

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. 30

Wednesday, March 23, 2005

Thirtieth Day

The House of Representatives meets at the State House in Providence, Wednesday, March 23, 2005 and is called to order at 4:12 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, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, 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, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT – 2: Representatives O'Neill, Scott.

INVOCATION

The Honorable Speaker presents Representative Rose 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 22, 2005 is approved as printed.

APPOINTMENTS

As Speaker of the House, I hereby appoint:

Representative Fausto C. Anguilla

to the Abraham Lincoln Bicentennial Commission

As Speaker of the House, I hereby appoint:

Representative Grace Diaz

to the Permanent Legislative Commission on Child Care in Rhode Island

As Speaker of the House, I hereby appoint

Representative Brian P. Kennedy

to the Permanent Joint Committee on Economic Development

As Speaker of the House, I hereby appoint:

Representative Joseph S. Almeida

to the Permanent Joint Committee on Economic Development

As Speaker of the House, I hereby appoint:

Representative Raymond C. Church

to the Permanent Joint Committee on Economic Development

As Speaker of the House, I hereby appoint:

Representative Elizabeth M. Dennigan
Co-Chair

to the Permanent Joint Committee on Economic Development

As Speaker of the House, I hereby appoint:

Representative Helio M. Melo

to the Joint Commission to Study Education Equity and Property Tax Relief.

As Speaker of the House, I hereby appoint:

Representative Raymond J. Sullivan, Jr.

to the Joint Commission on Highway Safety

As Speaker of the House, I hereby appoint:

Representative John J. McCauley, Jr.

to the Joint Commission to Study Predatory Mortgage Lending Practices

As Speaker of the House, I hereby appoint:

Representative Joseph S. Almeida

to the Joint Commission to Study Predatory Mortgage Lending Practices

As Speaker of the House, I hereby appoint:

Representative Anastasia P. Williams

to the Rhode Island Commission on Prejudice & Bias

As Speaker of the House, I hereby appoint:

Representative Edwin Pacheco

to the Joint Committee to Study Transit & Service in the State of Rhode Island

As Speaker of the House, I hereby appoint:

Representative John P. Shanley

to the Joint Commission to Study Education Equity and Property Tax Relief.

As Speaker of the House, I hereby appoint:

Representative Edith H. Ajello

to the Joint Commission to Study Education Equity and Property Tax Relief.

As Speaker of the House, I hereby appoint:

Representative John A. Savage

to the Joint Commission to Study Education Equity and Property Tax Relief.

As Speaker of the House, I hereby appoint:

Representative Paul W. Crowley

to the Joint Commission to Study Education, Equity and Property Tax Relief.

NEW BUSINESS

House Bill No. 6274

BY Moura

ENTITLED, AN ACT RELATING TO HIGHWAYS -- CONSTRUCTION AND MAINTENANCE OF STATE ROADS {LC2855/1}

03/23/2005 Introduced, referred to House Environment and Natural Resources

House Bill No. 6275

BY McHugh, Scott

ENTITLED, AN ACT RELATING TO CHARLESTOWN FIRE DISTRICT {LC2854/1}

03/23/2005 Introduced, referred to House Corporations

House Bill No. 6276

BY Jacquard, San Bento

ENTITLED, AN ACT RELATING TO THE OFFICE OF THE STATE MEDICAL EXAMINERS {LC2874/1}

03/23/2005 Introduced, referred to House Finance

House Bill No. 6277**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO EDUCATION - PERFORMANCE ENHANCING DIETARY SUPPLEMENTS {LC2811/1}

03/23/2005 Introduced, referred to House H.E.W.

House Bill No. 6278**BY** Corvese**ENTITLED**, AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS {LC2858/1}

03/23/2005 Introduced, referred to House H.E.W.

House Bill No. 6279**BY** Moura**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2816/1}

03/23/2005 Introduced, referred to House Judiciary

House Resolution No. 6280**BY** Almeida, Williams, Diaz, Anguilla**ENTITLED**, JOINT RESOLUTION TO APPROVE AND PUBLISH AND TO SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION (ELECTIONS) {LC2857/1}

03/23/2005 Introduced, referred to House Judiciary

House Bill No. 6281**BY** Lewiss**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES - THE OCEAN HOUSE {LC2911/1}

Representative Lewiss requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Lewiss seconded by Representative Kilmartin 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, Almeida, Anguilla, Brien, Caprio, Carter, Church, Coderre, Costantino, Crowley, Davey, Dennigan, Diaz, Ehrhardt, Faria, Flaherty, Gallison, Gemma, Giannini, Ginaitt, Gorham, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McHugh, McManus, McNamara, Melo, Moffitt, Moran, Mumford, Naughton, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Watson, Williams, Williamson, Winfield.

NAYS - 0.

TRANSMITTAL

By unanimous consent, (05-H 6281) on the Clerk's desk is, ordered to be transmitted to the Honorable Senate, forthwith.

House Resolution No. 6282

BY Giannini, Rose, Lima

ENTITLED, HOUSE RESOLUTION CONGRATULATING MOUNT PLEASANT HIGH SCHOOL FOR WINNING BOTH THE GIRLS AND BOYS STATE BASKETBALL CHAMPIONSHIPS {LC2910/1}

Representative Giannini requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Giannini seconded by Representatives Lima, Williams, Smith, Rose, and Ajello by unanimous consent, on a voice vote.

House Resolution No. 6283

BY McHugh, Caprio D, Watson, Shanley, Lally

ENTITLED, HOUSE RESOLUTION EXPRESSING ITS DEEPEST CONDOLENCES ON THE PASSING OF THE HONORABLE CHARLES H. BECHTOLD {LC2918/1}

Representative McHugh requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative McHugh seconded by Representative Caprio by unanimous consent, on a rising vote.

House Resolution No. 6284

BY McNamara, Handy, Menard, Sullivan, Malik

ENTITLED, HOUSE RESOLUTION PROCLAIMING MARCH AS "COLORECTAL CANCER AWARENESS MONTH" {LC2852/1}

Representative McNamara requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative McNamara seconded by Representatives Naughton and Carter 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. 975

BY Algieri

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES - THE OCEAN HOUSE {LC2908/1}

Representative Lewiss requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, in concurrence, on a motion of Representative Lewiss seconded by Representatives McHugh and Kennedy by unanimous consent, on a roll call vote, 67 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 67: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Caprio, Carter, Church, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, 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, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Shanley, Singleton, Smith, Story, Sullivan, Trillo, Ucci, Voccola, Wasyluk, Watson, Williams, Williamson.

NAYS - 0.

CALENDAR

From the Calendar are taken:

IN ORDER FOR WEDNESDAY, MARCH 23, 2005:**1 2005-H 6153**

BY Lewiss

ENTITLED, AN ACT RELATING TO THE WESTERLY FIRE DISTRICT

Committee on Corporations recommends passage.

Representative Kennedy moves passage of the act, seconded by Representatives Lewiss, McHugh, and Landroche.

Read and passed, on a roll call vote, 67 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 67: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Costantino, Crowley, Davey, Dennigan, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McHugh, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Shanley, Singleton, Smith, Story, Sullivan, Trillo, Ucci, Voccola, Watson, Williams, Williamson, Winfield.

NAYS - 0.

2 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.

Representative Flaherty moves passage of the act, seconded by Representatives Rice, Kilmartin, Gemma, Williamson, Carter, Lally, and Anguilla.

Representatives Watson, Flaherty, Gorham, and Davey discuss the act.

The bill marked substitute "A" as amended, is read and passed, in concurrence, and the original bill indefinitely postponed, on a roll call vote, 52 members voting in the affirmative and 16 members voting in the negative as follows.

YEAS - 52: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Brien, Caprio, Carter, Church, Coderre, Costantino, Crowley, Dennigan, DeSimone, Diaz, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Lima, Malik, McCauley, McHugh, McNamara, Melo, Moran, Moura, Naughton, Pacheco, Petrarca, Picard, Rice, Rose, Schadone, Shanley, Smith, Sullivan, Ucci, Voccola, Wasylyk, Williams, Williamson.

NAYS - 16: Representatives Amaral, Davey, Ehrhardt, Gorham, Laroche, Long, Loughlin, McManus, Menard, Moffitt, Mumford, Savage, Singleton, Story, Trillo, Watson.

Minority Leader Watson requests to hold (05-S 155 SUB A aa, in concurrence) on the desk. There is no objection.

3 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.

Representative Flaherty moves passage of the act, seconded by Representatives Fox, Anguilla, McCauley, Kilmartin, Moura, and Lally.

By unanimous consent, Representative Flaherty, seconded by Representatives McCauley, Moura, Fox, and Anguilla offers a written motion to amend.

**FLOOR AMENDMENT
TO
2005 -- S 247 As Amended**

AN ACT RELATING TO THE GENERAL ASSEMBLY - LOBBYING

Mr. Speaker:

I hereby move to amend 2005 -- S 247 As Amended, entitled "AN ACT RELATING TO THE GENERAL ASSEMBLY - LOBBYING", as follows:

On page 2, line 3, by deleting the word "initial" and inserting in place thereof the words "first updated".

Respectfully submitted,

REPRESENTATIVE FLAHERTY

The motion to amend prevails 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, Caprio, Carter, Church, 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, McCauley, McHugh, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, Pacheco, Petrarca, Picard, Rice, Rose, Savage, Schadone, Shanley, Singleton, Smith, Story, Sullivan, Trillo, Ucci, Voccola, Wasylyk, Watson, Williams, Williamson.

NAYS - 0.

Read and passed, as amended, on a roll call vote, 61 members voting in the affirmative and 5 members voting in the negative as follows.

YEAS - 61: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Carter, Church, Costantino, Crowley, Davey, Dennigan, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Moffitt, Moura, Mumford, Naughton, Pacheco, Petrarca, Picard, Rice, Rose, Savage, Schadone, Shanley, Singleton, Smith, Story, Sullivan, Trillo, Ucci, Voccola, Wasylyk, Watson, Williams, Williamson.

NAYS - 5: Representatives Caprio, DeSimone, Landroche, Menard, Moran.

TRANSMITTAL

By unanimous consent, all matters on the clerk's desk are ordered to be transmitted to His Excellency, the Governor, to the Honorable Secretary of State, and the Honorable Senate forthwith with the exception of item # 2 (05-S 155 SUB A aa, in concurrence) being held on the desk.

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 Faria announces that the Committee on Labor will meet today, at the rise of the House, in Room 35 of the State House.

Representative Diaz 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 Coderre announces that the Committee on Separation of Powers will meet today, at the rise of the House, in Room 313 of the State House.

Representative Kilmartin wishes Representative Todd Brien a Happy 41st Birthday.

Representative Brien wishes Representative Raymond Gallison a Happy Birthday.

Representative Brien welcomes home the Rhode Island National Guard members and SFC Raymond Viens who served in Iraq for 15 months.

GUESTS

At 4:18 o'clock P.M. the Honorable Speaker yields the rostrum to Representative Giannini.

By unanimous consent, Representative Giannini addresses the members of the House and welcomes to the House the Mount Pleasant Boys and Girls Basketball State Champions.

Representative Giannini presents citations to the teams as follows: Boys Basketball Champions- Jermone Hodge; Chayanne Betances; Richard Williams; Miguel Hiraldo; Mike Butler; Chris Sanders; along with their Head Coach Chris Coleman. Girls Basketball Champions- Ratha Sen; Tara Parkhurst; Angela Kue; Amanda Rios; Ebony Briggs; Jackie Soto; Vanessa Valente; Jerelyn Francisco; Sydney Tessaglia; Andrea DesChamps; along with their Head Coach Linda Paolozzi; Assistant Coach Chris Gibbons and their Principal Mrs. Maureen Crisafulli.

At 4:26 o'clock P.M. the Honorable Speaker returns to the rostrum and congratulates both teams.

Representative Smith also congratulates the Mount Pleasant Champions.

ADJOURNMENT

At 4:48 o'clock P.M. on motion of Representatives McHugh, Watson and Caprio, and as a further mark of respect to the memory of Honorable Charles H. Bechtold (former Representative and Senator from South Kingstown); on motion of Representative Lima, and as a further mark of respect to the memory of Honorable Emily Saucier-McHugh (former Representative from Providence); on motion of Representatives Loughlin and Amaral and as a further mark of respect to the memory of Staff Sgt. Christopher Potts; on motion of Representatives Williamson and Landroche, and as a further mark of respect to the memory of Normand "Dottsie" Proulx; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE HENRY C. ROSE

Lord may it be Thy will, not our own, which governs our deliberations this day. Amen

APPENDIX

CALENDAR

IN ORDER FOR TUESDAY, MARCH 29, 2005:

1 2005-H 5177

BY San Bento

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
COURTS

Committee on Judiciary 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.

Louis D'Antuono
Clerk of the House

Wednesday, March 23, 2005

TRANSMITTED TO THE GOVERNOR

Senate Bill No. 975

BY Algieri

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES -
THE OCEAN HOUSE {LC2908/1}