

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 fourth day of January in the year of Our Lord two thousand and five.

Volume 132, No. 10

Thursday, January 27, 2005

Tenth Day

The House of Representatives meets at the State House in Providence, Thursday, January 27, 2005 and is called to order at 4:18 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, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McHugh, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Wasyluk, Watson, Williams, Williamson, Winfield.

ABSENT – 5: Representative Carter, Landroche, McCauley, Rose, Voccola.

INVOCATION

The Honorable Speaker presents Representative Moran 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 25, 2005 is approved as printed.

CORRECTION

By unanimous consent, the House Journal of Wednesday, January 19, 2005 is hereby corrected by recording Representative San Bento as being present.

ANNOUNCEMENTS

Representative Henry C. Rose will be unable to attend session Thursday, January 27, 2005, due to illness.

Representative Kenneth Carter will be unable to attend session Thursday, January 27, 2005.

**REPORTS OF COMMITTEES
TRANSFER OF BILLS**

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

House Bill No. 5030

BY Gorham, Long

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- DIVISION OF FIRE SAFETY {LC345/1}

01/27/2005 Read and transferred to the House Committee on Finance

House Bill No. 5012

BY Carter, San Bento, Moffitt, Gallison, Malik

ENTITLED, AN ACT RELATING TO JOINT COMMITTEE ON NAMING STATE CONSTRUCTIONS {LC451/1}

01/27/2005 Read and transferred to the House Committee on Finance

COMMITTEE ON CORPORATIONS

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

House Bill No. 5014

BY Pacheco, Church

ENTITLED, AN ACT RELATING TO THE TOWN OF BURRILLVILLE {LC399/1}

01/27/2005 Placed on House Calendar

House Bill No. 5067**BY** Kilmartin, Ajello, Moura, Dennigan, Church**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES -- REGISTRATION OF VEHICLES {LC284/1}

01/27/2005 Placed on House Calendar

COMMITTEE ON FINANCE

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

House Bill No. 5104 SUB A**BY** Kilmartin, Moura, Crowley, Anguilla, Jackson**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- MERIT SYSTEM {LC506/1/A}

01/27/2005 Placed on House Calendar

NEW BUSINESS**House Resolution No. 5190****BY** Moffitt, Long, Scott, Shanley, Gallison**ENTITLED**, HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO STUDY LAWS AND REGULATIONS RELATING TO HUNTING AND FISHING IN RHODE ISLAND AND THE LICENSING TO PARTICIPATE THEREIN {LC846/1}

01/27/2005 Introduced, referred to House Environment and Natural Resources

House Bill No. 5191**BY** Lima**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS {LC632/1}

01/27/2005 Introduced, referred to House Labor

House Bill No. 5192**BY** Brien T, Moran, Winfield**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES {LC919/1}

01/27/2005 Introduced, referred to House Labor

House Bill No. 5193**BY** O'Neill, Coderre E, Moran, Gemma, Church**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLE OFFENSES {LC595/1}

01/27/2005 Introduced, referred to House Judiciary

House Bill No. 5194**BY** Brien T, Laroche, Winfield, Trillo, Williams**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- SEARCH WARRANTS {LC913/1}

01/27/2005 Introduced, referred to House Judiciary

House Resolution No. 5195**BY** Anguilla, Davey, Gemma, Rice, Dennigan**ENTITLED**, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (ENFORCEMENT) {LC890/1}

01/27/2005 Introduced, referred to House Judiciary

House Bill No. 5196**BY** Davey, Ucci, Ehrhardt, Story, Loughlin**ENTITLED**, AN ACT RELATING TO ACCESS TO PUBLIC RECORDS {LC792/1}

01/27/2005 Introduced, referred to House Judiciary

House Bill No. 5197**BY** San Bento, Gallison**ENTITLED**, AN ACT RELATING TO EDUCATION -- FOUNDATION LEVEL SCHOOL SUPPORT {LC433/1}

01/27/2005 Introduced, referred to House H.E.W.

House Bill No. 5198**BY** Church**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- LICENSING OF HEALTH CARE FACILITIES {LC2/1}

01/27/2005 Introduced, referred to House H.E.W.

House Bill No. 5199**BY** Naughton, McNamara**ENTITLED**, AN ACT RELATING TO EDUCATION {LC956/1}

01/27/2005 Introduced, referred to House H.E.W.

House Bill No. 5200 (by request)**BY** Melo, Rose, Savage**ENTITLED**, AN ACT RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS {LC486/1}

01/27/2005 Introduced, referred to House H.E.W.

House Bill No. 5201**BY** McNamara, Ginaitt, Handy**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES -- DIESEL BUS IDLING STANDARDS {LC151/1}

01/27/2005 Introduced, referred to House H.E.W.

House Bill No. 5202**BY** McNamara, Ginaitt, Handy**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
MISCELLANEOUS RULES {LC174/1}

01/27/2005 Introduced, referred to House H.E.W.

House Bill No. 5203**BY** Brien T, Laroche, Winfield, Moran**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLE INSURANCE - UNINSURED
OPERATION {LC491/1}

01/27/2005 Introduced, referred to House Corporations

House Bill No. 5204**BY** San Bento, Kennedy, Coderre E, Costantino, Rose**ENTITLED**, AN ACT RELATING TO INSURANCE -- UNFAIR COMPETITION AND
PRACTICES {LC435/1}

01/27/2005 Introduced, referred to House Corporations

House Bill No. 5205**BY** Kennedy, San Bento, Coderre E, Picard, Winfield**ENTITLED**, AN ACT RELATING TO INSURANCE -- CLAIMS ADJUSTERS {LC1025/1}

01/27/2005 Introduced, referred to House Corporations

House Bill No. 5206**BY** Long**ENTITLED**, AN ACT RELATING TO VALIDATING AND RATIFYING AMENDMENTS
TO THE CHARTER OF THE TOWN OF JAMESTOWN {LC900/1}

01/27/2005 Introduced, referred to House Corporations

House Bill No. 5207**BY** Lima, Wasylyk**ENTITLED**, AN ACT RELATING TO INSURANCE -- HMO'S {LC840/1}

01/27/2005 Introduced, referred to House Corporations

House Bill No. 5208**BY** Lima, Wasylyk**ENTITLED**, AN ACT RELATING TO INSURANCE {LC843/1}

01/27/2005 Introduced, referred to House Corporations

House Bill No. 5209**BY** San Bento, Rose, Corvese, Gallison**ENTITLED**, AN ACT RELATING TO SALES AND USE TAXES {LC431/1}

01/27/2005 Introduced, referred to House Finance

House Bill No. 5210**BY** San Bento, Rose, Corvese, Gallison**ENTITLED**, AN ACT RELATING TO EDUCATION {LC432/1}

01/27/2005 Introduced, referred to House Finance

House Bill No. 5211**BY** San Bento, Rose, Corvese, Gallison**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT {LC437/1}

01/27/2005 Introduced, referred to House Finance

House Bill No. 5212**BY** Church, Rice, Corvese, Jackson**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- CRIMINAL INJURIES COMPENSATION {LC875/1}

01/27/2005 Introduced, referred to House Finance

House Resolution No. 5213**BY** Naughton, McNamara**ENTITLED**, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$25,000 FOR THE COMPREHENSIVE COMMUNITY ACTION PROGRAM {LC969/1}

01/27/2005 Introduced, referred to House Finance

House Bill No. 5214 (by request)**BY** Loughlin, McManus, Savage, Ucci, Davey**ENTITLED**, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES {LC910/1}

01/27/2005 Introduced, referred to House Finance

House Bill No. 5215**BY** Gallison, Landroche, Rose, San Bento, Rice**ENTITLED**, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -- NATIONAL GUARD {LC896/1}

01/27/2005 Introduced, referred to House Finance

House Bill No. 5216**BY** Gallison, Rose, Naughton, Shanley, San Bento**ENTITLED**, AN ACT RELATING TO EDUCATION -- ESTABLISHMENT OF CHARTER PUBLIC SCHOOLS {LC782/1}

01/27/2005 Introduced, referred to House Finance

House Bill No. 5217 (Lieutenant Governor)**BY** Gallison, Landroche, Rose, San Bento, Rice**ENTITLED**, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -- NATIONAL GUARD {LC665/1}

01/27/2005 Introduced, referred to House Finance

House Bill No. 5218**BY** Gemma, Sullivan, Rice, Church, O'Neill**ENTITLED**, AN ACT RELATING TO TAXATION -- SALES AND USE TAXES -- LIABILITY AND COMPUTATION {LC796/1}

01/27/2005 Introduced, referred to House Finance

House Resolution No. 5219**BY** Shanley, Pacheco, Lally, Crowley, Naughton**ENTITLED**, HOUSE RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY THE ADMINISTRATION AND FUNDING OF PUBLIC HIGHER EDUCATION {LC908/1}

01/27/2005 Introduced, referred to House Finance

House Bill No. 5220**BY** McNamara, Malik, Ginaitt, Caprio D**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- ADJUDICATION OF TRAFFIC OFFENSES {LC691/1}

01/27/2005 Introduced, referred to House Finance

House Bill No. 5221**BY** Corvese, San Bento, Ajello, DeSimone, Malik**ENTITLED**, AN ACT RELATING TO LABOR -- AFL-CIO DISLOCATED WORKERS' FUND {LC653/1}

01/27/2005 Introduced, referred to House Finance

House Resolution No. 5222**BY** Kilmartin**ENTITLED**, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY THE IMPACT OF THE GOVERNMENT ACCOUNTING STANDARDS BOARD'S RULES AND REGULATIONS REGARDING OTHER POST EMPLOYMENT BENEFITS {LC1142/1}

Representative Kilmartin requests unanimous consent for immediate consideration.

There is no objection.

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

House Resolution No. 5223**BY** Costantino, Faria, Murphy, Fox, Crowley**ENTITLED**, HOUSE RESOLUTION CONGRATULATING KATHLEEN A. BELLO ON HER 32 YEARS OF DEDICATED SERVICE TO THE RHODE ISLAND GENERAL ASSEMBLY AND THE HOUSE FINANCE COMMITTEE {LC1143/1}

Representative Costantino requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Costantino seconded by Representatives Fox, Moura, Mumford, Crowley, Naughton, Faria, Melo, Winfield, Gallison, Menard, Malik, Lewiss, Schadone, Kilmartin, San Bento, Shanley, Corvese and the Entire House of Representatives and by unanimous consent, on a voice vote.

House Resolution No. 5224

BY Schadone, Corvese, San Bento, Faria, Caprio D

ENTITLED, HOUSE RESOLUTION HONORING EILEEN COOK FOR HER TEN YEARS OF DISTINGUISHED SERVICE ON THE NORTH PROVIDENCE TOWN COUNCIL {LC623/1}

Representative Schadone requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Schadone seconded by Representatives Corvese, DeSimone, San Bento and by unanimous consent, on a voice vote.

House Resolution No. 5225

BY McNamara, McManus

ENTITLED, HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO STUDY RHODE ISLAND AIRPORT CORPORATION'S MANAGEMENT AND GOVERNANCE OF RHODE ISLAND'S AIRPORTS {LC1145/1}

Representative McNamara requests unanimous consent for immediate consideration.

There is no objection.

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

TRANSMITTAL

By unanimous consent, all matters on the clerk's desk are ordered to be transmitted to the Honorable Secretary of State, and the Honorable Senate forthwith.

ANNOUNCEMENTS

Representative Lima wishes Representative Al Gemma and Representative Roger Picard a Happy Birthday.

Representatives Schadone and Corvese recognize Eileen Cook for her twenty-five years of dedicated service to the General Assembly and her ten years of service to the Town of North Providence as a Councilwoman. Representatives Schadone and Corvese wish her well in her future endeavors.

Representative Costantino thanks and congratulates Kathleen A. Bello for her 32 years of dedicated service with the fiscal staff and wishes her well with her new job in state government, as chief financial officer of M.H.R.H.

Majority Leader Fox along with Representatives Giannini, Crowley, Slater, and Kilmartin also congratulate Kathy.

Representative Naughton announces that the Committee on Rules will meet today, at the rise of the House, in Room 205 of the State House.

GUEST

Representatives Moura and Giannini welcome to the House Chamber as a guest Joe Bello, father of Kathy Bello.

ADJOURNMENT

At 4:42 o'clock P.M. on motion of Representative Corvese, and as a further mark of respect to the memory of Kevin Howard, Jr.; on motion of Representatives Rice, Long, and as a further mark of respect to the memory of Gertrude Gavin; on motion of Representative Church and as a further mark of respect to the memory of Irene M. Dutremble - Lemay; on motion of Representative Almeida, and as a further mark of respect to the memory of Rodney Patterson, Jr.; on motion of Representative McHugh, and as a further mark of respect to the memory of Sheila Peters seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE JOSEPH P. MORAN, III

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, FEBRUARY 2, 2005:

1 2005-H 5014

BY Pacheco

ENTITLED, AN ACT RELATING TO THE TOWN OF BURRILLVILLE

Committee on Corporations recommends passage.

2 2005-H 5067

BY Kilmartin

ENTITLED, AN ACT RELATING TO MOTOR VEHICLES -- REGISTRATION
OF VEHICLES

Committee on Corporations recommends passage.

3 2005-H 5104 SUB A

BY Kilmartin

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES --
MERIT SYSTEM

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

Louis D'Antuono
Clerk of the House

Thursday, January 27, 2005