

**State of Rhode Island and Providence Plantations**

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**JOURNAL**  
**-OF THE-**  
**HOUSE OF REPRESENTATIVES**

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**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.**

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Volume 132, No. 37

Tuesday, April 12, 2005

Thirty-seventh Day

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The House of Representatives meets at the State House in Providence, Tuesday, April 12, 2005 and is called to order at 4:21 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, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Voccola, Wasyluk, Watson, Williams, Williamson, Winfield.

ABSENT –3: Representatives Giannini, Moffitt, Shanley.

**INVOCATION**

The Honorable Speaker presents Representative Williams 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, April 7, 2005 is approved as printed.

**ANNOUNCEMENT**

Representative Shanley will be unable to attend session April 12-14, 2005, due to a death in his family.

**APPOINTMENT**

As Speaker of the House, I hereby appoint Representative John J. Loughlin, II, to the Abraham Lincoln Bicentennial Commission.

William J. Murphy  
SPEAKER

**REPORTS OF COMMITTEE  
COMMITTEE ON SEPARATION OF POWERS**

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

**House Bill No. 5819** SUB A

**BY** Coderre E, Kilmartin, Crowley, Lima

**ENTITLED**, AN ACT RELATING TO SEPARATION OF POWERS ( remove legislators and legislative appointees from certain boards and commissions related to financial functions of the state) {LC2445/3/A}

04/12/2005 Placed on House Calendar

**House Bill No. 6172** SUB A

**BY** Coderre E, Crowley, Almeida, Gemma, Kilmartin

**ENTITLED**, AN ACT RELATING TO SEPARATION OF POWERS (amend the composition) {LC2705/2/A}

04/12/2005 Placed on House Calendar

**House Bill No. 6217** SUB A

**BY** Coderre E, Lima, Kilmartin, Jackson, Crowley

**ENTITLED**, AN ACT RELATING TO SEPARATION OF POWERS (remove legislators and legislative appointees from certain boards and commissions) {LC2778/4/A}

04/12/2005 Placed on House Calendar

**Senate Bill** No. 967

**BY** Lenihan

**ENTITLED**, AN ACT RELATING TO SEPARATION OF POWERS (abolish several boards and commissions) {LC2824/1}

04/12/2005 Placed on House Calendar

## NEW BUSINESS

**House Bill No. 6360****BY** Gemma, Naughton, Flaherty, Trillo, Jacquard**ENTITLED**, AN ACT RELATING TO EDUCATION -- STATE AID -- CITY OF WARWICK {LC2983/1}

04/12/2005 Introduced, referred to House H.E.W.

**House Bill No. 6361****BY** Sullivan, Watson**ENTITLED**, AN ACT RELATING TO TAXATION -- WEST GREENWICH (separate tax classification for unimproved residentially zoned real property) {LC3025/1}

04/12/2005 Introduced, referred to House Corporations

**House Bill No. 6362****BY** Moura, Almeida, Diaz, McCauley**ENTITLED**, AN ACT STATE AFFAIRS AND GOVERNMENT (Providence Development Corporation) {LC2869/1}

04/12/2005 Introduced, referred to House Finance

**House Bill No. 6363****BY** Flaherty**ENTITLED**, AN ACT RELATING TO RETIREMENT SYSTEM -- CONTRIBUTIONS AND BENEFITS (retired court reporter or electronic court reporter may be reemployed on a per diem basis/no forfeiture or reduction of any retirement benefit) {LC3004/1}

04/12/2005 Introduced, referred to House Finance

**House Bill No. 6364****BY** Picard, Menard, Singleton**ENTITLED**, AN ACT RELATING TO TAXATION (municipal economic development zone) {LC3021/1}

04/12/2005 Introduced, referred to House Finance

**House Resolution No. 6365****BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC3055/1}

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.

**House Resolution No. 6366****BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC3056/1}

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. 6367****BY** Costantino, Fox, Pacheco, Lima**ENTITLED**, HOUSE RESOLUTION PROCLAIMING APRIL 2005 TO BE "FINANCIAL LITERACY MONTH" IN THE STATE OF RHODE ISLAND {LC3061/1}

Representative Costantino requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Costantino seconded by the members of the House Finance Committee by unanimous consent, on a voice vote.

**House Resolution No. 6368****BY** Jackson, Rice, Crowley, Loughlin, Long**ENTITLED**, HOUSE RESOLUTION CONGRATULATING BESSIE L. ROBERTS ON BEING SELECTED AS ONE OF THE 2005 NEWPORT DAILY NEWS COMMUNITY SERVICE AWARD WINNERS {LC3064/1}

Representative Jackson requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Jackson seconded by Representatives Long, Rice, Crowley and several other members of the House by unanimous consent, on a voice vote.

By the agreement of the majority and the minority, Representative Lima requests to place (05-H 6369) on the Calendar for Wednesday, April 13, 2005. There is no objection.

**House Bill No. 6369****BY** Lima, Moura, San Bento, Kilmartin, Trillo**ENTITLED**, AN ACT RELATING TO LEAD HAZARD REDUCTION {LC3026/1}  
04/12/2005 Placed on House Calendar

**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 Costantino announces that the Committee on Finance will meet today, at the rise of the House, in Room 205 of the State House.

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

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

Representative Ginaitt announces that the Committee on Environment and Natural Resources will meet tomorrow at 2 o'clock P.M. in Room 203 of the State House.

**GUESTS**

Representative Kilmartin welcomes to the House Chamber as guests St. Mary Academy Bay View "Bengals", who won the 2004-2005 Rhode Island Interscholastic League Girls Division State Championship (Winter Ice Hockey-Varsity). Representative Kilmartin introduces the players as follows: Kathryn Warrington, Alyssa Mello, Kelsey Joseph, Eliza Pond, Captain, Erica Riendeau, Arianna Perrotti, Katherine Lang, Eloise Hodge, Captain, Bianca Bogda, Rebecca J. Ruscito, Kelsey McCauley, Kristen M. Leach, Captain, Kayla Robidoux, Erin Ormerod, Amy Costa, Captain, Kassondra Perrotti, Caitlyn Sullivan, Samantha Furtado; Head Coach-Ms. Karen Emma; Assistant Coaches-Mr. Joe Goddard, and Mr. Jamie Sutherland; Team Manager-Taylor Allison; Principal-Ms. Colleen Gribbin; and Athletic Director-Ms. Cindy Neal.

Also, Representative Gallison welcomes Amy Costa.

**ADJOURNMENT**

At 4:37 o'clock P.M. on motion of Representative Williams, and as a further mark of respect to the memory of Barry Douglas Ferrell II; on motion of Representatives Lally and Carter, and as a further mark of respect to the memory of Kevin M. Foley; on motion of Representative Faria and as a further mark of respect to the memory of Florence Glad and Laura Pine; on motion of Representative Sullivan, and as a further mark of respect to the memory of Joanne Jordan; on motion of Representatives Ehrhardt and Carter, and as a further mark of respect to the memory of Ann Young; on motion of Representative Landroche, and as a further mark of respect to the memory of Frederick White, seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

**Linda M. McElroy**  
**Recording Clerk**

**APPENDIX**

**INVOCATION**

**REPRESENTATIVE ANASTASIA P. WILLIAMS**

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, APRIL 13, 2005:

**1 2005-H 6369****BY Lima****ENTITLED,** AN ACT RELATING TO LEAD HAZARD REDUCTION

Ordered on the Calendar

**2 2005-H 5429****BY Slater****ENTITLED,** HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO PROMOTE, DEVELOP AND ARTICULATE A PUBLIC SCIENCE SCHOOL FOR GRADES 6-12 ALIGNED WITH HIGHER EDUCATION

Committee on Health, Education &amp; Welfare recommends passage.

**3 2005-H 5280****BY Ginaitt****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- EMERGENCY MEDICAL TRANSPORTATION SERVICES

Committee on Health, Education &amp; Welfare recommends passage.

**4 2005-H 5458****BY Ajello****ENTITLED,** AN ACT RELATING TO THE AMBER ALERT PROGRAM

Committee on Health, Education &amp; Welfare recommends passage.

**5 2005-H 5657****BY Corvese****ENTITLED,** AN ACT RELATING TO INSURANCE -- HEALTH MAINTENANCE ORGANIZATION

Committee on Health, Education &amp; Welfare recommends passage.

**6 2005-H 5186****BY Almeida****ENTITLED,** AN ACT RELATING TO EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

Committee on Health, Education &amp; Welfare recommends passage.

**7 2005-H 5321****BY Sullivan****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH CARE QUALITY PROGRAM

Committee on Health, Education &amp; Welfare recommends passage.

**8 2005-H 5279****BY Ginaitt****ENTITLED,** HOUSE RESOLUTION PROCLAIMING MAY 15-21 AS "NATIONAL EMS WEEK"

Committee on Health, Education &amp; Welfare recommends passage.

**9 2005-H 5734 as amended****BY Naughton****ENTITLED,** AN ACT RELATING TO HUMAN SERVICES -- HEALTH CARE FOR ELDERLY AND DISABLED RESIDENTS ACT

Committee on Health, Education &amp; Welfare recommends passage as amended.

**10 2005-H 5352 as amended****BY Dennigan****ENTITLED,** HOUSE RESOLUTION REQUESTING THE RHODE ISLAND DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION TO STUDY THE FEASIBILITY OF SPECIFIED TRANSPORTATION SYSTEMS

Committee on Health, Education &amp; Welfare recommends passage as amended.

**11 2005-H 5744 SUB A****BY Diaz****ENTITLED,** HOUSE RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY THE FEASIBILITY OF ENACTING LEGISLATION THAT WOULD CHANGE THE MANDATORY SCHOOL ATTENDANCE AGE FROM SIXTEEN (16) TO SEVENTEEN (17)

Committee on Health, Education &amp; Welfare recommends indefinite postponement of the original bill and passage of Substitute A.

**12 2005-H 5749 SUB A****BY Sullivan****ENTITLED,** HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO STUDY THE FINANCING OF NECESSARY REPAIR AND RENOVATION FOR MUNICIPAL EDUCATIONAL FACILITIES

Committee on Health, Education &amp; Welfare recommends indefinite postponement of the original bill and passage of Substitute A.



**13 2005-H 6172 SUB A****BY Coderre E****ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS**

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

**14 2005-H 5819 SUB A****BY Coderre E****ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS**

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

**15 2005-H 6217 SUB A****BY Coderre E****ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS**

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

**16 2005-S 967****BY Lenihan****ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS**

Committee on Separation of Powers 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**

**Tuesday, April 12, 2005**