

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. 32

Wednesday, March 30, 2005

Thirty-second Day

The House of Representatives meets at the State House in Providence, Wednesday, March 30, 2005 and is called to order at 4:16 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 74 members present and 1 member absent as follows:

PRESENT - 74: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, 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, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Voccola, Waslyk, Watson, Williams, Williamson, Winfield.

ABSENT – 1: Representative Faria.

INVOCATION

The Honorable Speaker presents Representative Scott 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 29, 2005, is approved as printed.

**REPORTS OF COMMITTEE
COMMITTEE ON CORPORATIONS**

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

Senate Bill No. 27

BY Paiva-Weed

ENTITLED, AN ACT RELATING TO VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF JAMESTOWN {LC459/1}

03/30/2005 Placed on House Calendar

Senate Bill No. 50

BY Fogarty P, Tassoni, Levesque C, Walaska, Gallo

ENTITLED, AN ACT RELATING TO THE TOWN OF BURRILLVILLE {LC460/1}

03/30/2005 Placed on House Calendar

Senate Bill No. 924

BY Felag, Gibbs

ENTITLED, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF TIVERTON {LC2771/1}

03/30/2005 Placed on House Calendar

NEW BUSINESS

House Bill No. 6291

BY Giannini, Ajello, Williams, Diaz, Slater

ENTITLED, AN ACT RELATING TO CONSTRUCTION AND MAINTENANCE OF STATE ROADS {LC2867/1}

03/30/2005 Introduced, referred to House Finance

House Resolution No. 6292

BY Trillo

ENTITLED, HOUSE RESOLUTION CONGRATULATING FERNANDO BIRRI ON THE OCCASION OF HIS 80TH BIRTHDAY {LC2942/1}

Representative Trillo requests unanimous consent for immediate consideration.

There is no objection.

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

House Resolution No. 6293

BY Shanley, Lally, Scott, Naughton, Watson

ENTITLED, HOUSE RESOLUTION DECLARING THE WEEK OF MAY 8TH -- MAY 14TH AS RHODE ISLAND WILD PLANT WEEK {LC2933/1}

Representative Shanley requests unanimous consent for immediate consideration.

There is no objection.

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

House Resolution No. 6294

BY Shanley, Scott, Lally, Lewiss, McHugh

ENTITLED, HOUSE RESOLUTION HONORING RICHARD C. ANTONELLI ON THE OCCASION OF HIS RETIREMENT AS PRESIDENT AND CEO OF THE SOUTH SHORE MENTAL HEALTH CENTER {LC2931/1}

Representative Shanley requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Shanley seconded by Representatives Scott, McHugh, Corvese, Costantino and Caprio by unanimous consent, on a voice vote.

House Resolution No. 6295

BY Fox, Watson

ENTITLED, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC2939/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

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

House Resolution No. 6296

BY Fox, Watson

ENTITLED, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC2940/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

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

House Resolution No. 6297**BY** Carter, Lally, McHugh, Ehrhardt, Watson**ENTITLED**, HOUSE RESOLUTION CONGRATULATING ALEXA SHOLA FOR WINNING THE NEW ENGLAND REGIONAL ELKS HOOP SHOOT CONTEST {LC2937/1}

Representative Carter requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Carter seconded by Representatives Lally, Ehrhardt, Shanley, and Kilmartin by unanimous consent, on a voice vote.

House Resolution No. 6298**BY** Church**ENTITLED**, HOUSE RESOLUTION CONGRATULATING THOMAS J. CHAREST ON ATTAINING THE RANK OF EAGLE SCOUT {LC2954/1}

Representative Church requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Church seconded by Representatives Gemma, Menard, Ucci, Pacheco, Moran, Fox, Moffitt, Loughlin, and Lally 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 Resolution No. 763**BY** Ciccone, Badeau, Felag, Lanzi, Tassoni**ENTITLED**, JOINT RESOLUTION CREATING A SPECIAL JOINT COMMISSION TO STUDY THE FINANCING OF NECESSARY REPAIR AND RENOVATION FOR MUNICIPAL EDUCATIONAL FACILITIES {LC2172/1}

03/30/2005 Referred to House Corporations

Senate Resolution No. 497**BY** Paiva-Weed, Levesque C, Felag, Algiere, Gibbs**ENTITLED**, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION ON DEFENSE ECONOMY PLANNING {LC1627/1}

03/30/2005 Referred to House Corporations

Senate Resolution No. 377 (Lieutenant Governor)

BY Goodwin

ENTITLED, JOINT RESOLUTION MEMORIALIZING CONGRESS TO OPPOSE
PRIVATIZATION OF SOCIAL SECURITY {LC1067/1}

03/30/2005 Referred to House Corporations

Senate Bill No. 129

BY Lanzi, Ciccone, Badeau, Connors

ENTITLED, AN ACT RELATING TO FIREFIGHTERS' ARBITRATION (contractual
benefits under an existing contract continue until a new agreement is reached) {LC823/1}

03/30/2005 Referred to House Labor

Senate Bill No. 633

BY Ruggiero, Lanzi, Tassoni, Doyle, Ciccone

ENTITLED, AN ACT RELATING TO CAUSES OF ACTION (bids of misclassified
employees) {LC319/1}

03/30/2005 Referred to House Labor

Senate Bill No. 640

BY Ruggiero, Doyle, Lanzi, Ciccone, Tassoni

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
ELECTRICIANS (clarify the applicability of the electrician rules and regulations to electrical
work being performed in the state and municipalities) {LC1166/1}

03/30/2005 Referred to House Labor

Senate Bill No. 641

BY Ruggiero, DaPonte, Tassoni, Doyle, Goodwin

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
ELECTRICIANS (class M license) {LC364/1}

03/30/2005 Referred to House Labor

Senate Bill No. 106 as amended

BY Felag, Paiva-Weed, Levesque C, Issa, Doyle

ENTITLED, AN ACT RELATING TO ELECTIONS -- LOCAL CANVASSING
AUTHORITY (no employees to serve on local canvassing boards) {LC500/1}

03/30/2005 Referred to House Judiciary

Senate Bill No. 156

BY Connors, Perry, Doyle, Polisena

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- LAW PRACTICE
(lawyer/law firm to share a statutory, or tribunal-approved fee award, w/organization that is not
for profit) {LC915/1}

03/30/2005 Referred to House Judiciary

Senate Bill No. 213

BY Badeau, Polisena, Bates, Felag, McBurney

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - CHILDREN (misdemeanor for any professional athlete or entertainer, or their representatives, to charge persons under the age of 16 for an autograph, with a \$100.00 fine per offense) {LC1148/1}

03/30/2005 Referred to House Judiciary

Senate Bill No. 345

BY Ciccone, Lanzi, Connors, Tassoni, Ruggerio

ENTITLED, AN ACT RELATING TO LABOR - PRIVACY PROTECTION (prevent employers from secretly recording audio or video of employees) {LC1686/1}

03/30/2005 Referred to House Judiciary

Senate Bill No. 439 (Attorney General)

BY McCaffrey, Gallo

ENTITLED, AN ACT RELATING TO ASSAULTS (abuse and neglect of adults with severe impairments be subject to a fine) {LC1042/1}

03/30/2005 Referred to House Judiciary

Senate Bill No. 581

BY McCaffrey

ENTITLED, AN ACT RELATING TO ELECTIONS -- NOMINATION PAPERS (not be necessary where no other declared candidates) {LC383/1}

03/30/2005 Referred to House Judiciary

Senate Bill No. 32

BY Issa

ENTITLED, AN ACT RELATING TO EDUCATION -- SCHOOL FOR THE DEAF (board of trustees to have 1 member who is a parent, grandparent, or guardian of a visually impaired student) {LC50/1}

03/30/2005 Referred to House H.E.W.

Senate Bill No. 967

BY Lenihan

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS (abolish several boards and commissions) {LC2824/1}

03/30/2005 Referred to House Separation of Powers

CALENDAR

From the Calendar is taken:

IN ORDER FOR WEDNESDAY, MARCH 30, 2005:**1 2005-H 5177****BY San Bento****ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
COURTS**

Committee on Judiciary recommends passage.

Representative Flaherty requests #1 (05-H 5177) on today's Calendar be placed on the Calendar for Tuesday, April 5, 2005. There is no objection.

ANNOUNCEMENTS

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

Representative Ginaitt announces that there will be a Joint Committee meeting, of the Committee on Environment and Natural Resources and the Committee on Separation of Powers today at the rise of the House, in Room 313 of the State House.

Representative Coderre announces also that the Committee on Separation of Powers will meet today, at 5 o'clock P.M. in Room 313 of the State House.

Representative Lima congratulates Representative Slater on being named the recipient of the annual "Sister Carol McGovern Voice for the Voiceless Award" presented by The Fund for Community Progress.

Minority Leader Watson requests to have Capitol T.V. record the scheduled meeting of the Joint Committee on Legislative Services, Thursday, March 31, 2005, at 2:30 o'clock P.M in Room 313. The Honorable Speaker announces it has been already scheduled.

Representative Lewiss wishes his niece Abigail Katherine Turano a Happy 3rd Birthday.

Representative Melo and the Honorable Speaker wish Representative David Laroche a Happy Birthday.

GUESTS

Representative Lewiss welcomes to the House Chamber as guests Sheri Steisel and Sarah Hammond from the National Conference of State Legislatures.

Representative Shanley, Slater and Costantino welcome to the House as guests members of the Project Hope as follows: Regina Walsh, Linda Gomes, Francisco Gonsalves, Pamela Graham, Cathy Ciano, Hilton Furtado, Matt Shrom, and Tim Delselva.

Representative Shanley also introduces his intern, Caitlyn Murphy from Providence College.

Representative Rice introduces her interns Lindsay Rhodes and Amy Maler.

ADJOURNMENT

At 4:33 o'clock P.M. on motion of Representative Williams, and as a further mark of respect to the memory of Johnnie Cochran; on motion of Representative Pacheco, and as a further mark of respect to the memory of Peter "Pop" Leone, Sr seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE JOSEPH H. SCOTT

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 THURSDAY, MARCH 31, 2005:

1 2005-H 6163

BY Church

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 ORDER FOR TUESDAY, APRIL 5, 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.

3 2005-S 27**BY Paiva-Weed****ENTITLED,** AN ACT RELATING TO VALIDATING AND RATIFYING
AMENDMENTS TO THE CHARTER OF THE TOWN OF
JAMESTOWN

Committee on Corporations recommends passage in concurrence.

4 2005-S 50**BY Fogarty P****ENTITLED,** AN ACT RELATING TO THE TOWN OF BURRILLVILLE

Committee on Corporations recommends passage in concurrence.

5 2005-S 924**BY Felag****ENTITLED,** AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE
CHARTER OF THE TOWN OF TIVERTON

Committee on Corporations recommends passage in concurrence.

Louis D'Antuono
Clerk of the House