

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

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Volume 133, No. 17

Thursday, February 9, 2006

Seventeenth Day

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The House of Representatives meets at the State House in Providence, Thursday, February 9, 2006 and is called to order at 4:22 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 67 members present and 8 members absent as follows:

**PRESENT - 67:** The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Davey, Dennigan, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Scott, Shanley, Slater, Smith, Story, Sullivan, Trillo, Ucci, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

**ABSENT – 8:** Representatives Crowley, DeSimone, Ginaitt, Jackson, Menard, Moffitt, Schadone, Singleton.

**INVOCATION**

The Honorable Speaker presents Representative Palumbo who delivers the Invocation and Elliott M. Palumbo, son of Representative Peter Palumbo who 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, February 8, 2006 is approved as printed.

**ANNOUNCEMENT**

Representative Rene Menard will be unable to attend session Thursday, February 9, 2006 due to his illness.

**REPORTS OF COMMITTEES  
COMMITTEE ON HEALTH, EDUCATION AND WELFARE**

Representative McNamara, for the Committee on Health, Education and Welfare, reports back the following measures, with recommendation of passage:

**House Bill No. 6745 SUB A**

**BY** McNamara, Malik, Rose, Dennigan, Lewiss

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- ASSISTED LIVING RESIDENCE LICENSING ACT (no assisted living residency contract or agreement require a security deposit in excess of one month's rent/security deposit received be held in an interest bearing account) {LC226/1/A}

02/09/2006 Placed on House Calendar

**House Bill No. 6853 SUB A**

**BY** McNamara, Crowley, Lewiss, Savage, Gallison

**ENTITLED**, AN ACT RELATING TO EDUCATION {LC519/1/A}

02/09/2006 Placed on House Calendar

**House Bill No. 6854**

**BY** Savage

**ENTITLED**, AN ACT RELATING TO EDUCATION -- ESTABLISHMENT OF CHARTER PUBLIC SCHOOLS (description of a plan that would include measurable student academic goals) {LC582/1}

02/09/2006 Placed on House Calendar

**COMMITTEE ON HOUSE RULES**

Representative Naughton, for the Committee on House Rules, reports back the following measures, with recommendation of passage:

**House Resolution No. 7043 SUB A**

**BY** Kilmartin, San Bento, Ginaitt, Williamson, Gallison

**ENTITLED**, HOUSE RESOLUTION ADOPTING RULES OF THE HOUSE OF REPRESENTATIVES FOR THE YEARS 2005-2006 {LC1515/2/A}

02/09/2006 Placed on House Calendar

**House Resolution No. 7044 SUB A**

**BY** Kilmartin, San Bento, Williamson, Ginaitt, Coderre E

**ENTITLED**, HOUSE RESOLUTION AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES FOR THE YEARS 2005-2006 {LC1516/2/A}

02/09/2006 Placed on House Calendar

**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. 6885**

**BY** Ajello, Corvese, Diaz, Naughton, Coderre E

**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES (governor may commit the state to give consent to the federal government to commit the state to the government procurement rules of an international trade agreement) {LC740/1}

02/09/2006 Placed on House Calendar

**NEW BUSINESS****House Bill No. 7178**

**BY** Picard

**ENTITLED**, AN ACT RELATING TO INSURANCE (change the criteria of what a commercial special risk is.) {LC324/1}

02/09/2006 Introduced, referred to House Corporations

**House Bill No. 7179**

**BY** Malik, Faria, Flaherty, Landroche, Rose

**ENTITLED**, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- CHECK CASHING (require appropriate security measures at licensed check cashing facilities) {LC1663/1}

02/09/2006 Introduced, referred to House Corporations

**House Bill No. 7180**

**BY** Picard

**ENTITLED**, AN ACT RELATING TO INSURANCE - FEDERAL RIOT REINSURANCE REIMBURSEMENT FUND (dwelling coverages) {LC1119/1}

02/09/2006 Introduced, referred to House Corporations

**House Bill No. 7181**

**BY** Picard

**ENTITLED**, AN ACT RELATING TO PHARMACY (mail order pharmaceuticals be signed for by a person at least 17 years old) {LC320/1}

02/09/2006 Introduced, referred to House Corporations

**House Bill No. 7182**

**BY** Picard, San Bento

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- LEAD HAZARD MITIGATION (non owner occupied units) {LC1727/1}

02/09/2006 Introduced, referred to House Corporations

**House Bill No. 7183****BY** Picard**ENTITLED**, AN ACT RELATING TO DELINQUENT AND DEPENDENT CHILDREN (identity be made public of any juvenile between the ages of fifteen (15) and eighteen (18) {LC322/1}

02/09/2006 Introduced, referred to House Judiciary

**House Bill No. 7184****BY** Church, Melo, Rice, Moran**ENTITLED**, AN ACT RELATING TO OPEN MEETINGS -- SCHOOL COMMITTEES ( permitting school committees to satisfy the publication requirements regarding their meetings through publication on a website maintained by the school committee or by publication in a newspaper) {LC50/1}

02/09/2006 Introduced, referred to House Judiciary

**House Bill No. 7185****BY** Picard**ENTITLED**, AN ACT RELATING TO HUNTING AND HUNTING SAFETY ( no person may possess a rifle larger than a twenty-two (22) caliber rim fire or muzzle loading rifle or a shotgun and shells loaded with ball, bullets, slugs or shot larger than number two (2) shot, subject to certain exceptions) {LC326/1}

02/09/2006 Introduced, referred to House Judiciary

**House Bill No. 7186****BY** Church**ENTITLED**, AN ACT RELATING TO DOMESTIC RELATIONS - DIVORCE AND SEPARATION (assets and income can not be hidden to avoid paying child support or to pay a lesser amount of child support) {LC53/1}

02/09/2006 Introduced, referred to House Judiciary

**House Bill No. 7187****BY** Story, Gemma, Long, McHugh, Amaral**ENTITLED**, AN ACT RELATING TO PROPERTY -**BY** POSSESSION AND PRESCRIPTION (increase the time period to acquire title to real property by adverse possession from ten years to fifteen years.) {LC1227/1}

02/09/2006 Introduced, referred to House Judiciary

**House Bill No. 7188****BY** Picard**ENTITLED**, AN ACT RELATING TO PRIVATE SCHOOLS (permit students who attend a private school to participate as a member of a public school team if their private school does not field a team in that sport.) {LC321/1}

02/09/2006 Introduced, referred to House H.E.W.

**House Bill No. 7189****BY** Almeida, Williams, McNamara, Slater, Diaz**ENTITLED**, AN ACT RELATING TO EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION (delete references in the RI general laws which exempt the legislative branch of state government from compliance with provisions of equal opportunity and affirmative action) {LC1832/1}

02/09/2006 Introduced, referred to House H.E.W.

**House Bill No. 7190****BY** Church, Pacheco, Dennigan, Malik, Rice**ENTITLED**, AN ACT RELATING TO TAXATION -- MINIMUM TAX FOR SMALL BUSINESSES (franchise tax) {LC238/1}

02/09/2006 Introduced, referred to House Finance

**House Bill No. 7191****BY** Picard, Faria**ENTITLED**, AN ACT RELATING TO SALES TAX (provide an exemption from the sales tax for the value of pickup trucks which are traded in) {LC319/1}

02/09/2006 Introduced, referred to House Finance

**House Bill No. 7192****BY** Picard**ENTITLED**, AN ACT RELATING TO TAXATION (municipal economic development zone) {LC325/1}

02/09/2006 Introduced, referred to House Finance

**House Bill No. 7193****BY** Picard**ENTITLED**, AN ACT RELATING TO SALES AND USE TAXES -- LIABILITY AND COMPUTATION (reduce the sales tax relating to new automobiles from seven percent to five percent) {LC327/1}

02/09/2006 Introduced, referred to House Finance

**House Bill No. 7194****BY** Pacheco, Church**ENTITLED**, AN ACT RELATING TO PASCOAG UTILITY DISTRICT (amending and adding certain definitions as well as a vice chairperson and creating a tax exemption) {LC1999/1}

02/09/2006 Introduced, referred to House Finance

**House Bill No. 7195****BY** McManus, Ehrhardt**ENTITLED**, AN ACT RELATING TO TAXATION (exempt energy efficient products from sales tax for a specific time period) {LC1683/1}

02/09/2006 Introduced, referred to House Finance

**House Bill No. 7196** (General Treasurer)**BY** Malik, Rose, Corvese, Faria, Carter**ENTITLED**, AN ACT RELATING TO EDUCATION -- TEACHERS' RETIREMENT (cost of living adjustment for teachers receiving an accidental disability retirement allowance)

{LC1198/1}

02/09/2006 Introduced, referred to House Finance

**House Bill No. 7197****BY** Coderre E, Diaz, Ajello, Naughton**ENTITLED**, AN ACT RELATING TO DOMESTIC RELATIONS - DOMESTIC ABUSE PREVENTION (appropriate \$500,000 per year to the RI coalition against domestic violence for programs for children of domestic violence) {LC1761/1}

02/09/2006 Introduced, referred to House Finance

**House Bill No. 7198****BY** San Bento, Shanley, Lally, Lewiss**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- ACQUISITION OF LAND (party bringing an action for assessment of damages in an eminent domain or condemnation proceeding/award of prejudgment interest beginning with the filing date of the court action) {LC2109/1}

02/09/2006 Introduced, referred to House Finance

**House Bill No. 7199****BY** Williamson**ENTITLED**, AN ACT RELATING TO SUPERSEDEAS BONDS (Master Settlement Agreement) {LC1685/1}

02/09/2006 Introduced, referred to House Finance

**House Bill No. 7200****BY** Lewiss, McNamara, Long, McHugh, Carter**ENTITLED**, AN ACT RELATING TO AIRPORTS AND LANDING FIELDS (reimburse municipalities for the cost of municipal services provided at state airports in accordance with applicable federal regulations) {LC1871/1}

02/09/2006 Introduced, referred to House Finance

**House Bill No. 7201****BY** Lewiss, Kennedy, McHugh**ENTITLED**, AN ACT RELATING TO AIRPORT AND LANDING FIELDS (RI Airport Corp to lease the land at the Westerly Airport land to the town of Westerly for a period not to exceed 99 years) {LC1867/1}

02/09/2006 Introduced, referred to House Finance

**House Bill No. 7202****BY** Lima, Naughton, Moura, Coderre E, Lewiss**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --

PRIVATIZATION OF SERVICES (establish a process by which the state service providers would bid against private suppliers of such services in an effort to determine those which might be privatized) {LC1813/1}

02/09/2006 Introduced, referred to House Finance

**House Bill No. 7203**

**BY** San Bento, Shanley, Lally, Lewiss

**ENTITLED**, AN ACT RELATING TO ARBITRATION OF LABOR CONTROVERSIES (establish a RI public policy that arbitration be the preferred alternative dispute resolution mechanism) {LC1763/1}

02/09/2006 Introduced, referred to House Labor

**House Bill No. 7204**

**BY** Coderre E, Lima, Williamson

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- INDUSTRIAL RECREATIONAL BUILDING AUTHORITY (consist of five members, appointed by the governor and subject to the advice and consent of the senate) {LC1811/1}

02/09/2006 Introduced, referred to House Separation of Powers

**House Bill No. 7205**

**BY** Coderre E, Almeida, Gemma, Williams

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT (require newly appointed members of the RI Human Resource Council to attend a training course) {LC1828/1}

02/09/2006 Introduced, referred to House Separation of Powers

**House Resolution No. 7206**

**BY** Melo, Crowley, Faria, Lima, Lewiss

**ENTITLED**, HOUSE RESOLUTION PROCLAIMING FEBRUARY 6-10, 2006 AS "SCHOOL COUNSELING WEEK" IN THE STATE OF RHODE ISLAND {LC1539/1}

Representative Melo requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Melo seconded by Representatives Pacheco, Laroche, Faria, Picard, McNamara and Ajello by unanimous consent, on a voice vote.

**House Bill No. 7207**

**BY** Sullivan, Watson, Carter, Scott

**ENTITLED**, AN ACT RELATING TO EDUCATION {LC2102/1}

Representative Sullivan requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Sullivan seconded by Representative Scott and Wasylyk on a roll call vote, 58 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 58: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Caprio, Carter, Church, Coderre, Corvese, Costantino, Davey, Dennigan, Diaz, Ehrhardt, Flaherty, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Malik, McHugh, McManus, McNamara, Melo, Moran, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rose, San Bento, Savage, Scott, Shanley, Slater, Smith, Story, Sullivan, Trillo, Ucci, Voccola, Wasyluk, Watson, Williams, Winfield.

NAYS - 0.

**House Resolution No. 7208**

**BY** Lewiss, Handy, Long

**ENTITLED**, HOUSE RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL HOUSE COMMISSION TO STUDY THE ECONOMIC VIABILITY AND FEASIBILITY OF MANDATING AND REGULATING THE INSTALLATION AND USAGE OF MORE EFFICIENT INDUSTRIAL, COMMERCIAL, AND HOME CENTRAL-HEATING BOILERS {LC2122/1}

Representative Lewiss requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Lewiss seconded by Representative Brien 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.

**ANNOUNCEMENTS**

Representative Coderre announces that the Committee on Separation of Powers will meet today, at the rise of the House, in Room 135 of the State House.

Representative Faria announces that the Committee on Labor will meet Tuesday, February 14, 2006, at 3:30 o'clock P.M., in Room 201 of the State House.

Representative Kennedy announces that the Committee on Corporations will meet Wednesday, February 15, 2006, at the rise of the House, in Room 203 of the State House.

Representative Lima and the Honorable Speaker Murphy wish a very Happy Birthday to Representative Trillo.



Representative Caprio extends a thank you to Elliot Palumbo for leading the House Chamber in the Pledge of Allegiance to the Flag.

Representative Williams and the Honorable Speaker Murphy congratulate Representative Almeida on receiving the Partnership in Housing Award, and Representative Slater on receiving the Lifetime Achievement Award from the Rhode Island Housing.

Representative Smith commends Representative Melo for recognizing the school counselors.

Representative Naughton announces the State House Community Blood Drive is being held on Monday, February 13<sup>th</sup> from 11A.M.-3P.M. in Room 313 of the State House.

### GUESTS

Representative McNamara and the Honorable Speaker Murphy welcome to the House Chamber as a guest from the state of New York, Rev. Derrick L. Boykin.

Representative Ajello welcomes to the House as a guest from Washington DC, Susan Ellsworth, a representative of Public Citizen (a national non-profit organization).

Representative Williamson and the Honorable Speaker Murphy welcome to the Chamber William Izzi, a guidance counselor at West Warwick High School.

Representative Williamson and the Honorable Speaker Murphy congratulate Representative McNamara and his wife Diane on their wedding anniversary.

Representative Melo and the Honorable Speaker Murphy welcome to the House Chamber during school counseling week the following guidance counselors: Belinda Wilkerson, Patricia Almquist, Susan Weber, Barbara Crudale, Bill Izzi and Jean Greco.

The Honorable Speaker Murphy announces the desk will be held open.

### ADJOURNMENT

At 4:43 o'clock P.M. on motion of Representative Smith, and as a further mark of respect to the memory of Anna Vorro; on motion of Representative Mumford, and as a further mark of respect to the memory of Lawrence Simas; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

*Linda M. McElroy*  
*Recording Clerk*

**APPENDIX**

**INVOCATION**

**REPRESENTATIVE PETER G. PALUMBO**

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 TUESDAY, FEBRUARY 14, 2006:****1 2006-H 7000****BY Long****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- EXEMPTING FROM TAXATION CERTAIN PROPERTY OF THE MIDDLETOWN HISTORICAL SOCIETY INC.

Committee on Corporations recommends passage.

**2 2006-H 7024****BY Sullivan****ENTITLED,** JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY ALL ASPECTS OF THE KENT COUNTY WATER AUTHORITY

Committee on Corporations recommends passage.

**3 2006-H 6712****BY Winfield****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

**4 2006-H 6713****BY Trillo****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

**5 2006-H 6722****BY McHugh****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

**6 2006-H 6813****BY Gemma****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

**7 2006-H 6884****BY Watson****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

**8 2006-H 6897****BY Rice****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

**IN ORDER FOR WEDNESDAY, FEBRUARY 15, 2006:****1 2006-H 6854****BY Savage****ENTITLED,** AN ACT RELATING TO EDUCATION -- ESTABLISHMENT OF  
CHARTER PUBLIC SCHOOLS

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

**2 2006-H 6853 SUB A****BY McNamara****ENTITLED,** AN ACT RELATING TO EDUCATIONCommittee on Health, Education & Welfare recommends indefinite postponement of the  
original bill and passage of Substitute A**3 2006-H 6745 SUB A****BY McNamara****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- ASSISTED  
LIVING RESIDENCE LICENSING ACTCommittee on Health, Education & Welfare recommends indefinite postponement of the  
original bill and passage of Substitute A.**4 2006-H 7043 SUB A****BY Kilmartin****ENTITLED,** HOUSE RESOLUTION ADOPTING RULES OF THE HOUSE OF  
REPRESENTATIVES FOR THE YEARS 2005-2006Committee on Rules recommends indefinite postponement of the original bill and  
passage of Substitute A.**5 2006-H 7044 SUB A****BY Kilmartin****ENTITLED,** HOUSE RESOLUTION AMENDING THE RULES OF THE HOUSE OF  
REPRESENTATIVES FOR THE YEARS 2005-2006Committee on Rules recommends indefinite postponement of the original bill and  
passage of Substitute A.**6 2006-H 6885****BY Ajello****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --  
STATE PURCHASES

Committee on Separation of Powers recommends passage.

**Francis P. McCabe**  
**Clerk of the House**

Thursday, February 9, 2006