

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. 28

Thursday, March 17, 2005

Twenty eighth Day

The House of Representatives meets at the State House in Providence, Thursday, March 17, 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 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, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Picard, Rice, Rose, San Bento, Savage, Schadone, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Wasyluk, Watson, Williams, Williamson, Winfield.

ABSENT – 7: Representatives Coderre, Ginaitt, Landroche, Moffitt, Petrarca, Scott, Voccola.

INVOCATION

The Honorable Speaker presents the Most Reverend Bernard M. O'Reilly, Ph. D., Pastor of St. Patrick's Church in Burrillville who delivers the Invocation and Minority Leader Robert Watson to lead 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 16, 2005 is approved as printed.

ANNOUNCEMENTS

Representative Victor Moffitt is unable to attend session today, Thursday, March 17, 2005 due to illness.

Representative Norman Landroche is unable to attend session today, March 17, 2005.

**REPORTS OF COMMITTEES
COMMITTEE ON CORPORATIONS**

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

House Bill No. 5751

BY Amaral, Loughlin

ENTITLED, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF TIVERTON {LC2144/1}

03/17/2005 Placed on House Calendar

House Bill No. 6153

BY Lewiss, Kennedy, McHugh

ENTITLED, AN ACT RELATING TO THE WESTERLY FIRE DISTRICT {LC2469/1}

03/17/2005 Placed on House Calendar

COMMITTEE ON FINANCE

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

Senate Bill No. 857

BY Tassoni

ENTITLED, AN ACT AUTHORIZING THE TOWN OF NORTH SMITHFIELD TO FINANCE THE ACQUISITION OF LAND FOR A NEW MIDDLE SCHOOL AND IT'S FACILITIES AND THE CONSTRUCTION AND EQUIPPING OF A NEW MIDDLE SCHOOL AND IT'S FACILITIES IN THE TOWN

BY THE ISSUANCE OF NOT MORE THAN \$30,000,000 BONDS AND/OR NOTES THEREFOR {LC2584/1}

03/17/2005 Placed on House Calendar

COMMITTEE ON JUDICIARY

Representative Flaherty, for the Committee on Judiciary, reports back the following measure, with recommendation of passage:

Senate Bill No. 155 SUB A as amended
BY Badeau, Ruggerio, Ciccone, Cote, Doyle
ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS
(remove from governor appointment power for court clerks) {LC746/1/A}
03/17/2005 Placed on House Calendar

Senate Bill No. 247 as amended
BY Lenihan, Cote
ENTITLED, AN ACT RELATING TO THE GENERAL ASSEMBLY - LOB
BY ING (lobbyist/not required to report purchases or sales of goods) {LC990/1}
03/17/2005 Placed on House Calendar

NEW BUSINESS

House Bill No. 6246
BY Ajello, Handy, Pacheco, Fox
ENTITLED, AN ACT RELATING TO WEAPONS (stun gun to include a taser gun, one that imparts an electrical shock) {LC2749/1}
03/17/2005 Introduced, referred to House Judiciary

House Bill No. 6247
BY Moura, Long
ENTITLED, AN ACT RELATING TO AIR POLLUTION -- HOME HEATING OIL (sulfur content) {LC2742/1}
03/17/2005 Introduced, referred to House Environment and Natural Resources

House Bill No. 6248
BY Moura, Long, McCauley, Schadone
ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
AUTOMOBILE BODY REPAIR SHOPS (add members to auto collision repair licensing board)
{LC2746/1}
03/17/2005 Introduced, referred to House Corporations

House Bill No. 6249
BY Flaherty, Kennedy
ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES (ATM machines on premises) {LC2788/1}
03/17/2005 Introduced, referred to House Corporations

House Bill No. 6250**BY** Flaherty, Kennedy**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES (wine and beer samplings) {LC2787/1}

03/17/2005 Introduced, referred to House Corporations

House Bill No. 6251**BY** Kennedy**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - ELECTRICIANS (working without supervision) {LC2851/1}

03/17/2005 Introduced, referred to House Corporations

House Bill No. 6252**BY** Mumford, Savage**ENTITLED**, AN ACT RELATING TO TAXATION - TOWN OF SCITUATE {LC2848/1}

03/17/2005 Introduced, referred to House Finance

House Bill No. 6253**BY** Carter, Malik, Fox, Flaherty**ENTITLED**, AN ACT RELATING TO JOINT COMMITTEE ON LEGISLATIVE SERVICES (hire staff needed to maintain the state capitol building) {LC2819/1}

03/17/2005 Introduced, referred to House Finance

House Resolution No. 6254**BY** Scott, Carter, Gallison, McHugh, Singleton**ENTITLED**, HOUSE RESOLUTION RECOMMENDING THE RHODE ISLAND CONVENTION CENTER AUTHORITY SELL ALL THEIR REAL ESTATE ASSETS {LC2813/1}

03/17/2005 Introduced, referred to House Finance

House Resolution No. 6255**BY** Naughton, McNamara, Malik, Schadone, Rose**ENTITLED**, HOUSE RESOLUTION PROCLAIMING THE MONTH OF MARCH, 2005 TO BE "SAVE YOUR VISION MONTH" IN THE STATE OF RHODE ISLAND {LC2861/1}

Representative Naughton requests unanimous consent for immediate consideration.

There is no objection.

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

House Resolution No. 6256**BY** Murphy, Kennedy**ENTITLED**, HOUSE RESOLUTION COMMEMORATING THE CELEBRATION OF ST. PATRICK'S DAY {LC2836/1}

Representative McCauley requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative McCauley seconded by Representatives Lally, Moura, McNamara, Williamson, Naughton, Loughlin, Crowley and several other members of the House and by unanimous consent, on a voice vote.

House Resolution No. 6257**BY** Murphy, Kennedy**ENTITLED**, HOUSE RESOLUTION COMMEMORATING THE FEAST OF ST. JOSEPH {LC2837/1}

Representative Giannini requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Giannini seconded by Representative Anguilla and several other members of the House and 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. 21**BY** Bates, Felag, Levesque C**ENTITLED**, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF BRISTOL {LC289/1}

03/17/2005 Referred to House Corporations

Senate Bill No. 194**BY** Gibbs, Sosnowski, DaPonte, Blais, Breene**ENTITLED**, AN ACT RELATING TO ZONING ORDINANCES ("parking areas") {LC730/1}

03/17/2005 Referred to House Corporations

Senate Bill No. 467 as amended

BY Paiva-Weed

ENTITLED, AN ACT RELATING TO HIGHWAYS -- RHODE ISLAND TURNPIKE AND BRIDGE AUTHORITY (reimbursement to Jamestown school bus drivers who pay a toll for use of the Newport Bridge in the transport of students) {LC1915/1}

03/17/2005 Referred to House Finance

Senate Bill No. 833

BY Paiva-Weed, Fogarty P, Gibbs

ENTITLED, AN ACT RELATING TO TAXATION (amend laws for tax exempt artistic communities to include parts of Newport and Tiverton) {LC2113/1}

03/17/2005 Referred to House Finance

CALENDAR

From the Calendar are taken:

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.

Majority Leader Fox with the agreement of the Minority requests to take today's Calendar up on Tuesday, March 22, 2005. There is no objection.

Majority Leader Fox with the agreement of the Minority requests to take #2(05-S 857) on the Calendar for Tuesday, March 22, 2005 up next. There is no objection.

2 2005-S 857**BY Tassoni**

ENTITLED, AN ACT AUTHORIZING THE TOWN OF NORTH SMITHFIELD TO FINANCE THE ACQUISITION OF LAND FOR A NEW MIDDLE SCHOOL AND IT'S FACILITIES AND THE CONSTRUCTION AND EQUIPPING OF A NEW MIDDLE SCHOOL AND IT'S FACILITIES IN THE TOWN BY THE ISSUANCE OF NOT MORE THAN \$30,000,000 BONDS AND/OR NOTES THEREFOR

Committee on Finance recommends passage in concurrence.

Representative Church moves passage of the act, seconded by Representatives Gemma, O'Neill, Williams, Kilmartin, Costantino, Sullivan, Pacheco, San Bento, and Carter.

Read and passed, in concurrence, 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, Anguilla, Brien, Carter, Church, Corvese, Costantino, Crowley, Davey, Dennigan, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Picard, Rice, Rose, San Bento, Savage, Schadone, Shanley, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Wasylk, Watson, Williams, 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, and to the Honorable Secretary of State, forthwith.

ANNOUNCEMENTS

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

Representative Williamson congratulates Patty Morgan on her reelection as Chairman of the Rhode Island Republican Party.

Representative Lima welcomes the Mayor of Providence, David Cicilline, and thanks him for providing once again the Chamber with zeppoles.

Representative Carter congratulates Representative Jan Malik and his wife Mary on their 26th wedding anniversary.

Representative Williamson wishes a Happy 42nd Birthday to Pat Burke.

Celebration of St. Patrick's and St. Joseph's Day

Representative Donald Lally delivers the Irish toast.

Guest speaker Francis X. Flaherty, member of the Rhode Island Supreme Court, gives Irish remarks.

Darren Delaney of the Rhode Island State Police sings an Irish song.

Representative Paul Crowley also sings an Irish song.

Representative John McNamara presents his Irish poem.

Representative Al Gemma delivers the Italian toast.

Guest speaker Joe Andruzzi for the Super Bowl Champion New England Patriots gives Italian remarks.

The Very Reverend Anthony Mancini, Rector of the Cathedral of Saints Peter and Paul in Providence gives the benediction. (For benediction see appendix of this journal.)

Speaker William Murphy, Majority Leader Gordon Fox and Minority Leader Robert Watson cordially invite everyone to the St. Patrick's and St. Joseph's Day reception in the House Lounge at the rise.

GUESTS

Representatives McNamara and Gemma welcome to the Chamber Warwick City Council President Donald Torres.

The Honorable Speaker Murphy welcomes to the House Chamber from the Rhode Island State Police, Col. Stephen Perry; from the Rhode Island Traffic Tribune, Judge William Noonan and his wife Beth; and Bob Burke, owner of Pot au Feu and the Federal Reserve Restaurants.

Representatives Rice and Long welcome to the House Chamber as guests Newport City Councilwoman Colleen McGrath; Newport City Councilman Stephen Coyne; and Middletown Police Officer Robert Terlisner. Representative Rice also welcomes her husband Paul S. Rice.

Representative Rose welcomes to the House as guests Dot and Jack O'Gara.

Representative McCauley welcomes to the Chamber his wife Marge along with his daughters Gabrielle and Shaylyn.

Representative Williamson and the Honorable Speaker Murphy welcome West Warwick Council President Jeanne Di Masi to the House Chamber.

Representative Ucci and Lima welcome back to the House former Representative Mary Cerra.

Representative Lima also welcomes School Committee Woman Andrea Iannozzi to the Chamber.

Representative Crowley welcomes to the House Chamber the family of Representative Russell Jackson. His wife Karen and children Carolyn, Tanner, and Elizabeth.

ADJOURNMENT

At 5:12 o'clock P.M. on motion of Representative Sullivan, and as a further mark of respect to the memory of Ralph S. Cone; on motion of Representative Long, and as a further mark of respect to the memory of David Niedzwiedz; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

THE MOST REVEREND BERNARD M. O'REILLY, PH.D.

The State House
Providence

St. Patrick's Day 2005

Beannachtí oraibh ar an La Feile Pádraig

A 7th century Irish bishop named Tirechan wrote an account of St. Patrick's journey through Ireland. One of the stories recorded by the bishop tells of an encounter between Patrick and the daughters of King Laoghaire near Tulsk in County Roscommon. Briefly stated, one morning Ethne (the fairhaired) and Fidelm (the redhaired) met the saint while making their daily ablutions at Ogulla Well. When the young princesses ask Patrick to tell them about his God, he replied:

Our God is the Ruler of all people:
The God of heaven and earth,
Of sea and of rivers,
The God of the sun and the moon and the stars.
The God of high mountains and deep valleys.

God is above heaven and in heaven and under heaven,
He has as His dwelling place heaven and earth
And the sea and all that are in them.
His life is in all things;
He makes all things;
He governs all things;
He supports all things.

He kindles the light of the sun,
And builds the manifestations of night;
He makes water wells in arid land and dry land in the sea,
And sets the stars in place to serve the major lights,

He has a son that is co-eternal and with a like nature.
The Son is not younger than the Father,
Nor the Father younger than the Son;
And the Holy Spirit is the breath of life within them.
The Father and the Son and the Holy Spirit are inseparable.

On this his feastday, I invoke the blessing of Patrick's God and ours, the shamrock-like Trinity:
In anim an Athar, agus an Mhic, agus an Spirit Naomh. Amen

Go n-eiri an bothar leat.
(May the road rise to meet you) /

Go raibh an gaoth go brach ag do chul.

(May the wind be always at your back)

Go Lonraig an ghraín go te ar d'aghaidh.

(May the sun shine warm on your face)

Go dtit an baisteach go min ar do phairceanna.

(May the rain fall gently on your fields)

Agus go mbuailimid le cheile arís, go coinnig Dia mbos a laimhe thu.

(And until we meet again, may God hold you in the palm of His hand)

APPENDIX**BENEDICTION****VERY REVEREND ANTHONY MANCINI****Prayer for Saint Joseph's Day**

Saint Joseph, patron of Italy and of the universal church, we beg your intercession for peace in our time. May the leaders of our country and state be guided by the principles of justice and true service to brothers and sisters, especially the neediest among us. As we recall our ancestors who came to these shores from Italy, we give thanks for the many blessings and opportunities that we, the sons and daughters of Italian immigrants have enjoyed for these many years. We pray through the intercession of Saint Joseph, husband of Mary, that those who have gone before will receive the eternal reward that their many labors have earned them. We ask you, Saint Joseph, that we remain faithful sons and daughters of the church and responsible citizens of this wonderful country that god has so richly blessed. This we pray in the name of Jesus who is Lord forever and ever. Amen.

APPENDIX

CALENDAR

IN ORDER FOR TUESDAY, MARCH 22, 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.

3 2005-H 6143

BY Pacheco

ENTITLED, AN ACT RELATING TO THE TOWN OF GLOCESTER

Committee on Corporations recommends passage.

IN ORDER FOR WEDNESDAY, MARCH 23, 2005:**1 2005-H 5751****BY Amaral****ENTITLED,** AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF TIVERTON

Committee on Corporations recommends passage.

2 2005-H 6153**BY Lewiss****ENTITLED,** AN ACT RELATING TO THE WESTERLY FIRE DISTRICT

Committee on Corporations recommends passage.

3 2005-S 155 SUB A as amended**BY Badeau****ENTITLED,** AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A as amended in concurrence.

4 2005-S 247 as amended**BY Lenihan****ENTITLED,** AN ACT RELATING TO THE GENERAL ASSEMBLY - LOBBYING

Committee on Judiciary recommends passage as amended in concurrence.

Louis D'Antuono
Clerk of the House

Thursday, March 17, 2005

TRANSMITTED TO THE GOVERNOR

Senate Bill No. 857

BY Tassoni

ENTITLED, AN ACT AUTHORIZING THE TOWN OF NORTH SMITHFIELD TO FINANCE THE ACQUISITION OF LAND FOR A NEW MIDDLE SCHOOL AND IT'S FACILITIES AND THE CONSTRUCTION AND EQUIPPING OF A NEW MIDDLE SCHOOL AND IT'S FACILITIES IN THE TOWN

BY THE ISSUANCE OF NOT MORE THAN \$30,000,000 BONDS AND/OR NOTES THEREFOR {LC2584/1}