

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. 27

Wednesday, March 16, 2005

Twenty-seventh Day

The House of Representatives meets at the State House in Providence, Wednesday, March 16, 2005 and is called to order at 4:10 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 68 members present and 7 members absent as follows:

PRESENT - 68: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Corvese, Costantino, Crowley, 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, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Picard, Rice, Rose, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT – 7: Representatives Coderre, Davey, Ginaitt, Moffitt, Petrarca, San Bento, Voccola.

INVOCATION

The Honorable Speaker presents Representative Ucci 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, March 15, 2005 is approved as printed.

ANNOUNCEMENT

Representative Victor Moffitt will be unable to attend session today, Wednesday, March 16, 2005, due to illness.

REPORTS OF COMMITTEE**COMMITTEE ON LABOR**

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

House Resolution No. 6160**BY** Faria**ENTITLED**, HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO STUDY AUTO BODY AND SALVAGE SHOPS {LC2693/1}

03/16/2005 Placed on House Calendar

House Resolution No. 6161**BY** Faria**ENTITLED**, HOUSE RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL HOUSE COMMISSION TO STUDY TEMPORARY WORKERS THROUGHOUT THE STATE OF RHODE ISLAND {LC2692/1}

03/16/2005 Placed on House Calendar

NEW BUSINESS**House Bill No. 6231** (by request)**BY** Ucci**ENTITLED**, AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS (regarding court actions to increase school appropriations) {LC2805/1}

03/16/2005 Introduced, referred to House H.E.W.

House Bill No. 6232**BY** Kennedy, Lewiss, Kilmartin, Costantino, Naughton**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS -- ELECTRONIC MAIL FRAUD (provide protection to consumers from electronic mail fraud) {LC2716/1}

03/16/2005 Introduced, referred to House Corporations

House Bill No. 6233**BY** Kennedy, Lewiss, Kilmartin, Costantino, Naughton**ENTITLED**, AN ACT RELATING TO INSURANCE -- PRODUCER LICENSING ACT (compensation disclosure) {LC2810/1}

03/16/2005 Introduced, referred to House Corporations

House Bill No. 6234**BY** Diaz, Almeida**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES (define crime of prostitution) {LC2282/1}

03/16/2005 Introduced, referred to House Judiciary

House Bill No. 6235**BY** Moura**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- HYDRANT TAMPERING (fine penalties) {LC2829/1}

03/16/2005 Introduced, referred to House Judiciary

House Bill No. 6236**BY** Costantino, Rose, Kilmartin**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES (permit motor vehicle dealers to open for business on Sundays) {LC2738/1}

03/16/2005 Introduced, referred to House Finance

House Bill No. 6237**BY** McManus**ENTITLED**, AN ACT RELATING TO THE LONSDALE FIRE DISTRICT (authorization to issue general obligation bonds and notes) {LC2561/1}

03/16/2005 Introduced, referred to House Finance

House Bill No. 6238**BY** Almeida, Diaz, Slater**ENTITLED**, AN ACT RELATING TO PROPERTY SUBJECT TO TAXATION (city or town would be entitled to a 50% reimbursement from the state for all taxes exempted) {LC1220/1}

03/16/2005 Introduced, referred to House Finance

House Bill No. 6239**BY** Slater, Almeida, Diaz**ENTITLED**, AN ACT RELATING TO TAXATION (expand right of a municipality to foreclose on the rights of redemption of unimproved land) {LC2628/1}

03/16/2005 Introduced, referred to House Finance

House Resolution No. 6240**BY** Slater, Almeida, Diaz**ENTITLED**, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (FREE PUBLIC SCHOOLS) {LC1251/1}

03/16/2005 Introduced, referred to House Finance

House Bill No. 6241**BY** Diaz, Slater, Almeida**ENTITLED**, AN ACT STATE AFFAIRS AND GOVERNMENT (create the Providence Development Corporation) {LC1423/1}

03/16/2005 Introduced, referred to House Finance

House Bill No. 6242**BY** Slater, Almeida, Diaz**ENTITLED**, AN ACT RELATING TO CONSTRUCTION AND MAINTENANCE OF STATE ROADS (general assembly appropriate sums sufficient to carry out the pavement management program) {LC1223/1}

03/16/2005 Introduced, referred to House Finance

House Bill No. 6243**BY** Trillo, Singleton, Story, Ehrhardt, McHugh**ENTITLED**, AN ACT TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES (cities & towns limit total taxes by providing the amount be determined by voters) {LC2808/1}

03/16/2005 Introduced, referred to House Finance

House Resolution No. 6244**BY** Naughton, Crowley, Anguilla, Ginaitt, Lima**ENTITLED**, HOUSE RESOLUTION CELEBRATING MARCH 16TH AS LIBERTY DAY {LC2802/1}

Representative Naughton requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Naughton seconded by Representatives Crowley, Shanley and by unanimous consent, on a voice vote.

House Resolution No. 6245**BY** Kilmartin, Fox, Lima**ENTITLED**, HOUSE RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO PROVIDE FOR A DOMESTIC ENERGY POLICY THAT ENSURES AN AFFORDABLE SUPPLY OF NATURAL GAS AND EMBRACES A CONCERTED NATIONAL EFFORT TO PROMOTE GREATER ENERGY EFFICIENCY AND ENVIRONMENTALLY RESPONSIBLE NATURAL GAS PRODUCTION {LC2821/1}

Representative Kilmartin requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Kilmartin seconded by Representative Naughton and several other members of the House and by unanimous consent, on a voice vote.

COMMUNICATION

The Honorable Speaker announces the receipt of the following communication:

March 14, 2005

Honorable William J. Murphy
Speaker, House of Representatives
323 State House
Providence, RI 02903

Dear Mr. Speaker and Members of the House of Representatives,

Please be advised that I will be on a family vacation Wednesday March 16, 2005 through and including Tuesday March 22, 2005.

Respectfully,

Joseph J. Voccola
State Representative
District 43

Received and placed on file.

CALENDAR

From the Calendar are taken:

IN ORDER FOR WEDNESDAY, MARCH 16, 2005:**1 2005-H 5587 as amended****BY McHugh****ENTITLED,** HOUSE RESOLUTION RESPECTFULLY REQUESTING THAT THE
DIRECTOR OF BUSINESS REGULATIONS INVESTIGATE AND
AUDIT BROKERAGE FIRMS AND BANKS THAT OFFER
VARIABLE ANNUITIES

Committee on Corporations recommends passage as amended.

Representative Kennedy moves passage of the resolution, seconded by Representatives McHugh, Scott, Brien, Lally, Ehrhardt, McNamara, McManus, Ucci, Gemma, Church, Kilmartin, and Lima.

Representatives Moura and McManus discuss the resolution.

Read and passed, as amended, by unanimous consent, on a voice vote.

2 2005-H 6143**BY Pacheco****ENTITLED,** AN ACT RELATING TO THE TOWN OF GLOCESTER

Committee on Corporations recommends passage.

Representative Winfield requests #2 (05 H-6143) on today's Calendar be placed on the Calendar for Tuesday, March 22, 2005. There is no objection.

Read and placed on the Calendar for Tuesday, March 22, 2005.

3 2005-H 6148**BY Watson****ENTITLED,** AN ACT RELATING TO HOMESTEAD EXEMPTION IN THE
TOWN OF WEST GREENWICH

Committee on Corporations recommends passage.

Representative Watson moves passage of the act, seconded by Representative Scott and several other members of the House.

Read and passed, on a roll call vote, 63 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 63: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Corvese, Costantino, Crowley, Dennigan, 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, Moran, Moura, Mumford, Naughton, O'Neill, Picard, Rice, Rose, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Story, Trillo, Ucci, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

REQUEST

Representative Sullivan requests the journal to reflect that if he had voted on (05-H 6148), he would have voted in the affirmative.

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.

GUESTS

Representative Naughton welcomes to the House Chamber as guests Mrs. Morrison, Daniel Morrison and many Liberty Day School children and their families.

Representative Lima welcomes to the House as guests Michael and Nancy Sepe along with their sons Michael and Alan.

ANNOUNCEMENTS

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

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

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

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

Representative Faria announces that the Committee on Labor will meet today, at the rise of the House, in Room 201 of the State House.

Representative Moura congratulates Dr. Fran Gallo as the interim Superintendent for the City of Providence.

ADJOURNMENT

At 4:26 o'clock P.M. on motion of Representative Ajello, and as a further mark of respect to the memory of Selma Cohen Rosen, (mother of former Representative Linda Kushner); on motion of Representative Giannini, and as a further mark of respect to the memory of Ambrose Izzo; on motion of Representative Pacheco and as a further mark of respect to the memory of Marilyn Toscani; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE STEPHEN R. UCCI

Dear God, we are grateful for the privilege of serving in this House of Representatives. Keep us ever mindful that we are here to serve those who elected us and all of the people of Rhode Island. Amen.

APPENDIX

CALENDAR

IN ORDER FOR THURSDAY, MARCH 17, 2005:

1 2005-H 6161

BY Faria

ENTITLED, HOUSE RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL HOUSE COMMISSION TO STUDY TEMPORARY WORKERS THROUGHOUT THE STATE OF RHODE ISLAND

Committee on Labor recommends passage.

2 2005-H 6160

BY Faria

ENTITLED, HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO STUDY AUTO BODY AND SALVAGE SHOPS

Committee on Labor recommends passage.

IN ORDER FOR TUESDAY, MARCH 22, 2005:

1 2005-H 6143

BY Pacheco

ENTITLED, AN ACT RELATING TO THE TOWN OF GLOCESTER

Committee on Corporations recommends passage.

Louis D'Antuono
Clerk of the House

Wednesday, March 16, 2005