

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. 35

Thursday March 30, 2006

Thirty-fifth Day

The House of Representatives meets at the State House in Providence, Thursday, March 30, 2006 and is called to order at 4:17 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 70 members present and 5 members absent as follows:

PRESENT - 70: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginatt, 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, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Voccola, Watson, Williamson, Winfield.

ABSENT – 5: Representatives Diaz, Moffitt, Scott, Wasylyk, Williams.

INVOCATION

The Honorable Speaker presents Representative Picard 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 Wednesday, March 29, 2006 is approved as printed.

NEW BUSINESS**House Bill No. 7946****BY** Gallison**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2881/1}
03/30/2006 Introduced, referred to House Judiciary**House Bill No. 7947****BY** Gallison**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2880/1}
03/30/2006 Introduced, referred to House Judiciary**House Bill No. 7948****BY** Lally, Caprio D**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF NARRAGANSETT TO FINANCE RENOVATIONS, REMODELING, ADDITIONS, IMPROVEMENTS AND/OR RELATED EQUIPMENT FOR SCHOOLS AND TO ISSUE NOT MORE THAN \$21,500,000 BONDS AND NOTES THEREFOR {LC2742/1}
03/30/2006 Introduced, referred to House Finance**House Bill No. 7949****BY** Moura**ENTITLED**, AN ACT RELATING TO TAXATION -- HISTORIC STRUCTURES -- TAX CREDIT {LC2830/1}
03/30/2006 Introduced, referred to House Finance**House Bill No. 7950****BY** Moura**ENTITLED**, AN ACT RELATING TO TAXATION -- HISTORIC STRUCTURES -- TAX CREDIT {LC2831/1}
03/30/2006 Introduced, referred to House Finance**House Bill No. 7951** (by request)**BY** Rice, Jackson, Long**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- AUTHORIZING THE TOWN OF MIDDLETOWN TO CONSTRUCT AND MAINTAIN A STORMWATER CONTROL SYSTEM {LC2900/1}
03/30/2006 Introduced, referred to House Corporations**House Resolution No. 7952****BY** Ginaitt, Jacquard, Lima, Handy, Mumford**ENTITLED**, HOUSE RESOLUTION PROCLAIMING MAY 14-20TH AS "NATIONAL EMS WEEK" IN THE CITY OF CRANSTON {LC2917/1}

Representative Ginaitt requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Ginaitt seconded by Representatives Lima, Mumford, Ucci, Handy and Jacquard by unanimous consent, on a voice vote.

House Resolution No. 7953

BY Ginaitt, Anguilla

ENTITLED, HOUSE RESOLUTION PROCLAIMING MAY 14 - 20TH AS "NATIONAL EMS WEEK" {LC2911/1}

Representative Ginaitt requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Ginaitt seconded by Representatives Landroche, Laroche and Faria by unanimous consent, on a voice vote.

House Resolution No. 7954

BY Pacheco, Church, Naughton

ENTITLED, HOUSE RESOLUTION HONORING THE ELEANOR SLATER HOSPITAL/ZAMBARANO UNIT ON THE CELEBRATION OF ITS 100TH BIRTHDAY {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 Representatives Church, Ginaitt and Slater by unanimous consent, on a voice vote.

COMMUNICATION FROM THE SENATE

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

Senate Bill No. 2235 SUB A

BY Raptakis, Cote, Lenihan, Sheehan, McCaffrey

ENTITLED, AN ACT RELATING TO ELECTIONS -- REGISTRATION OF VOTERS (reduce the waiting period for disaffiliation with a political party from 90 to 29 days)

{LC93/1/A}

03/30/2006 Referred to House Judiciary

Senate Bill No. 2349**BY** Caprio F**ENTITLED**, AN ACT RELATING TO FIDUCIARIES - POWERS OF FIDUCIARIES (party to an action involving wills, trusts, estates and fiduciaries represent persons who are not a party to such an action who are minors, incapacitated persons, or unborn) {LC1056/1}

03/30/2006 Referred to House Judiciary

Senate Bill No. 2809 (by request)**BY** Walaska, Bates**ENTITLED**, AN ACT RELATING TO ELECTIONS (minor changes concerning the operation of polling places on election day) {LC1745/1}

03/30/2006 Referred to House Judiciary

Senate Bill No. 2783 (by request)**BY** Sheehan**ENTITLED**, AN ACT RELATING TO ELECTIONS - VOTING (allow election offices to combine voting districts in certain circumstances which would result in cost savings) {LC1749/1}

03/30/2006 Referred to House Judiciary

Senate Bill No. 2811 (by request)**BY** Doyle, Tassoni**ENTITLED**, AN ACT RELATING TO ELECTIONS -- PRIMARIES (create consistency within primary and election laws regarding checkers, runners and watchers) {LC1748/1}

03/30/2006 Referred to House Judiciary

Senate Bill No. 2808**BY** Sosnowski, Perry, Paiva-Weed**ENTITLED**, AN ACT RELATING TO ELECTIONS -- MAIL BALLOTS (update the mail ballot laws) {LC1744/1}

03/30/2006 Referred to House Judiciary

Senate Bill No. 2671**BY** Ruggerio, Paiva-Weed, Alves, Damiani, Lanzi**ENTITLED**, AN ACT RELATING TO ELECTIONS -- RHODE ISLAND CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORTING {LC1315/1}

03/30/2006 Referred to House Judiciary

Senate Bill No. 2806**BY** Montalbano J**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2401/1}

03/30/2006 Referred to House Judiciary

Senate Bill No. 2278**BY** Caprio F**ENTITLED**, AN ACT RELATING TO FIDUCIARIES -- POWERS OF FIDUCIARIES ("total return unitrust") {LC1058/1}

03/30/2006 Referred to House Judiciary

Senate Bill No. 2226**BY** Felag, Levesque C**ENTITLED**, AN ACT RELATING TO ELECTIONS - LOCAL CANVASSING AUTHORITY {LC1122/1}

03/30/2006 Referred to House Judiciary

Senate Bill No. 2066**BY** Gibbs, Paiva-Weed**ENTITLED**, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE (court) {LC494/1}

03/30/2006 Referred to House Judiciary

CALENDAR

From the Calendar are taken:

IN ORDER FOR THURSDAY, MARCH 30, 2006:**1 2006-H 7679 SUB A****BY** Watson**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES
Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute A.

Representative Costantino moves passage of the act, seconded by Representatives Watson, Fox, Coderre, Slater, Rice, Ajello, Handy and many other members of the House.

Representative Costantino seconded by Representatives Watson and Fox offers a written motion to amend.

**FLOOR AMENDMENT
TO
2006 -- H 7679 SUBSTITUTE A****AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES**

Mr. Speaker:

I hereby move to amend 2006 -- H 7679 SUBSTITUTE A, entitled "AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES", as follows:

1. On page 4, line 5, by striking the language "and retirement contribution".
2. On page 4, line 17, by striking the language "and retirement contribution".

Respectfully submitted,

REPRESENTATIVE COSTANTINO

=====
LC01560/3
=====

Representative Costantino discusses the amendment.

The motion to amend prevails 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, Davey, Dennigan, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, McCauley, McHugh, McManus, Menard, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Voccola, Watson, Winfield.

NAYS - 0.

Representatives Costantino and Watson discuss the act as amended.

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, on a roll call vote, 65 members voting in the affirmative and 2 members voting in the negative as follows:

YEAS - 65: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Church, Coderre, Costantino, Crowley, Davey, Dennigan, DeSimone, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, Melo, Menard, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Voccola, Watson, Williamson, Winfield.

NAYS - 2: Representatives Corvese, San Bento.

2 2006-H 7804**BY Fox****ENTITLED,** AN ACT RELATING TO LABOR AND LABOR RELATIONS -
RHODE ISLAND PARENTAL AND FAMILY MEDICAL LEAVE ACT
- INSURANCE BENEFITS - PERSONAL INCOME TAX

Committee on Finance recommends passage.

Representative Costantino moves passage of the act, seconded by Representatives Gemma, Fox and Rice.

Read and passed, on a roll call vote, 66 members voting in the affirmative and 2 members voting in the negative as follows:

YEAS - 66: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Church, Coderre, Costantino, Crowley, Davey, Dennigan, DeSimone, 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, Melo, Menard, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Voccola, Watson, Williamson, Winfield.

NAYS - 2: Representatives Corvese, San Bento.

3 2006-H 7943**BY Ehrhardt****ENTITLED,** HOUSE RESOLUTION PROCLAIMING APRIL, 2006 AS
"PARKINSON'S DISEASE AWARENESS MONTH" IN THE STATE
OF RHODE ISLAND

Ordered on the Calendar

Representative Ehrhardt moves passage of the act, seconded by Representatives Rose, Watson, Davey, Savage, Lima, Amaral, Pacheco and Giannini.

Read and passed, on a roll call vote, 65 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 65: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Church, Corvese, Costantino, Davey, Dennigan, DeSimone, 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, Melo, Menard, Moran, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Voccola, Watson, Williamson, Winfield.

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

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 San Bent wishes his mother a Happy 84th Birthday.

Representative Pacheco congratulates Matt and Angie Leone on the birth of their baby boy John Payton Leone.

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

Representative Lima wishes Representative David Laroche a Happy Birthday.

GUESTS

Representatives Landroche and Williamson welcome to the House Chamber as guests the West Warwick Honors American Government Class as follows: Jose Daniel Santos Abueg, David Capaldo, House Page-Caitlin Costello, Kayla Cruz, Erin Greene Katie Leahy, Ryan Murphy, Toya Oshinkanlu, John Swenson, along with their teacher Mark Leblanc.

The Honorable Speaker Murphy also welcomes the Honors Class and Mr. Leblanc.

Representatives Pacheco and Church welcome to the House as guests the Zambarano patients and staff.

At 4:22 o'clock P.M. the Honorable Speaker yields the rostrum to Representative Shanley.

By unanimous consent, Representative Shanley addresses the members of the House and welcomes to the House the URI Championship Hockey Team. Representative Shanley congratulates the team on winning the American Collegiate Hockey Association national championship for the first time.

Representatives Shanley, McHugh, Lally, Carter and Caprio congratulate the Champions and presents citations to the team as follows: Graham Johnson, Rob Peterson, Jon Biliouris, Jeff

Grace, Mike Curran-Assistant Captain, Cory Pinheiro, Matt Loftus, Brandon Kape-Captain, Scott Eberenz, Bill McKiernan, Mike Haggerty, Eric Hogberg, Ryan Windish, Tyler Reinhardt, James Gaffney, Derek Douglas-Assistant Captain, David Berardinelli, Mike Bragger, Ben Herring, Stephen Gaffney, Justin Mroz, Anthony Feyock-Goalie, Kevin Stockslager-Goalie, Matt Wodecki, Ray Martin-Goalie; the staff- Joe Augustine-Head Coach, Christian Rigamonti-Assistant Coach, Bob Jackson-Assistant Coach, Don Pagliarini-Team Technician, Dr. Rahzib Khaund-Team Physician, Joe Maynard-Trainer, Art Tuveson-URI Assistant Athletic Director; Stick Boys-Jon Augustine, Jewell Augustine, Melissa Arnold; Kristin-Anne Barbieri-Team Manager and Kathryn Hutchings-URI Non-Varsity Sports Coordinator.

At 4:30 o'clock P.M. the Honorable Speaker returns to the rostrum.

ADJOURNMENT

At 4:45 o'clock P.M. on motion of Representative Gorham, and as a further mark of respect to the memory of Maureen Comerford; on motion of Representative Amaral, and as a further mark of respect to the memories of John Cook and Robbie Rose seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE ROGER A. PICARD

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, APRIL 4, 2006:

1 2006-H 7209

BY Costantino

ENTITLED, AN ACT RELATING TO TAXATION -- PUBLIC SERVICE
CORPORATION TAX

Committee on Finance recommends passage.

2 2006-H 7908

BY Lally

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

Francis P. McCabe
Clerk of the House

Thursday, March 30, 2006