

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. 35

Wednesday, April 6, 2005

Thirty-fifth Day

The House of Representatives meets at the State House in Providence, Wednesday, April 6, 2005 and is called to order at 4:30 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 71 members present and 4 members absent as follows:

PRESENT - 71: 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, McHugh, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Voccola, Wasylyk, Watson, Williams, Winfield.

ABSENT – 4: Representatives McCauley, San Bento, Scott, Williamson.

INVOCATION

The Honorable Speaker presents Representative Giannini 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 Tuesday, April 5, 2005 is approved as printed.

ANNOUNCEMENT

At the rise of the House, this Thursday, April 7, 2005, Representatives from United Health will be available for an informational session for all legislators to discuss issues pertaining to the scheduled May 1, 2005 health care change from Blue Cross to United.

All members of the General Assembly (both the House and Senate) are invited to attend this session which will be held in the House Lounge.

**REPORTS OF COMMITTEES
COMMITTEE ON CORPORATIONS**

Representative Kennedy, for the Committee on Corporations, reports back the following measure, with recommendation of passage:

House Bill No. 5009

BY Lewiss, Kennedy, McHugh

ENTITLED, AN ACT RELATING TO TAXATION -- ELDERLY EXEMPTION -- TOWN OF WESTERLY (owned and occupied the property for five (5) years prior to filing an application for an exemption) {LC462/1}

04/06/2005 Placed on House Calendar

House Bill No. 6190

BY Sullivan, Watson

ENTITLED, AN ACT RELATING TO HOMESTEAD EXEMPTION IN THE TOWN OF WEST GREENWICH (residential properties) {LC2752/1}

04/06/2005 Placed on House Calendar

Senate Bill No. 21

BY Bates, Felag, Levesque C

ENTITLED, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF BRISTOL {LC289/1}

04/06/2005 Placed on House Calendar

Senate Bill No. 166

BY Algieri

ENTITLED, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION (tax exemptions for veterans' and veterans' spouses/Westerly) {LC946/1}

04/06/2005 Placed on House Calendar

Senate Bill No. 168

BY Algieri

ENTITLED, AN ACT RELATING TO THE WATCH HILL FIRE DISTRICT {LC688/1}

04/06/2005 Placed on House Calendar

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}

04/06/2005 Placed on House Calendar

NEW BUSINESS

House Bill No. 6334

BY Kilmartin

ENTITLED, AN ACT RELATING TO GAMBLING AND LOTTERIES {LC2956/1}

04/06/2005 Introduced, referred to House Judiciary

House Bill No. 6335

BY Kilmartin

ENTITLED, AN ACT RELATING TO CHILDREN {LC2915/1}

04/06/2005 Introduced, referred to House Judiciary

House Bill No. 6336

BY Lima, Lewiss

ENTITLED, AN ACT RELATING TO ELECTIONS {LC2730/1}

04/06/2005 Introduced, referred to House Judiciary

House Bill No. 6337

BY Lima

ENTITLED, AN ACT RELATING TO RHODE ISLAND CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORTING {LC2731/1}

04/06/2005 Introduced, referred to House Judiciary

House Bill No. 6338

BY McCauley

ENTITLED, AN ACT RELATING TO PROBATE PRACTICE {LC1228/1}

04/06/2005 Introduced, referred to House Judiciary

House Bill No. 6339

BY McCauley

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE {LC1210/1}

04/06/2005 Introduced, referred to House Judiciary

House Bill No. 6340

BY Kilmartin

ENTITLED, AN ACT RELATING TO EDUCATION {LC2914/1}

04/06/2005 Introduced, referred to House H.E.W.

House Bill No. 6341**BY** McCauley**ENTITLED**, AN ACT RELATING TO LICENSES GENERALLY {LC1226/1}

04/06/2005 Introduced, referred to House Corporations

House Bill No. 6342**BY** Williams, Ajello, McCauley, Slater**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES {LC1221/1}

04/06/2005 Introduced, referred to House Corporations

House Bill No. 6343**BY** McCauley**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE {LC1216/1}

04/06/2005 Introduced, referred to House Finance

House Bill No. 6344**BY** McCauley**ENTITLED**, AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENT {LC1429/1}

04/06/2005 Introduced, referred to House Finance

House Bill No. 6345**BY** McCauley**ENTITLED**, AN ACT RELATING TO TAXATION -- COLLECTION {LC1239/1}

04/06/2005 Introduced, referred to House Finance

House Bill No. 6346**BY** McCauley**ENTITLED**, AN ACT RELATING TO EDUCATION - FOUNDATION LEVEL SCHOOL SUPPORT {LC1420/1}

04/06/2005 Introduced, referred to House Finance

House Bill No. 6347**BY** McCauley**ENTITLED**, AN ACT RELATING TO TAXATION -- COLLECTION OF TAX {LC2922/1}

04/06/2005 Introduced, referred to House Finance

House Bill No. 6348**BY** McCauley**ENTITLED**, AN ACT RELATING TO TAXATION -- CONVEYANCE TAX {LC1235/1}

04/06/2005 Introduced, referred to House Finance

House Bill No. 6349**BY** Williams, Ajello, McCauley, Slater, Moura**ENTITLED**, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES {LC1433/1}

04/06/2005 Introduced, referred to House Finance

House Bill No. 6350**BY** Malik, Anguilla, Carter, Rose, Williamson**ENTITLED**, AN ACT RELATING TO PROPERTY TAX RELIEF {LC2963/1}

04/06/2005 Introduced, referred to House Finance

House Bill No. 6351**BY** Gemma, Caprio D, Giannini, McHugh, Petrarca**ENTITLED**, AN ACT RELATING TO PROPERTY -
BY POSSESSION AND PRESCRIPTION {LC2984/1}

04/06/2005 Introduced, referred to House Judiciary

House Resolution No. 6352**BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC2988/1}

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. 430**BY** Caprio F**ENTITLED**, AN ACT RELATING TO PROBATE PRACTICE (permit an estate representative to deny a claim against an estate in whole or in part) {LC1353/1}

04/06/2005 Referred to House Judiciary

Senate Bill No. 431**BY** Caprio F**ENTITLED**, AN ACT RELATING TO PROPERTY -- POWERS (person who acts in good faith reliance on a power of attorney not incur liability) {LC1351/1}

04/06/2005 Referred to House Judiciary

FROM THE DESK IS TAKEN

Majority Leader Fox requests to take (05-S 216) from the desk, seconded by Minority Leader Watson. There is no objection.

Senate Bill No. 216

BY Bates

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC1273/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, in concurrence, on a motion of Representative Fox seconded by Representative Watson on a roll call vote, 62 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 62: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Church, Coderre, Costantino, Crowley, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McHugh, McManus, McNamara, Melo, Menard, Moffitt, Moran, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Shanley, Slater, Story, Sullivan, Trillo, Ucci, Voccola, Wasylyk, Watson, Williams.

NAYS - 0.

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.

ANNOUNCEMENTS

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

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

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

Representative Coderre announces that the Committee on Separation of Powers will meet today, at the rise of the House, in the House Lounge of the State House.

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

Representative Ginaitt announces that the Committee on Environment and Natural Resources will reconvene at 6:00 o'clock P.M. in Room 313 of the State House.

Representative Church announces former Representative Lowe and his wife are proud grandparents of a baby girl 6lbs. 7oz.

GUESTS

At 4:32 o'clock P.M. the Honorable Speaker yields the rostrum to Representatives Carter and Singleton.

By unanimous consent, Representative Carter addresses the members of the House and welcomes to the House Major Christian Neary and his wife Amy from Cumberland. Representative Carter explains a flag was stolen from Mayor Neary's front yard on Easter morning and the House of Representatives will replace the flag.

Cranston East High School Junior ROTC folds the flag and 1st Sgt. Joseph E. Fratiello explains each fold of the flag.

By unanimous consent, Representative Singleton presents Major Neary, from the 103rd Field Artillery 1st Battalion Rhode Island National Guard, with a citation.

By unanimous consent, Major Neary addresses the House.

At 4:43 o'clock P.M. the Honorable Speaker returns to the rostrum.

Representative Rose on behalf of the entire East Providence Delegation, Representatives Moura, Dennigan, Melo, Savage, and Story welcome to the House Chamber as guests the East Providence Hockey Team State Champions Division 3.

Representative Lewiss welcomes to the House as guests the Westerly Innovations Network Babcock Middle School U.S. National Champions of Volvo Adventure who will be attending an International Competition in Sweeden on May 5, 2005. They are as follows: Alex Lin, Nanci

Fiore, Alexa Holmes, Jeffrey Brodie, Bobby Laudone, Victoria Trogani, Kelsey Clough, Joe Maurelli, David Turco, Jason Lin, Gina Landone, Cassandra Lin, and Sherry Lin.

Representative Ajello welcomes the House Chamber the Marriage Equality Group.

Representative Fox welcomes to the Chamber Charles Summers, Regional Director U.S. Small Business Administration; and Mark Haywood, R.I. Director U.S. Small Business Administration.

ADJOURNMENT

At 4:54 o'clock P.M. on motion of Representative Moffitt, and as a further mark of respect to the memory of Barbara St. Germain; on motion of Representative Lima, and as a further mark of respect to the memory of Domenic J. Nassa seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE JOANNE M. GIANNINI

Lord may it be Thy will, not our own, which governs our deliberations this day. Amen

APPENDIX

CALENDAR

IN ORDER FOR THURSDAY, APRIL 7, 2005:

1 2005-H 5009**BY Lewiss****ENTITLED,** AN ACT RELATING TO TAXATION -- ELDERLY EXEMPTION
-- TOWN OF WESTERLY

Committee on Corporations recommends passage.

2 2005-H 6190**BY Sullivan****ENTITLED,** AN ACT RELATING TO HOMESTEAD EXEMPTION IN THE
TOWN OF WEST GREENWICH

Committee on Corporations recommends passage.

3 2005-S 21**BY Bates****ENTITLED,** AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE
CHARTER OF THE TOWN OF BRISTOL

Committee on Corporations recommends passage in concurrence.

4 2005-S 166**BY Algieri****ENTITLED,** AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO
TAXATION

Committee on Corporations recommends passage in concurrence.

5 2005-S 168**BY Algieri****ENTITLED,** AN ACT RELATING TO THE WATCH HILL FIRE DISTRICT

Committee on Corporations recommends passage in concurrence.

6 2005-S 860**BY Breene****ENTITLED,** AN ACT RELATING TO PROPERTY SUBJECT TO TAXATION --
EXETER

Committee on Corporations recommends passage in concurrence.

IN ORDER FOR TUESDAY, APRIL 26, 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

Wednesday, April 6, 2005

APPENDIX

TRANSMITTED TO THE GOVERNOR

Senate Bill No. 216

BY Bates

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC1273/1}