

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 third day of January in the year of Our Lord two thousand and six.

Volume 133, No. 13

Wednesday, February 1, 2006

Thirteenth Day

The House of Representatives meets at the State House in Providence, Wednesday, February 1, 2006 and is called to order at 4:19 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, 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, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Voccola, Wasyluk, Watson, Williams, Williamson, Winfield.

ABSENT – 3: Representatives Church, Menard, Schadone.

INVOCATION

The Honorable Speaker presents Representative Shanley 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, January 31, 2006 is approved as printed.

ANNOUNCEMENT

Representative Rene Menard will be unable to attend session Wednesday, February 1, 2006.

**REPORTS OF COMMITTEES
COMMITTEE ON CORPORATIONS**

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

House Bill No. 6907**BY** Lima**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF TORO AUTO SALES, INC. {LC767/1}

02/01/2006 Placed on House Calendar

House Bill No. 6711 SUB A**BY** Kennedy, Moura, Lewiss, Lally, Shanley**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- MUNICIPAL EMPLOYEES RESIDENCY (impose residency/appointed managers and/or administrators through employment contracts) {LC12/2/A}

02/01/2006 Placed on House Calendar

House Bill No. 6906**BY** Costantino, Slater**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES (technical amendments to the Sunday liquor sales statute and would allow a Class C licensee to open on Sunday with the written approval of the local board of license) {LC411/1}

02/01/2006 Placed on House Calendar

COMMITTEE ON FINANCE

Representative Costantino, for the Committee on Finance, reports back the following measures, with recommendation of passage:

House Bill No. 6779 SUB A**BY** Corvese, Schadone, Moura, Lewiss, San Bento**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- GOVERNMENT OVERSIGHT AND FISCAL ACCOUNTABILITY REVIEW ACT (increase the reporting requirements of government agencies regarding outside contracts or agreements) {LC292/1/A}

02/01/2006 Placed on House Calendar

NEW BUSINESS

House Bill No. 7015 (by request)

BY Loughlin, Amaral

ENTITLED, AN ACT RELATING TO AGRICULTURE AND FORESTRY -- TREE WARDENS {LC522/1}

02/01/2006 Introduced, referred to House Environment and Natural Resources

House Bill No. 7016 (General Treasurer)

BY Crowley

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS {LC785/1}

02/01/2006 Introduced, referred to House Separation of Powers

House Bill No. 7017

BY Carter, Pacheco, Sullivan, Laroche

ENTITLED, AN ACT RELATING TO MOBILE HOME PARKS - RULES {LC1094/1}

02/01/2006 Introduced, referred to House Corporations

House Bill No. 7018

BY Giannini, Moura, Gemma, McHugh, Petrarca

ENTITLED, AN ACT RELATING TO INSURANCE {LC1253/1}

02/01/2006 Introduced, referred to House Corporations

House Bill No. 7019

BY Carter

ENTITLED, AN ACT RELATING TO CONTINGENCY FEES IN MEDICAL MALPRACTICE ACTIONS {LC1136/1}

02/01/2006 Introduced, referred to House Corporations

House Bill No. 7020

BY Giannini, Moura, Gemma, Petrarca, Rose

ENTITLED, AN ACT RELATING TO HEALTH INSURANCE COVERAGE -- ORTHOTIC AND PROSTHETIC SERVICES {LC1254/1}

02/01/2006 Introduced, referred to House Corporations

House Bill No. 7021

BY Giannini, Rose, Petrarca

ENTITLED, AN ACT RELATING TO HEALTH INSURANCE COVERAGE {LC488/1}

02/01/2006 Introduced, referred to House Corporations

House Bill No. 7022

BY Giannini, Rose, Petrarca

ENTITLED, AN ACT RELATING TO HEALTH INSURANCE COVERAGE {LC473/1}

02/01/2006 Introduced, referred to House Corporations

House Bill No. 7023**BY** Lima, Jacquard, Petrarca, Naughton, Anguilla**ENTITLED**, AN ACT RELATING TO DECEPTIVE TRADE PRACTICES -- MODEL FAIR CONSUMER CONTRACTS ACT (repeal exemptions to the Deceptive Trade Practices Act/create the Model Fair Consumer Contracts Act) {LC673/1}

02/01/2006 Introduced, referred to House Corporations

House Resolution No. 7024**BY** Sullivan, Moffitt, Gemma, Watson**ENTITLED**, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY ALL ASPECTS OF THE KENT COUNTY WATER AUTHORITY {LC1178/1}

02/01/2006 Introduced, referred to House Corporations

House Bill No. 7025**BY** Costantino, Slater, Gallison, Jacquard, Malik**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES -- HEALTH CARE FOR FAMILIES (public health access beneficiary employer report) {LC1114/1}

02/01/2006 Introduced, referred to House Finance

House Bill No. 7026**BY** Naughton, Shanley, Ginaitt, Carter, Crowley**ENTITLED**, AN ACT RELATING TO EDUCATION -- UNIVERSITY OF RHODE ISLAND (promote environmental and agricultural research) {LC33/1}

02/01/2006 Introduced, referred to House Finance

House Bill No. 7027**BY** Jacquard, San Bento, Schadone**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES (employee transfers to be reviewed every six (6) months) {LC858/1}

02/01/2006 Introduced, referred to House Finance

House Bill No. 7028**BY** Jacquard, San Bento, Schadone**ENTITLED**, AN ACT RELATING TO PROPERTY SUBJECT TO TAXATION (property tax relief and exemptions/city or town prepare an analysis) {LC860/1}

02/01/2006 Introduced, referred to House Finance

House Bill No. 7029**BY** Shanley, Crowley, Carter, Pacheco, Naughton**ENTITLED**, AN ACT RELATING TO STATE PURCHASES (exempt public institutions of higher learning from the provisions of the competitive bidding law) {LC1309/1}

02/01/2006 Introduced, referred to House Finance

House Bill No. 7030**BY** Amaral, Long, Loughlin, Savage, Moffitt**ENTITLED**, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION (increase tax exemption for property used by official clergy) {LC958/1}

02/01/2006 Introduced, referred to House Finance

House Bill No. 7031**BY** San Bento, Jacquard, Coderre E, Kilmartin, O'Neill**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW -- UNFAIR SALES PRACTICES (define/establish wholesale /retail costs relating to the sale of tobacco products) {LC1109/1}

02/01/2006 Introduced, referred to House Finance

House Bill No. 7032**BY** Giannini, Faria, Palumbo, Brien T, Rose**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE (eliminate the seven (7) year statute of limitations for civil actions brought against perpetrators of childhood sexual abuse) {LC487/1}

02/01/2006 Introduced, referred to House Judiciary

House Bill No. 7033 (by request)**BY** Loughlin**ENTITLED**, AN ACT RELATING TO OPEN MEETINGS -- SCHOOL COMMITTEES -- LITTLE COMPTON (amend open meeting laws/publication on website) {LC532/1}

02/01/2006 Introduced, referred to House Judiciary

House Bill No. 7034**BY** Jacquard, San Bento, Schadone**ENTITLED**, AN ACT RELATING TO POLICE OFFICERS (include airport police officers in the policemen's bill of rights) {LC861/1}

02/01/2006 Introduced, referred to House Judiciary

House Bill No. 7035**BY** Jackson, San Bento, Schadone**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - LEVY AND SALE ON EXECUTION {LC1115/1}

02/01/2006 Introduced, referred to House Judiciary

House Bill No. 7036**BY** Lima**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS -- MILK CONTENT {LC672/1}

02/01/2006 Introduced, referred to House H.E.W.

House Bill No. 7037 (by request)**BY** Melo**ENTITLED**, AN ACT RELATING TO BUSINESS AND PROFESSIONS -- NURSES {LC1086/1}

02/01/2006 Introduced, referred to House H.E.W.

House Bill No. 7038**BY** Jacquard, San Bento, Schadone**ENTITLED**, AN ACT RELATING TO EDUCATION {LC856/1}

02/01/2006 Introduced, referred to House H.E.W.

House Bill No. 7039**BY** Jacquard, San Bento, Schadone**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- EQUIPMENT AND ACCESSORIES GENERALLY {LC857/1}

02/01/2006 Introduced, referred to House H.E.W.

House Bill No. 7040**BY** Palumbo, Trillo, Giannini, Lima, Lally**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- CHILDREN -- SEXUAL OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION -- "THE JESSICA LUNDSFORD ACT" {LC1243/1}

02/01/2006 Introduced, referred to House H.E.W.

House Bill No. 7041**BY** Faria**ENTITLED**, AN ACT RELATING TO ESTABLISHMENT OF CHARTER PUBLIC SCHOOLS {LC1237/1}

02/01/2006 Introduced, referred to House Labor

House Bill No. 7042**BY** Jacquard, San Bento, Schadone**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION {LC965/1}

02/01/2006 Introduced, referred to House Labor

House Resolution No. 7043**BY** Kilmartin, San Bento, Ginaitt, Williamson, Gallison**ENTITLED**, HOUSE RESOLUTION ADOPTING RULES OF THE HOUSE OF REPRESENTATIVES FOR THE YEARS 2005-2006 {LC1515/1}

02/01/2006 Introduced, referred to House Rules Committee

House Resolution No. 7044**BY** Kilmartin, San Bento, Williamson, Ginaitt, Coderre E**ENTITLED**, HOUSE RESOLUTION AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES FOR THE YEARS 2005-2006 {LC1516/1}

02/01/2006 Introduced, referred to House Rules Committee

House Resolution No. 7045**BY** Diaz, Williams, Slater, Dennigan, Ajello**ENTITLED**, HOUSE RESOLUTION CONGRATULATING SHARON DARLING FOR HER LEADERSHIP IN THE FIELD OF FAMILY LITERACY {LC1540/1}

Representative Diaz requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Diaz seconded by Representatives Williams, Slater, Giannini, and Ajello by unanimous consent, on a voice vote.

House Resolution No. 7046**BY** Almeida, Williams, Fox, Watson, Faria**ENTITLED**, HOUSE RESOLUTION EXPRESSING PROFOUND SYMPATHY ON THE PASSING OF CORETTA SCOTT KING {LC1408/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Fox seconded by Representatives Almeida, Williams, Dennigan, Giannini, Moffitt, and Kilmartin by unanimous consent, on a voice vote.

House Resolution No. 7047**BY** Long, Ginaitt, Crowley, Scott, Mumford**ENTITLED**, HOUSE RESOLUTION RESPECTFULLY REQUESTING THE RHODE ISLAND SUPREME COURT TO GIVE A WRITTEN OPINION UPON A QUESTION OF LAW {LC1244/1}

Representative Long requests unanimous consent for immediate consideration, seconded by Representative Gorham.

Representative Fox objects. Read and referred to the committee on Judiciary.

House Bill No. 7048**BY** Lima**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF ROCKET AUTO SALES, INC. {LC1542/1}

Representative Lima requests unanimous consent for immediate consideration.

There is no objection.

REQUESTS

Representatives Voccola, DeSimone, Lewiss, and Costantino requests without objection to be recorded in the affirmative on (06H 7048) due to a machine malfunction. The Honorable Speaker Murphy ordered their names be added to the vote.

Read and passed, on a motion of Representative Lima seconded by Representative Wasylyk on a roll call vote, 66 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 66: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Brien, Caprio, Carter, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Scott, Shanley, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

House Resolution No. 7049

BY Moffitt, Long

ENTITLED, HOUSE RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL HOUSE COMMISSION TO STUDY LAWS AND REGULATIONS RELATING TO HUNTING AND FISHING IN RHODE ISLAND AND THE LICENSING TO PARTICIPATE THEREIN {LC1242/1}

Representative Moffitt requests unanimous consent for immediate consideration.

There is no objection.

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

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.

COMMUNICATION FROM THE SENATE

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

Senate Bill No. 2068 (Attorney General)

BY Polisen, Damiani, Algieri, McCaffrey, Sosnowski

ENTITLED, AN ACT RELATING TO MOTOR VEHICLE OFFENSES (peace officer to request search warrant) {LC91/1}

02/01/2006 Referred to House Judiciary

Senate Bill No. 2059

BY Sosnowski

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGE {LC305/1}

02/01/2006 Referred to House Judiciary

Senate Bill No. 2070

BY Paiva-Weed

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC554/1}

02/01/2006 Referred to House Judiciary

ANNOUNCEMENTS

Representative Kennedy announces that the Committee on Corporations will meet today, at the rise of the House, in Room 313 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 McNamara introduces Dylan Moore, intern for the Committee on Health, Education, and Welfare, from CCRI.

Representative Naughton announces tomorrow is National Go Red Day and urges everyone to wear Red.

GUESTS

Representative Kilmartin welcomes to the House Chamber as guests Bob Billington, from the Blackstone Valley Tourism Council along with Louis Yip and Sonny Ng.

Representative Diaz welcomes to the House as guests Brenda Messier, President –Dorcas Place Adult & Family Learning Center, Sharron Darling, President and founder of the National Center for Family Literacy(NCFL) and Brenda Logan, Director of School Reform Initiatives at The National Center for Family Literacy.

Representative Diaz also welcomes to the Chamber Senator Pichardo.

ADJOURNMENT

At 4:37 o'clock P.M. on motion of Representative Ginaitt, and as a further mark of respect to the memory of Lori Cobb; on motion of Representative Williamson, and as a further mark of respect to the memory of Mary Moorehead; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE JOHN PATRICK SHANLEY, JR.

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 THURSDAY, FEBRUARY 2, 2006:

1 2006-H 6754**BY Coderre E****ENTITLED,** AN ACT RELATING TO SEPARATION OF POWERS
Committee on Separation of Powers recommends passage.**2 2006-H 6752****BY Coderre E****ENTITLED,** AN ACT RELATING TO WATERS AND NAVIGATION -- WATER
RESOURCES BOARD
Committee on Separation of Powers recommends passage.**3 2006-H 6751****BY Coderre E****ENTITLED,** AN ACT RELATING TO SEPARATION OF POWERS
Committee on Separation of Powers recommends passage.**4 2006-H 6749****BY Coderre E****ENTITLED,** AN ACT RELATING TO SEPARATION OF POWERS --
EDUCATION
Committee on Separation of Powers recommends passage.**5 2006-H 6753****BY Coderre E****ENTITLED,** AN ACT RELATING TO SEPARATION OF POWERS
Committee on Separation of Powers recommends passage.

IN ORDER FOR TUESDAY, FEBRUARY 7, 2006:

1 2006-H 6906**BY Costantino****ENTITLED,** AN ACT RELATING TO ALCOHOLIC BEVERAGES
Committee on Corporations recommends passage.**2 2006-H 6907****BY Lima****ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF TORO AUTO SALES, INC.
Committee on Corporations recommends passage.

3 2006-H 6711 SUB A

BY Kennedy

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- MUNICIPAL EMPLOYEES RESIDENCY

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

4 2006-H 6779 SUB A

BY Corvese

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- GOVERNMENT OVERSIGHT AND FISCAL ACCOUNTABILITY REVIEW ACT

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

Francis P. McCabe
Clerk of the House

Wednesday, February 1, 2006