

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. 38

Thursday, April 6, 2006

Thirty-eighth day

The House of Representatives meets at the State House in Providence, Thursday April 6, 2006 and is called to order at 4:23 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, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, , Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT – 4. Representatives Costantino, Crowley, Ginaitt, and Ucci.

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 Wednesday, April 5, 2006 is approved as printed.

ANNOUNCEMENTS

Meredith Flynn from CCRI sings the Star Spangled Banner

Representative Winfield wishes House Page Kristen Picard a Happy Birthday.

Representative Lima reminds the members that the House will be meeting in session on Monday, April 10, 2006.

**REPORTS OF COMMITTEES
COMMITTEE ON LABOR**

Representative Faria, for the Committee on Labor, reports back the following measure, with recommendation of passage

House Bill No. 7517

BY Moura, Lally

ENTITLED, AN ACT RELATING TO LABOR ARBITRATION OF MUNICIPAL EMPLOYEES DISPUTES (changes to the arbitrations of municipal employees law) {LC949/1}
04/06/2006 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. 7156 SUB A

BY Coderre E, Crowley, Gallison, Anguilla

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- NARRAGANSETT INDIAN LAND MANAGEMENT CORPORATION (eliminate the ninth director) {LC1818/2/A}
04/06/2006 Placed on House Calendar

House Bill No. 6749 as amended

BY Coderre E, Crowley, Kilmartin, Davey, Gallison

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS -- EDUCATION (boards relating to education) {LC333/1}
04/06/2006 Placed on House Calendar

House Bill No. 6752 as amended

BY Coderre E, Crowley, Kilmartin, Davey, Naughton

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION -- WATER RESOURCES BOARD (amend the composition) {LC335/1}
04/06/2006 Placed on House Calendar

Senate Bill No. 2743 SUB A**BY** Levesque C, Roberts**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
NARRAGANSETT INDIAN LAND MANAGEMENT CORPORATION (eliminate the ninth
director in the Narragansett Indian Land Management Council) {LC1816/1/A}

04/06/2006 Placed on House Calendar

House Bill No. 6753 as amended**BY** Coderre E, Crowley, Kilmartin, Davey, Naughton**ENTITLED**, AN ACT RELATING TO SEPARATION OF POWERS {LC334/1}

04/06/2006 Placed on House Calendar

House Bill No. 7175 SUB A**BY** Coderre E, Crowley, Gallison, Anguilla**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- EAST
BAY ECONOMIC INITIATIVE {LC1825/1/A}

04/06/2006 Placed on House Calendar

House Bill No. 7955 SUB A**BY** Jackson, Rice, Crowley**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - FORT
ADAMS FOUNDATION {LC2875/1/A}

04/06/2006 Placed on House Calendar

NEW BUSINESS**House Bill No. 7968****BY** Laroche**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGE (join Amy
Elizabeth Hernandez and Emil Garrick Romanshyn) {LC2761/1}

04/06/2006 Introduced, referred to House Judiciary

House Bill No. 7969**BY** Almeida, Ajello, Williams, Davey, Slater**ENTITLED**, AN ACT RELATING TO PUBLIC FINANCE -- STATE INVESTMENT
COMMISSION (assets of any investment account, including pension, endowment, and annuity
funds, under the jurisdiction of the state investment commission and/or the state treasurer shall
not be invested in companies) {LC2928/1}

04/06/2006 Introduced, referred to House Finance

House Bill No. 7970**BY** Carter

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
ENERGY FACILITY SITING ACT (allow towns or cities to request funding from applicants of
facilities generating or transmitting electricity) {LC1425/1}
04/06/2006 Introduced, referred to House Corporations

House Resolution No. 7971**BY** Lewiss, Gallison, Lima, Shanley, Mumford

ENTITLED, HOUSE RESOLUTION HONORING THE AMERICAN SOCIETY FOR THE
PREVENTION OF CRUELTY TO ANIMALS FOR ITS 140 YEARS OF SERVICE TO THE
PEOPLE OF RHODE ISLAND, THE UNITED STATES AND THEIR ANIMALS {LC2972/1}

Representative Lewiss requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, motion of Representative Lewiss seconded by Representative Anguilla and by
unanimous consent, on a voice vote.

House Resolution No. 7972**BY** Almeida, Williams, Diaz, Fox

ENTITLED, HOUSE RESOLUTION PROCLAIMING THE MONTH OF APRIL, 2006 TO
BE "MINORITY HEALTH AND HEALTH DISPARITIES MONTH" IN THE STATE OF
RHODE ISLAND {LC2995/1}

Representative Almeida requests unanimous consent for immediate consideration.

There is no objection.

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

House Bill No. 7973**BY** Diaz, Almeida, Slater, Williams

ENTITLED, AN ACT RELATING TO EDUCATION -- BOARD OF GOVERNORS FOR
HIGHER EDUCATION {LC2967/1}
04/06/2006 Introduced, referred to House Finance

TRANSMITTAL

By unanimous consent, all matters on the Clerk's desk are ordered to be transmitted to 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. 2737**BY** Walaska, Bates**ENTITLED**, AN ACT RELATING TO INSURANCE (borrowing among the three separate accounts) {LC1292/1}

04/06/2006 Referred to House Corporations

Senate Bill No. 2589 (Business Regulation)**BY** Breene**ENTITLED**, AN ACT RELATING TO INSURANCE PRODUCERS' BRANCHES -- LIFE INSURANCE COMPANIES' OFFICES (conform more closely to those in other states) {LC1596/1}

04/06/2006 Referred to House Corporations

Senate Bill No. 2585**BY** Walaska, Bates**ENTITLED**, AN ACT RELATING TO INSURANCE -- COMMERCIAL SPECIAL RISKS (modify the criteria required when classifying commercial special risks to be consistent with such risks in the Commonwealth of Mass) {LC1938/1}

04/06/2006 Referred to House Corporations

Senate Bill No. 2735**BY** Bates, Walaska**ENTITLED**, AN ACT RELATING TO INSURANCE -- SURPLUS LINES (exempt insured and licensees from the requirement of filing an affidavit when obtaining surplus lines insurance for certain insurable interests) {LC1528/1}

04/06/2006 Referred to House Corporations

Senate Bill No. 2590 (Business Regulation)**BY** Bates, Breene**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF BUSINESS REGULATION (authority to enforce statutes governing licenses even though the statutes granting the licenses do not appear in title 27) {LC1370/1}

04/06/2006 Referred to House Corporations

Senate Bill No. 2302**BY** Bates, Walaska, Cote, Caprio F**ENTITLED**, AN ACT RELATING TO CASUALTY INSURANCE RATING (uniform safe driver point system) {LC1524/1}

04/06/2006 Referred to House Corporations

Senate Bill No. 2581 (Administration)

BY Bates

ENTITLED, AN ACT RELATING TO SALES TAX OFFICIALS (require paid tax return preparers that prepare large numbers of RI tax returns for their clients to file such returns electronically with the division of taxation) {LC1298/1}

04/06/2006 Referred to House Finance

Senate Bill No. 2999

BY Lanzi

ENTITLED, AN ACT RELATING TO DAYS OF SPECIAL OBSERVANCE {LC2957/1}

04/06/2006 Referred to House H.E.W.

CALENDAR

From the Calendar are taken:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
HOUSE OF REPRESENTATIVES

STATEMENT OF CONFLICT OF INTEREST PURSUANT TO RIGL 36-14-6

I, John J. Loughlin, State Representative, District 71, hereby under oath depose and say:

1. (Matter requiring action) I expect to be called upon, in my capacity as State Representative, to participate in the consideration of, and to vote upon: (06H 7839 Sub A)

2. (Nature of the potential conflict) I have the following interest in the matter:

I am employed in the motion picture production business.

3. (Complete and (A.) or (B.) and cross out whichever does not apply

B. In compliance with Section 36-14-6(1) & (2)A of the General laws, I hereby request the Speaker of the House of Representatives to excuse me from voting on or participating in the consideration of the matter described in paragraph 1 above.

John J. Loughlin
REPRESENTATIVE

STATE OF RHODE ISLAND
COUNTY OF Providence

Subscribed and sworn to under the penalties for perjury before me this 7 day of April, 2006.

David W. Dumas
NOTARY PUBLIC

Representative Loughlin is excused from voting on or participating in the consideration of the matter described in paragraph 1, above.

WILLIAM J. MURPHY
SPEAKER OF THE HOUSE OF REPRESENTATIVES

1. 2006-H 7839 SUB A

BY Murphy

ENTITLED, AN ACT RELATING TO MOTION PICTURE PRODUCTION TAX CREDITS

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

Representative Lewiss moves passage of the act, seconded by Representatives Fox, Carter, Gemma, Williamson, Coderre, San Bento, Rose, Kennedy, Moffitt, and Savage.

Representative Moura discusses the act.

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, Carter, Church, Coderre, Corvese, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Malik, McHugh, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Story, Sullivan, Trillo, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

TRANSMITTAL

By unanimous consent, (06-H 7839 Sub A), is, ordered to be transmitted to the Honorable Senate, forthwith.

GUESTS

Representative Pacheco welcomes to the House the following University of Rhode Island students visiting the State House to represent the URI Student Senate on Higher Education Day: Neil Cavanaugh, Student Senate President, Ben Matone, Mary Enstace; Tom Ahrens, Brian McGuire, Sara Addis, Catherine Callazzo, Thomas Parker, Dave Mack, Kate Bashwiner, Brittney Boudreau, and Matt Yates.

Representative Watson welcomes to the House Neil Cavanaugh and Ben Matone.

ANNOUNCEMENTS

Representative McNamara announces that the Committee on Health, Education and Welfare will meet at the rise of the House, in Room 135 of the State House.

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

Representative Faria announces that the Committee on Labor will meet 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 at the rise of the House in Room 203 of the State House.

Representative Kennedy announces that the Committee on Corporations will meet at the rise of the House, Monday April 10, 2006 in Room 203 of the State House.

ADJOURNMENT

At 4:40 o'clock P.M. on motion of Representative Jackson, and as a further mark of respect to the memory of Catherine Marie Galvin; on motion of Representatives Shanley and Mumford, and as a further mark of respect to the memory of Lucy J. Winter; 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, we have been sent to these positions of responsibility by the people. Make us mindful that we are their servants. Give us the wisdom and energy to serve them honestly and well. Amen.

APPENDIX

CALENDAR

IN ORDER FOR MONDAY, APRIL 10, 2006:

1. 2006-H 7937

BY Ajello

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGE
Committee on Judiciary recommends passage.

2. 2006-S 2070 SUB A

BY Paiva-Weed

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
Committee on Judiciary recommends indefinite postponement of the original bill and
passage of Substitute A.

3. 2006-S 2717 SUB B

BY Blais

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES
Committee on Finance recommends indefinite postponement of the original bill and the
Substitute A and passage of Substitute B.

IN ORDER FOR TUESDAY, APRIL 11, 2006:

1. 2006-H 7517

BY Moura

ENTITLED, AN ACT RELATING TO LABOR ARBITRATION OF MUNICIPAL
EMPLOYEES DISPUTES
Committee on Labor recommends passage.

IN ORDER FOR WEDNESDAY, APRIL 12, 2006:

1. 2006-H 7156 SUB A

BY Coderre E

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
NARRAGANSETT INDIAN LAND MANAGEMENT
CORPORATION

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

2. 2006-H 6749 as amended

BY Coderre E

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS --

EDUCATION

Committee on Separation of Powers recommends passage as amended in concurrence.

3. **2006-H 6752 as amended**

BY Coderre E

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION -- WATER
RESOURCES BOARD

Committee on Separation of Powers recommends passage as amended in concurrence.

4. **2006-H 6753 as amended**

BY Coderre E

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS

Committee on Separation of Powers recommends passage as amended in concurrence.

5. **2006-H 7955 SUB A**

BY Jackson

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -
FORT ADAMS FOUNDATION

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

6. **2006-H 7175 SUB A**

BY Coderre E

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
EAST BAY ECONOMIC INITIATIVE

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

7. **2006-S 2743 SUB A**

BY Levesque C

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
NARRAGANSETT INDIAN LAND MANAGEMENT
CORPORATION

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

Francis P. McCabe
Clerk of the House

Thursday, April 6, 2006