

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

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Volume 132, No. 14

Tuesday, February 8, 2005

Fourteenth Day

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The House of Representatives meets at the State House in Providence, Tuesday, February 8, 2005 and is called to order at 4:15 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 73 members present and 2 members absent as follows:

PRESENT - 73: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, 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, Ucci, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT – 2: Representatives Crowley, Long.

**INVOCATION**

The Honorable Speaker presents Representative Landroche 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 Thursday, February 3, 2005 is approved as printed.

## NEW BUSINESS

**House Bill No. 5339****BY** Flaherty, Fox**ENTITLED**, AN ACT RELATING TO SEPARATION OF POWERS {LC1379/1}

02/08/2005 Introduced, referred to House Separation of Powers

**House Bill No. 5340****BY** Handy, McCauley, Ajello, Pacheco, Moura**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS - EMPLOYMENT SECURITY - BENEFITS {LC786/1}

02/08/2005 Introduced, referred to House Labor

**House Bill No. 5341****BY** Dennigan, Anguilla, Church, Ginaitt, Slater**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS -- FOOD DONATIONS {LC1104/1}

02/08/2005 Introduced, referred to House Judiciary

**House Bill No. 5342****BY** Dennigan, Anguilla, Costantino, Ajello**ENTITLED**, AN ACT RELATING TO WRONGFUL DEATH -- DOMESTIC PARTNERS {LC1111/1}

02/08/2005 Introduced, referred to House Judiciary

**House Bill No. 5343****BY** Flaherty, Fox**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- THREATS AND EXTORTION {LC1385/1}

02/08/2005 Introduced, referred to House Judiciary

**House Bill No. 5344****BY** Flaherty, Fox**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - JUSTICES OF SUPREME, SUPERIOR, AND FAMILY COURTS {LC1381/1}

02/08/2005 Introduced, referred to House Judiciary

**House Bill No. 5345****BY** Moran, Brien T, Ucci, Church**ENTITLED**, AN ACT RELATING TO HUNTING AND HUNTING SAFETY {LC906/1}

02/08/2005 Introduced, referred to House Judiciary

**House Bill No. 5346****BY** Moran, Kilmartin, Faria, Brien T, Caprio D**ENTITLED**, AN ACT RELATING TO ACCIDENTS AND ACCIDENT REPORTS

{LC921/1}

02/08/2005 Introduced, referred to House Judiciary

**House Bill No. 5347****BY** O'Neill, Landroche, Anguilla, Schadone, Jackson**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- ARREST {LC1189/1}

02/08/2005 Introduced, referred to House Judiciary

**House Bill No. 5348****BY** Jackson, Sullivan, Rice, O'Neill, Church**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - SUSPENSION OR REVOCATION OF LICENSES {LC1400/1}

02/08/2005 Introduced, referred to House Judiciary

**House Bill No. 5349****BY** Anguilla, Gallison, Handy, O'Neill, Ajello**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- ARREST {LC1190/1}

02/08/2005 Introduced, referred to House Judiciary

**House Bill No. 5350****BY** Williams, McNamara, Mumford, Almeida, Naughton**ENTITLED**, AN ACT RELATING TO ADOPTION OF CHILDREN {LC1497/1}

02/08/2005 Introduced, referred to House H.E.W.

**House Bill No. 5351****BY** Dennigan, Anguilla, Church, Lewiss, Ginaitt**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- SAFE ROUTES TO SCHOOL {LC1109/1}

02/08/2005 Introduced, referred to House H.E.W.

**House Resolution No. 5352****BY** Dennigan, Lewiss, Ginaitt, Melo, Savage**ENTITLED**, HOUSE RESOLUTION REQUESTING THE RHODE ISLAND DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION TO STUDY THE FEASIBILITY OF SPECIFIED TRANSPORTATION SYSTEMS {LC1238/1}

02/08/2005 Introduced, referred to House H.E.W.

**House Bill No. 5353****BY** Dennigan, Anguilla, Costantino, Ajello, Church**ENTITLED**, AN ACT RELATING TO EDUCATION - CURRICULUM {LC1095/1}

02/08/2005 Introduced, referred to House H.E.W.

**House Bill No. 5354****BY** Dennigan, Lewiss, Slater**ENTITLED**, AN ACT RELATING TO EDUCATION - HEALTH EDUCATION {LC1176/1}

02/08/2005 Introduced, referred to House H.E.W.

**House Bill No. 5355****BY** McNamara, Ginaitt, Brien T, Landroche**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- OPERATORS' AND CHAUFFEURS' LICENSES {LC933/1}

02/08/2005 Introduced, referred to House H.E.W.

**House Bill No. 5356****BY** Gallison, Ajello, San Bento, Corvese, Lima**ENTITLED**, AN ACT RELATING TO CRUELTY TO ANIMALS {LC77/1}

02/08/2005 Introduced, referred to House H.E.W.

**House Bill No. 5357 (Attorney General)****BY** McNamara**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- ELIGIBILITY TO VOTE AT FIRE DISTRICT MEETINGS {LC925/1}

02/08/2005 Introduced, referred to House H.E.W.

**House Bill No. 5358****BY** Dennigan, Anguilla, Lewiss, Costantino, Slater**ENTITLED**, AN ACT RELATING TO AFFORDABLE HOUSING -- ESTABLISHING A FUND TO SUPPORT NONPROFIT CORPORATIONS WHO PROVIDE OR DEVELOP AFFORDABLE HOUSING {LC1102/1}

02/08/2005 Introduced, referred to House Corporations

**House Bill No. 5359****BY** San Bento, Kennedy, Shanley**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES - INSPECTIONS {LC1365/1}

02/08/2005 Introduced, referred to House Corporations

**House Bill No. 5360****BY** McNamara, Pacheco, Ginaitt, Landroche**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES - EMERGENCY VEHICLES {LC871/1}

02/08/2005 Introduced, referred to House Corporations

**House Bill No. 5361****BY** Shanley, Lally, Kennedy, San Bento, Corvese**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - UNIFORM COMMERCIAL DRIVER'S LICENSE ACT {LC1589/1}

02/08/2005 Introduced, referred to House Corporations

**House Bill No. 5362****BY** Gallison, Anguilla, Moura, Almeida, Jackson**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION -- REGULATION OF BOATS {LC1309/1}

02/08/2005 Introduced, referred to House Corporations

**House Bill No. 5363****BY** Anguilla, O'Neill, Dennigan, Winfield, Lewiss**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS-PUBLIC ACCOUNTANCY {LC1345/1}

02/08/2005 Introduced, referred to House Corporations

**House Resolution No. 5364** (Lieutenant Governor)**BY** Moura, Lima, Ajello, Slater, McCauley**ENTITLED**, JOINT RESOLUTION MEMORIALIZING CONGRESS TO OPPOSE PRIVATIZATION OF SOCIAL SECURITY {LC983/1}

02/08/2005 Introduced, referred to House Finance

**House Bill No. 5365****BY** Dennigan, Church, Anguilla, Slater, Ajello**ENTITLED**, AN ACT RELATING TO FAMILY INDEPENDENCE ACT {LC1108/1}

02/08/2005 Introduced, referred to House Finance

**House Resolution No. 5366****BY** Dennigan, Church, Anguilla, Slater**ENTITLED**, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$100,000 TO THE CHILD ABUSE AND NEGLECT PREVENTION PROJECT {LC1101/1}

02/08/2005 Introduced, referred to House Finance

**House Bill No. 5367****BY** Dennigan, Anguilla, Slater**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT {LC1093/1}

02/08/2005 Introduced, referred to House Finance

**House Bill No. 5368****BY** Dennigan, Anguilla, Ajello, Slater**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES -- PUBLIC ASSISTANCE ACT {LC1112/1}

02/08/2005 Introduced, referred to House Finance

**House Bill No. 5369****BY** Ucci, Voccola, Petrarca**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- RHODE ISLAND RESOURCE RECOVERY CORPORATION {LC899/1}

02/08/2005 Introduced, referred to House Finance

**House Bill No. 5370****BY** McManus, Loughlin, Ehrhardt, Long, Savage**ENTITLED**, AN ACT RELATING TO TAXATION - PROPERTY TAX RELIEF {LC709/1}

02/08/2005 Introduced, referred to House Finance

**House Bill No. 5371****BY** Moffitt, Long**ENTITLED**, AN ACT RELATING TO TAXATION {LC1535/1}

02/08/2005 Introduced, referred to House Finance

**House Bill No. 5372****BY** Moran, Brien T, Gallison, Ucci, Kilmartin**ENTITLED**, AN ACT RELATING TO THE RHODE ISLAND STUDENT INVESTMENT INITIATIVE {LC907/1}

02/08/2005 Introduced, referred to House Finance

**House Bill No. 5373****BY** Coderre E, San Bento, O'Neill, Rose, Kilmartin**ENTITLED**, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION {LC1168/1}

02/08/2005 Introduced, referred to House Finance

**House Bill No. 5374****BY** Moran, Brien T, Ucci, Church, Pacheco**ENTITLED**, AN ACT RELATING TO TAXATION -- APPEALS OF ASSESSED VALUES {LC938/1}

02/08/2005 Introduced, referred to House Finance

**House Resolution No. 5375****BY** Melo, Rose, Lewiss, San Bento, Corvese**ENTITLED**, HOUSE RESOLUTION SUPPORTING A CAP OF \$20,000 ON THE COST OF EDUCATING EACH INDIVIDUAL SPECIAL EDUCATION STUDENT AT THE LOCAL LEVEL {LC893/1}

02/08/2005 Introduced, referred to House Finance

**House Bill No. 5376****BY** Anguilla, O'Neill, Dennigan, Lewiss**ENTITLED**, AN ACT RELATING TO TAXATION -- BUSINESS CORPORATION TAX {LC1339/1}

02/08/2005 Introduced, referred to House Finance

**House Resolution No. 5377****BY** Flaherty, Anguilla, Gemma**ENTITLED**, HOUSE RESOLUTION CONGRATULATING SCOUTMASTER KENNETH ANDRADE ON RECEIVING THE SILVER BEAVER AWARD {LC1904/1}

Representative Flaherty requests unanimous consent for immediate consideration.

There is no objection.

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

**House Resolution No. 5378**

**BY** Davey, Mumford

**ENTITLED**, HOUSE RESOLUTION CONGRATULATING CRANSTON MAYOR STEPHEN LAFFEY, CRANSTON FINANCE DIRECTOR JEROME I. BARON, AND THE CITY OF CRANSTON FOR BEING HONORED BY THE GOVERNMENT FINANCE OFFICERS ASSOCIATION OF THE UNITED STATES AND CANADA {LC1906/1}

Representative Davey requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Davey seconded by Representatives Mumford, Scott, Story, and by unanimous consent, on a voice vote.

**House Resolution No. 5379**

**BY** Ucci, Mumford

**ENTITLED**, HOUSE RESOLUTION RESPECTFULLY REQUESTING THAT THE RHODE ISLAND DEPARTMENT OF TRANSPORTATION CONDUCT A STUDY TO EXAMINE THE TRAFFIC FLOW ON CENTRAL PIKE IN JOHNSTON {LC1410/1}

Representative Ucci requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Ucci seconded by Representatives Mumford, Voccola 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 forthwith.

**COMMUNICATION FROM THE SENATE**

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

**Senate Bill** No. 19

**BY** Tassoni, Fogarty P, Cote

**ENTITLED**, AN ACT RELATING TO TAXATION -- NORTH SMITHFIELD {LC447/1}

02/08/2005 Placed on the House Consent Calendar

**Senate Bill** No. 225

**BY** Issa, Gallo

**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF RHODE ISLAND INDEPENDENT HIGHER EDUCATION ASSOCIATION {LC1240/1}

02/08/2005 Placed on the House Consent Calendar

**Senate Bill** No. 251

**BY** Gibbs

**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF POST' ALL, INC. {LC1435/1}

02/08/2005 Placed on the House Consent Calendar

**Senate Bill** No. 253

**BY** Montalbano J, Issa

**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF K.F.C. OF JOHNSTON, INC. {LC1434/1}

02/08/2005 Placed on the House Consent Calendar

## CALENDAR

From the Calendar is taken:

### IN ORDER FOR TUESDAY, FEBRUARY 8, 2005:

**1 2005-H 5206**

**BY** Long

**ENTITLED**, AN ACT RELATING TO VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF JAMESTOWN

Committee on Corporations recommends passage.

Read, and by unanimous consent, ordered to be placed on the Calendar for Wednesday, February 9, 2005.

**ANNOUNCEMENTS**

Representative Kennedy announces that the Committee on Corporation will meet today, at the rise of the House, in Room 203 of the State House.

Representative Lally announces that there will be a meeting of the Deputy Majority Leaders today, at the rise of the House, on the 3<sup>rd</sup> floor of the State House.

Majority Leader Fox welcomes back Representative Kenneth Carter.

Representative McNamara announces that the Committee on Health, Education and Welfare will meet tomorrow at the rise of the House, in Room 35 (instead of Room 135) of the State House.

**ADJOURNMENT**

At 4:28 o'clock P.M. on motion of the Honorable Speaker Murphy and Representatives Williamson and Landroche, and as a further mark of respect to the memory of Aimee Chinat, tax collector for many years in West Warwick; on motion of Representatives Ajello and Gemma, and as a further mark of respect to the memory of Melvyn M. Gelch, MD; on motion of Representatives Caprio and Carter and as a further mark of respect to the memory of William F. Bolster, Jr. seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

**Linda M. McElroy**  
**Recording Clerk**

APPENDIX

INVOCATION

**REPRESENTATIVE NORMAN L. LANDROCHE, JR.**

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

CONSENT CALENDAR

IN ORDER FOR TUESDAY, FEBRUARY 15, 2005:

**1 2005-S 19**

**BY Tassoni**

**ENTITLED,** AN ACT RELATING TO TAXATION -- NORTH SMITHFIELD

Ordered on the Calendar

**2 2005-S 225**

**BY Issa**

**ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF RHODE ISLAND INDEPENDENT HIGHER EDUCATION ASSOCIATION

Ordered on the Calendar

**3 2005-S 251**

**BY Gibbs**

**ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF POST' ALL, INC.

Ordered on the Calendar

**4 2005-S 253**

**BY Montalbano J**

**ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF K.F.C. OF JOHNSTON, INC.

Ordered on the Calendar

**Louis D'Antuono**  
**Clerk of the House**

Tuesday, February 8, 2005

APPENDIX

CALENDAR

IN ORDER FOR WEDNESDAY, FEBRUARY 9, 2005:

1 2005-H 5206

BY Long

ENTITLED, AN ACT RELATING TO VALIDATING AND RATIFYING  
AMENDMENTS TO THE CHARTER OF THE TOWN OF  
JAMESTOWN

Committee on Corporations recommends passage.

*Louis D'Antuono*  
*Clerk of the House*

Tuesday, February 8, 2005