTION CONGRATULATING REVEREND MONSIGNOR SALVATORE RONALD MATANO ON BEING NAMED COADJUTOR BISHOP OF BURLINGTON {LC2879/1}

Representative Giannini requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Giannini seconded by Representatives Flaherty Lima and several other members of the House by unanimous consent, on a voice vote.

House Resolution No. 6265**BY** Flaherty, McNamara, Murphy**ENTITLED**, HOUSE RESOLUTION CONGRATULATING THE LITERACY VOLUNTEERS OF AMERICA -- KENT COUNTY ON THEIR 25TH ANNIVERSARY {LC2892/1}

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, Sullivan, Landroche, Costantino, Williamson and several other members of the House by unanimous consent, on a voice vote.

House Bill No. 6266**BY** Pacheco, Gorham, Winfield**ENTITLED**, AN ACT RELATING TO THE TOWN OF GLOCESTER {LC2903/1}

Representative Pacheco requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Pacheco seconded by Representative Fox on a roll call vote, 64 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 64: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Costantino, Davey, Dennigan, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kilmartin, Lally, Landroche, Laroche, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Watson, Williams, Winfield.

NAYS - 0.

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.

House Resolution No. 6267**BY** Menard, Petrarca, McManus**ENTITLED**, HOUSE RESOLUTION CONGRATULATING LINCOLN HIGH SCHOOL GIRLS BASKETBALL TEAM ON WINNING THE DIVISION II CHAMPIONSHIP {LC2856/1}

Representative Menard requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Menard seconded by Representatives Petrarca, and McManus by unanimous consent, on a voice vote.

House Resolution No. 6268**BY** Lima, Lally, Gallison, Murphy, San Bento**ENTITLED**, HOUSE RESOLUTION THANKING IRVING "IRV" H. LEVIN FOR HIS YEARS OF DEDICATED SERVICE {LC2881/1}

Representative Lima requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Lima seconded by Representatives Menard, Lally, Flaherty, Carter and several other members of the House by unanimous consent, on a voice vote.

House Resolution No. 6269

BY Anguilla, Malik, Gallison

ENTITLED, HOUSE RESOLUTION CONGRATULATING MANNY CORREIRA ON WINNING THE 2005 MEDIA AWARD {LC2878/1}

Representative Anguilla requests unanimous consent for immediate consideration.

There is no objection.

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

House Bill No. 6270

BY Gorham

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- TOWN MEETINGS {LC2877/1}

Representative Gorham requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Gorham seconded by Representative Watson 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, Davey, Dennigan, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kilmartin, Lally, Landroche, Laroche, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Scott, Shanley, Singleton, Smith, Story, Sullivan, Trillo, Ucci, Watson, Williams, 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.

House Resolution No. 6271**BY** McNamara, Watson, Fox**ENTITLED**, HOUSE RESOLUTION CELEBRATING MARCH 25, 2005 AS THE 184TH ANNIVERSARY OF GREEK INDEPENDENCE DAY {LC2895/1}

Representative McNamara requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative McNamara seconded by Representatives Laroche, Scott, and Gemma by unanimous consent, on a voice vote.

House Resolution No. 6272**BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC2890/1}

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 by unanimous consent, on a voice vote.

House Resolution No. 6273**BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC2891/1}

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 by unanimous consent, on a rising vote.

COMMUNICATION FROM THE SENATE

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

Senate Bill No. 39 SUB A as amended**BY** Bates, Gallo, Walaska, Paiva-Weed, Felag**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT (all state agencies and authorities to file their annual reports by electronic means on the general assembly website) {LC5/1/A}

03/22/2005 Referred to House Corporations

Senate Bill No. 256

BY Fogarty P, Tassoni, Sosnowski, Breene, Walaska

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- ECHO LAKE WATER DISTRICT {LC1446/1}

03/22/2005 Referred to House Corporations

Senate Bill No. 330 (Governor)

BY Algieri, Gibbs, Breene

ENTITLED, AN ACT RELATING TO STATE AUDITS -- INTERNET POSTING (state agencies audited/post the audits on a website) {LC1572/1}

03/22/2005 Referred to House Corporations

Senate Bill No. 860

BY Breene

ENTITLED, AN ACT RELATING TO PROPERTY SUBJECT TO TAXATION -- EXETER (Elderly/Freeze of tax rate and valuation.) {LC2447/1}

03/22/2005 Referred to House Corporations

Senate Bill No. 888

BY Fogarty P, Polisena, Tassoni, Levesque C, Gallo

ENTITLED, AN ACT RELATING TO RHODE ISLAND UNIFORM COMMERCIAL DRIVERS' LICENSE ACT (fire fighters be exempt from commercial motor vehicle road test requirements) {LC2570/1}

03/22/2005 Referred to House Corporations

CALENDAR

From the Calendar are taken:

IN ORDER FOR TUESDAY, MARCH 22, 2005:

1 2005-H 6161

BY Faria

ENTITLED, HOUSE RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL HOUSE COMMISSION TO STUDY TEMPORARY WORKERS THROUGHOUT THE STATE OF RHODE ISLAND

Committee on Labor recommends passage.

Representative Faria moves passage of the resolution, seconded by Representatives Moura, Carter, Laroche, and Brien.

Read and passed, by unanimous consent, on a voice vote.

2 2005-H 6160**BY Faria****ENTITLED,** HOUSE RESOLUTION CREATING A SPECIAL HOUSE
COMMISSION TO STUDY AUTO BODY AND SALVAGE SHOPS

Committee on Labor recommends passage.

Read, and by unanimous consent, ordered to be placed on the Calendar for Tuesday, March 29, 2005.

3 2005-H 6143**BY Pacheco****ENTITLED,** AN ACT RELATING TO THE TOWN OF GLOCESTER

Committee on Corporations recommends passage.

Representative Fox moves to recommit, seconded by Representative Kilmartin by unanimous consent, on a voice vote.

Read and recommitted to the Committee on Corporations.

With the agreement of the Majority and the Minority, Representative Amaral requests to take up #1 (05-H 5751) on the Calendar for Wednesday, March 23, 2005 next. There is no objection.

1 2005-H 5751**BY Amaral, Loughlin****ENTITLED,** AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE
CHARTER OF THE TOWN OF TIVERTON

Committee on Corporations recommends passage.

Representative Amaral moves passage of the act, seconded by Representatives Loughlin, Savage, and Moffitt.

Read and passed, on a roll call vote, 67 members voting in the affirmative and 2 members voting in the negative as follows.

YEAS - 67: The Honorable Speaker Murphy and Representatives Ajello, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Costantino, Crowley, Davey, Dennigan, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Wasyluk, Watson, Williams, Williamson, Winfield.

NAYS - 2: Representatives Kilmartin, 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 Picard announces that the Committee on Corporations will meet today, at the rise of the House, in Room 203 of the State House.

Representative Costantino announces that the Committee on Finance will resume its hearing today, at the rise of the House, in Room 35 of the State House.

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

Representative Ginaitt announces that the Committee on Environment and Natural Resources will meet tomorrow, at 1:30 o'clock P.M. in Room 203 of the State House.

Representative Carter wishes page, Jason Beneduce, a Happy Birthday.

Representative Moura congratulates Representative McCauley on being elected the Chairman of the Providence Caucus.

GUESTS

Representatives Williams, Carter, Moura, Smith, along with Majority Leader Fox and Minority Leader Watson welcome back to the House Chamber as guests former Representatives Maria Lopes and Melvoid Benson.

Representative Sullivan welcomes to the House as a guest Dave Florio, Chairman of the Coventry Democratic Town Committee.

Representatives Loughlin, and Amaral welcome to the Chamber Councilwoman, Joanne Aruda; School Committee Woman, Sally Black; and Tiverton Police Chief, Tom Blakey.

ADJOURNMENT

At 4:41 o'clock P.M. on motion of Representative Sullivan, and as a further mark of respect to the memory of William Cahoon, 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

CALENDAR

IN ORDER FOR WEDNESDAY, MARCH 23, 2005:

1 2005-H 6153

BY Lewiss

ENTITLED, AN ACT RELATING TO THE WESTERLY FIRE DISTRICT

Committee on Corporations recommends passage.

2 2005-S 155 SUB A as amended

BY Badeau

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
COURTS

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A as amended in concurrence.

3 2005-S 247 as amended

BY Lenihan

ENTITLED, AN ACT RELATING TO THE GENERAL ASSEMBLY - LOBBYING

Committee on Judiciary recommends passage as amended in concurrence.

IN ORDER FOR THURSDAY, MARCH 24, 2005:

1 2005-H 5177

BY San Bento

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
COURTS

Committee on Judiciary recommends passage.

IN ORDER FOR TUESDAY, MARCH 29, 2005:

1 2005-H 6160

BY Faria

ENTITLED, HOUSE RESOLUTION CREATING A SPECIAL HOUSE
COMMISSION TO STUDY AUTO BODY AND SALVAGE SHOPS

Committee on Labor recommends passage.

Louis D'Antuono
Clerk of the House

Tuesday, March 22, 2005