

**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. 34

Tuesday, April 5, 2005

Thirty-fourth Day

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The House of Representatives meets at the State House in Providence, Tuesday, April 5, 2005 and is called to order at 4:23 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, 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, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Voccola, Wasyluk, Watson, Williams, Winfield.

ABSENT – 1: Representative Williamson.

**INVOCATION**

The Honorable Speaker presents Representatives Malik and Amaral to deliver the Invocations and lead the membership in the Pledge of Allegiance to the Flag.

(For Invocation, see Appendix, this Journal.)

**NATIONAL ANTHEM**

The Honorable Speaker introduces Mark Conley, Director of URI Lively Experiment, vocal group, who will sing the National Anthem.

Students of the URI Lively Experiment are as follows: Michelle Karn, Rebecca Brazil, Nicole Gunderson, Maria Grill, Nicole Zambuto, Chris Tufts, Bryan Caswell, Gregory Bonin, Jon Richardson, Ryan Cranston, Daniel Healey, Casey Kimber.

### **CORRECTION**

By unanimous consent, the House Journal of Thursday, March 31, 2005 is hereby corrected on page 3, line 29 by deleting "McNamara" and inserting "McManus" therefore.

### **APPROVAL OF RECORD**

By unanimous consent, the House Journal of Thursday, March 31, 2005 is approved as corrected.

### **NEW BUSINESS**

#### **House Bill No. 6321**

**BY** Brien T, Menard, Winfield, Laroche, Caprio D

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- WORKPLACE SAFETY ACT {LC2932/1}

04/05/2005 Introduced, referred to House Labor

#### **House Bill No. 6322**

**BY** Almeida, Diaz, Slater

**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES {LC2872/1}

04/05/2005 Introduced, referred to House Judiciary

#### **House Bill No. 6323**

**BY** Coderre E, Kilmartin, Ginaitt, Lima, Williamson

**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION - RHODE ISLAND UNDERGROUND STORAGE TANK FINANCIAL RESPONSIBILITY ACT {LC2957/1}

04/05/2005 Introduced, referred to House Separation of Powers

#### **House Bill No. 6324**

**BY** Church

**ENTITLED**, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES -- PROPERTY TAX CLASSIFICATION -- NORTH SMITHFIELD

{LC2929/1}

04/05/2005 Introduced, referred to House Corporations

#### **House Bill No. 6325**

**BY** Almeida, Diaz, Slater

**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - ZONING ORDINANCES {LC1214/1}

04/05/2005 Introduced, referred to House Corporations

**House Bill No. 6326****BY** Almeida, Diaz, Slater**ENTITLED**, AN ACT RELATING TO PROPERTY SUBJECT TO TAXATION {LC2868/1}

04/05/2005 Introduced, referred to House Finance

**House Bill No. 6327****BY** Almeida, Diaz, Slater**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION --

NARRAGANSETT BAY COMMISSION {LC1231/1}

04/05/2005 Introduced, referred to House Finance

**House Bill No. 6328****BY** O'Neill**ENTITLED**, AN ACT AUTHORIZING SUIT AGAINST THE CITY OF WOONSOCKET**BY** JANE DOE 2, ET AL. {LC2898/1}

04/05/2005 Introduced, referred to House Finance

**House Resolution No. 6329****BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC2987/1}

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 voice vote.

**House Resolution No. 6330****BY** Singleton**ENTITLED**, HOUSE RESOLUTION CONGRATULATING JOSEPH M. GORMAN ON

ATTAINING THE RANK OF EAGLE SCOUT {LC2981/1}

04/05/2005 House read and passed

Representative Singleton requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Singleton seconded by Representatives Gallison, Menard, Loughlin, Moffitt, Flaherty, Ginaitt, Jacquard, and Kennedy by unanimous consent, on a voice vote.

**House Resolution No. 6331****BY** Naughton, Palumbo, Ginaitt, Sullivan, Gemma**ENTITLED**, HOUSE RESOLUTION HOUSE RESOLUTION HONORING THE RHODE

ISLAND OPTOMETRY ASSOCIATION ON ITS 100TH ANNIVERSARY {LC2970/1}

Representative Naughton requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Naughton seconded by Representatives Corvese, Sullivan, Handy, Almeida and several other members of the House by unanimous consent, on a voice vote.

**House Bill No. 6332**

**BY** Malik, Watson, Carter, Brien T, Lewiss

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- WORKPLACE SAFETY ACT {LC3003/1}

Representative Malik requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Malik seconded by Representatives Fox, Ajello, Handy, Naughton, Carter, Moran, Rice, Gemma, Church, Sullivan, Kilmartin, Ginaitt, Crowley, Almeida, Dennigan, Rose, Malik, Diaz, Slater, Lally, Savage, Amaral, Long, Kennedy, Brien, Moura, San Bento, McCauley, Lewiss, Davey, and Trillo.

Representatives Fox, Malik, Watson, Gorham discuss the act. Representative Moura rises on several points of order for Representative Gorham to speak germane to the act. The Honorable Speaker rules for Representative Gorham to speak germane to the act. Representative Gorham offers an oral motion to amend seconded by Representative Watson. There is objection.

The act prevails on a roll call vote, 72 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 72: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, 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, Wasylyk, Watson, Williams, Winfield.

NAYS - 1: Representative Corvese.

**REQUEST**

Representative Faria requests the journal to reflect that if he had voted on (05-H 6332), he would have voted in the affirmative.

**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.

**House Resolution No. 6333**

**BY** Malik, Amaral, Carter, Lima, Murphy

**ENTITLED**, HOUSE RESOLUTION EXPRESSING DEEPEST SYMPATHIES AND CONDOLENCES ON THE PASSING OF POPE JOHN PAUL II {LC2985/1}

Representative Malik requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Malik seconded by Representative Amaral and several other members of the House by unanimous consent, on a rising vote.

(For House Resolution see appendix of this journal.)

**COMMUNICATION FROM THE SENATE**

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

**Senate Bill** No. 101

**BY** Bates

**ENTITLED**, AN ACT RELATING TO NAMING A BUILDING, BRIDGE, EDIFICE AND OTHER STATE CONSTRUCTIONS (Lance Corporal Victor Patrick Andreozzi and Vietnam Veterans) {LC798/1}

04/05/2005 Referred to House Corporations

**Senate Bill** No. 987

**BY** Gibbs, Paiva-Weed, Perry

**ENTITLED**, AN ACT AMENDING THE CHARTER OF THE UNITED CONGREGATIONAL CHURCH {LC2745/1}

04/05/2005 Referred to House Corporations

**Senate Bill** No. 773 SUB A

**BY** Felag

**ENTITLED**, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- CHECK CASHING (transaction fees to up to fifteen percent (15%) of the face amount) {LC2049/2/A}

04/05/2005 Referred to House Finance

**Senate Bill** No. 109

**BY** Raptakis, Sheehan, Polisena

**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- CHILDREN (increase the penalty for the use of tobacco by minors) {LC420/1}

04/05/2005 Referred to House Judiciary

**Senate Bill** No. 244

**BY** McCaffrey

**ENTITLED**, AN ACT RELATING TO PROPERTY -- MECHANICS' LIENS (enforce said lien against the surety once a bond has been posted) {LC1196/1}

04/05/2005 Referred to House Judiciary

**Senate Bill** No. 270 as amended

**BY** Revens, Paiva-Weed, McCaffrey, Caprio F, Polisena

**ENTITLED**, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE -- GUARDIANSHIP OF MINORS (eliminate the requirement that a guardian ad litem file a report when a parent petitions for guardianship of a minor unless specifically ordered by the probate court) {LC468/1}

04/05/2005 Referred to House Judiciary

**Senate Bill** No. 442 (Attorney General)

**BY** Montalbano J, Polisena, Damiani, McCaffrey

**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- SEARCH WARRANTS (grounds for issuance of a search warrant would apply to all criminal investigations & prosecution) {LC2233/1}

04/05/2005 Referred to House Judiciary

**Senate Bill** No. 189

**BY** Tassoni

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC1123/1}

04/05/2005 House held on desk

**Senate Bill** No. 216

**BY** Bates

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC1273/1}

04/05/2005 House held on desk

## CALENDAR

From the Calendar are taken:

**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.

Representative Flaherty moves passage of the act, seconded by Representatives Jacquard, Carter, Anguilla, San Bento, and McNamara.

By unanimous consent, Representative Flaherty, seconded by Representatives Palumbo and San Bento offers a written motion to amend.

**FLOOR AMENDMENT  
TO  
2005 -- H 5177 SUBSTITUTE A AS AMENDED**

AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS

Mr. Speaker:

I hereby move to amend 2005 -- H 5177 SUBSTITUTE A AS AMENDED, entitled "AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS", as follows:

On page 1, by deleting all the language after the enactment clause, and inserting in place thereof the following:

"SECTION 1. Sections 8-4-5 and 8-4-6 of the General Laws in Chapter 8-4 entitled "Clerks of Supreme and Superior Courts" are hereby amended to read as follows:

8-4-5. Appointment, terms, and salaries of superior court clerks. -- In the month of May, 1971, and in the month of January in 1976 and in every fifth year thereafter, the ~~governor~~ presiding justice of the superior court, with the advice and consent of the senate, shall appoint a clerk of the superior court for the counties of Providence and Bristol, and a clerk of the superior court for each of the counties of Newport, Washington, and Kent. The persons so appointed shall hold office until the first day of February in the fifth year next after their appointment and until their successors are appointed and qualified. ~~Their salaries shall be determined and set by the unclassified pay plan board and they~~ They shall be entitled to the same longevity salary increases as though they were in the classified service.

8-4-6. Vacancies in office of superior court clerk. -- In case of a vacancy in the office of clerk of the superior court for the counties of Providence and Bristol, or in the office of clerk of the superior court of either of the counties of Newport, Washington, or Kent, from any cause, the ~~governor~~ presiding justice of the superior court with the advice and consent of the senate shall appoint some person to fill such vacancy for the balance of the unexpired term and until his or her successor is appointed and qualified.

SECTION 2. Section 8-8-15 of the General Laws in Chapter 8-8 entitled "District Court" is hereby amended to read as follows:

8-8-15. Chief, deputy, and assistant clerks. -- (a) There shall be a chief clerk of the district court. In the month of April of 1971 and in each fifth year thereafter, the ~~governor~~ chief judge of the district court, with the advice and consent of the senate, shall appoint the chief clerk of the district court who shall hold office until the first day in April in the fifth year next after his or her appointment and until his or her successor is appointed and qualified. In case of a vacancy in the office of clerk of the district court, from any cause, the ~~governor~~ chief judge of the district court, with the advice and consent of the senate, shall appoint some person to fill the vacancy for

the balance of the unexpired term and until his or her successor is appointed and qualified. In case of the death, resignation, absence, inability, or refusal to serve of the clerk, the chief judge may appoint a clerk pro tempore, who shall hold his or her office until the clerk shall have returned or the inability shall have been removed or another clerk shall have been appointed to fill such a vacancy and shall have qualified.

(b) The chief judge of the district court shall appoint a deputy clerk for each division and assistant clerks in the various divisions of the district court to serve at his or her pleasure. All such clerks and the chief clerk may administer oaths within the state.

(c) The clerks of the court shall devote their full time to their duties. They are not required to be members of the bar of this state, but if a member of the bar of this state is appointed a clerk, he or she shall not practice law during his or her term in office nor shall he or she be a partner or associate of any person engaged in the practice of law.

(d) The chief judge of the district court shall have the power to authorize, with the power to revoke such authorizations, the chief clerk, the deputy clerks, and the assistant clerks of the district court to set and take bail on all complaints bailable before a division of the district court to the same extent and with the same authority as is granted to justices of the peace authorized to set and take bail by section 12-10-2. The authorizations and revocations shall be recorded with the secretary of state. District court clerks may exercise the authority granted by the chief judge under this section only during the normal working hours of the clerk's office to which they are assigned. This authority shall be exercised without fee.

SECTION 3. Sections 28-30-4 and 28-30-5 of the General Laws in Chapter 28-30 entitled "Workers' Compensation Court" are hereby amended to read as follows:

28-30-4. Workers' compensation administrator -- Appointment -- Powers and duties. --

(a) There shall be a workers' compensation administrator who shall be appointed by the ~~governor~~ chief judge of the workers' compensation court with the advice and consent of the senate. ~~Upon May 6, 1982, and every twelfth year thereafter in the month of January, the~~ The governor ~~chief judge of the workers' compensation court,~~ with the advice and consent of the senate, shall appoint a workers' compensation administrator to serve for a period of ~~twelve (12)~~ five (5) years, and thereafter until his or her successor is appointed and qualified.

(b) The administrator shall:

(1) Supervise the preparation of an annual budget for the workers' compensation court;

(2) Formulate procedures governing the administration of workers' compensation court services;

(3) Make recommendations to the workers' compensation court for improvement in court services;

(4) Collect necessary statistics and prepare the annual report of the work of the workers' compensation court;

(5) Provide supervision and consultation to the staff of the workers' compensation court concerning administration of court services, training and supervision of personnel, and fiscal management;

(6) Perform any other duties that the workers' compensation court specifies.

28-30-5. Vacancies in office of administrator. -- In the event that a vacancy occurs in the office of the administrator, the ~~governor~~ chief judge of the workers' compensation court, with the advice and consent of the senate, shall appoint a duly qualified person to act as administrator under the provisions of this chapter to serve a ~~twelve (12) year term following that appointment;~~ provided, that in the event the legislature is not in session at the time that the vacancy occurs, the



~~deputy administrator shall fill the vacancy until the next session of the legislature at which the governor shall submit his or her appointment to the senate for its advice and consent. The deputy administrator shall continue to fill the vacancy for the balance of the unexpired term and until his or her successor is duly appointed and qualified.~~

SECTION 4. Section 8-10-15 of the General Laws in Chapter 8-10 entitled "Family Court" is hereby amended to read as follows:

8-10-15. Family court administrator. -- (a) There shall be a family court administrator who shall be appointed by the chief judge of the family court in his or her capacity as administrative judge of the court, with the advice and consent of the senate, and who shall hold office at the pleasure of the administrative judge.

(b) Under the general supervision of the chief judge of the family court, within the policies established by the court, the administrator shall:

- (1) Prepare an annual budget for the court;
- (2) Formulate procedures governing the administration of court services;
- (3) Make recommendations to the court for improvement in court services;
- (4) Collect necessary statistics and prepare the annual report of the work of the court;
- (5) Provide supervision and consultation to the staff of the court concerning administration of court services, training and supervision of personnel, and fiscal management;
- (6) Perform such other duties as the chief judge shall specify;
- (7) And further to assume and perform, in addition to any other duties provided by this chapter, the powers, authority, and the duties of the family court clerk, pursuant to the provisions of the general laws, and shall do and perform all other things which by law or the rules of the court shall appertain to the office of clerk.

SECTION 5. This act shall take effect upon passage and shall apply to all appointments made after the effective date of the act."

Respectfully submitted,

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REPRESENTATIVE FLAHERTY

The motion to amend prevails on a roll call vote 64 members voting in the affirmative and 5 members voting in the negative as follows:

YEAS - 64: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Diaz, Ehrhardt, Flaherty, Fox, Gallison, Giannini, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, 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, Smith, Sullivan, Ucci, Voccola, Wasylyk, Williams, Winfield.

NAYS - 5: Representatives Amaral, Davey, Gorham, Loughlin, Story.

By unanimous consent, Representative Davey, seconded by Representatives Ehrhardt, Loughlin, McManus, and Mumford offer a written motion to amend.

**FLOOR AMENDMENT  
TO  
2005 -- H 5177**

AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS

Mr. Speaker:

I hereby move to amend 2005 -- H 5177, entitled "AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS", as follows:

1. On page 1, line 5, by deleting the words "presiding justice" and inserting in place thereof the words "majority of the associate justices".
2. On page 1, line 15, by deleting the words "presiding justice" and inserting in place thereof the words "majority of the associate justices".
3. On page 2, line 1, by deleting the word "chief".
4. On page 2, line 2, by deleting the word "judge" and inserting in place thereof the words "majority of the associate judges".
5. On page 2, line 5, by deleting the words "chief judge" and inserting in place thereof the words "majority of the associate judges".
6. On page 2, line 31, by deleting the words "chief judge" and inserting in place thereof the words "majority of the associate judges".
7. On page 2, line 33, by deleting the words "chief judge" and inserting in place thereof the words "majority of the associate judges".
8. On page 3, line 15, by deleting the words "chief judge" and inserting in place thereof the words "majority of the associate judges".
9. On page 3, lines 26 and 27, by deleting the words "chief judge of the family court in his or her capacity as administrative judge of the court" and inserting in place thereof the words "majority of the associate judges of the family court".
10. On page 3, line 28, by deleting the words "administrative judge" and inserting in place thereof the words "majority of the associate justices of the family court".

Respectfully submitted,

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REPRESENTATIVE DAVEY

Representatives Davey, Flaherty, Gemma, Long, Rice, Picard, McHugh, Church, Fox, and Gorham discuss the amendment.

The motion to amend fails on a roll call vote 17 members voting in the affirmative and 55 members voting in the negative as follows:

YEAS - 17: Representatives Amaral, Davey, Ehrhardt, Gemma, Gorham, Laroche, Long, Loughlin, McManus, Menard, Moffitt, Mumford, Savage, Scott, Singleton, Story, Winfield.

NAYS - 55: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Diaz, Faria, Flaherty, Fox, Gallison, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Kilmartin,

Lally, Landroche, Lewiss, Lima, Malik, McCauley, McHugh, McNamara, Melo, Moran, Moura, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Schadone, Shanley, Slater, Smith, Sullivan, Trillo, Ucci, Voccola, Wasylyk, Williams.

Representatives McHugh, Flaherty, and Long discuss the act, as amended.

Representative Long moves to recommit the act seconded by Representative Gorham. The motion to recommit fails on a roll call vote, 18 members voting in the affirmative and 51 members voting in the negative as follows.

YEAS - 18: Representatives Amaral, Davey, Ehrhardt, Giannini, Gorham, Laroche, Long, Loughlin, McManus, Menard, Moffitt, Mumford, Savage, Singleton, Story, Trillo, Ucci, Winfield.

NAYS - 51: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Brien, Caprio, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, Diaz, Faria, Flaherty, Fox, Gallison, Gemma, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Lima, Malik, McCauley, McNamara, Melo, Moran, Moura, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Schadone, Shanley, Slater, Smith, Sullivan, Voccola, Wasylyk, Williams.

The act prevails, as amended, on a roll call vote, 61 members voting in the affirmative and 10 members voting in the negative as follows.

YEAS - 61: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Diaz, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Malik, McCauley, McHugh, McNamara, Melo, Moffitt, Moran, Moura, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Shanley, Slater, Smith, Sullivan, Trillo, Ucci, Voccola, Wasylyk, Williams, Winfield.

NAYS - 10: Representatives Amaral, Davey, Ehrhardt, Gorham, Loughlin, McManus, Menard, Mumford, Singleton, Story.

**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.

Read and placed on the Calendar for Tuesday, April 26, 2005.

**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.

Representative Kennedy moves passage of the act, seconded by Representative Long.  
Representative Long discusses the act.

Read and passed, in concurrence, on a roll call vote, 69 members voting in the affirmative and 1 member voting in the negative as follows.

YEAS - 69: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, 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, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Voccola, Wasyluk, Williams, Winfield.

NAYS - 1: Representative Shanley.

Majority Leader Fox requests to hold 05-S 27 on the desk. There is no objection.

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

Committee on Corporations recommends passage in concurrence.

Representative Kennedy moves passage of the act, seconded by Representatives Pacheco, Church, Faria, and Gemma.

Read and passed, in concurrence, on a roll call vote, 71 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 71: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, 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, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San

Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Voccola, Wasylyk, Williams, Winfield.

NAYS - 0.

**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.

Representative Kennedy moves passage of the act, seconded by Representatives Amaral, Loughlin, Long, and Smith.

Read and passed, in concurrence, on a roll call vote, 70 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 70: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Church, Coderre, Corvese, Costantino, Crowley, 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, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Voccola, Wasylyk, Williams, Winfield.

NAYS - 0.

Representative Amaral requests to hold #5 (05-S 924) on the desk. There is no objection.

**6 2005-S 198**

**BY Fogarty P**

**ENTITLED,** AN ACT RELATING TO THE TOWN OF GLOCESTER

Committee on Corporations recommends passage in concurrence.

Representative Kennedy moves passage of the act, seconded by Representative Winfield.

Read and passed, in concurrence, on a roll call vote, 71 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 71: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Church, Coderre, Corvese, Costantino, Crowley, 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, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Voccola, Wasylyk, Williams, Winfield.

NAYS - 0.

### 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 items #3 (05-S 27) and #5 (05-S 924).

### 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 Ginaitt announces that the Committee on Environment and Natural Resources will meet tomorrow at 1:30 o'clock P.M., in Room 203 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.

### GUESTS

Representative Dennigan welcomes to the House Chamber as guests a group from Prevent Child Abuse Rhode Island along with their director Kate Begin. Representative Dennigan welcomes the children from the "Be A Hero To A Child" campaign, as follows: Victoria Milhomes-- Representative Gallison's District; Zaryah Guyton-- Representative DeSimone's District;; Brett Tirrell and his mom-- Representative Menard's District;; Jonah and Jillian Delasanta and their mom-- Representative Watson's District;.

Representative Gallison also welcomes to the House as guests Victoria Mulholmes, Bethany Sousa, John Mulholmes, and Neila Mulholmes.

Representative Giannini also welcomes Kate Begin and all the children.

**ADJOURNMENT**

At 5:33 o'clock P.M. on motion of Representative Church, and as a further mark of respect to the memory of David Archambault seconded by Representatives Fox and Scott the House adjourns, on a unanimous rising vote.

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

**APPENDIX****INVOCATIONS****REPRESENTATIVE JAN P. MALIK**

In the words of Bishop Mulvee, who so eloquently eulogized Pope John Paul II last evening: "John Paul has finished his journey. He has run the race. But his first words as Pope still ring in our ears, "Be not afraid." "We join the millions of people from all faiths who entrust this servant in peace and joy to the Risen Lord." May Pope John Paul II rest in eternal peace. Amen

**REPRESENTATIVE JOSEPH N. AMARAL**

God our Father you reward all who believe in you. May your servant Pope John Paul II, vicar of Peter, and shepherd of the Church, who faithfully administered the mysteries of your forgiveness and love on earth, rejoice with you for ever in heaven. We ask this through our Lord Jesus Christ, your Son, who lives and reigns with you and the Holy Spirit, one God, forever and ever. Amen.



APPENDIX

TRANSMITTED TO THE GOVERNOR

**Senate Bill** No. 50

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

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

**Senate Bill** No. 198

**BY** Fogarty P, Perry, Walaska, Gallo, Levesque C

**ENTITLED**, AN ACT RELATING TO THE TOWN OF GLOCESTER (ratify amendments)  
{LC1245/1}

APPENDIX

CALENDAR

IN ORDER FOR TUESDAY, APRIL 26, 2005:

**1 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*

Tuesday, April 5, 2005

## APPENDIX

## RESOLUTION

## STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2005

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HOUSE RESOLUTIONEXPRESSING DEEPEST SYMPATHIES AND CONDOLENCES ON THE PASSING OF POPE JOHN  
PAUL II

Introduced By: Representatives Malik, Amaral, Carter, Lima, and Murphy

Date Introduced: April 05, 2005

Referred To: House read and passed

WHEREAS, It is with the deepest sense of sadness that this House of Representatives joins the billions of people around the world in saying farewell and paying tribute to Pope John Paul II, the third-longest serving pontiff in history, and a kind and gentle world leader; and

WHEREAS, Born in Poland in 1920, Karol Josef Wojtyla was the son of a retired army officer and a schoolteacher. In his youth, he studied literature and philosophy. During the Nazi occupation of his homeland, he secretly studied theology. After the war, he continued his education, attaining two doctorates. In 1946, he was ordained a priest. He became Archbishop of Krakow in 1964 and three years later he became a cardinal, at the age of forty-seven; and

WHEREAS, In October of 1978, taking the name John Paul II, he became the first Slavic pope

ever and the first non-Italian pope in 455 years. His energy and perseverance became a moral and social force, leading a billion world followers in the Roman Catholic Church; and

WHEREAS, Traveling the world more than any other pontiff, with more than 170 visits to over 115 countries during the past 20 years, Pope John Paul II played a significant role on the international stage. The oppressive influence of communism on his early years foreordained his life-long efforts to counter communism on the world stage; and

WHEREAS, Speaking eight different languages, Pope John Paul II tirelessly strove for world peace and reconciliation between nations. He continuously advocated for human rights and dignity for all mankind, and was named "Man of the Year" by Time magazine in 1994 for his extraordinary efforts; and

WHEREAS, In the words of the final sermon he prepared for the world, Pope John Paul II wrote "It is love which converts hearts and gives peace" and "To all humanity, which today seems so lost and dominated by the power of evil, selfishness and fear, our resurrected Lord gives us his love which forgives, reconciles and reopens the soul to hope"; and

WHEREAS, The people of Rhode Island and indeed the world have had an extraordinary adoration and love for Pope John Paul II. Over the course of the past quarter century, he has led the faithful by his own devotion and the strength of his convictions. There is no doubt that the memory of this compassionate man and his life's teachings will remain in our hearts forever; now, therefore be it

RESOLVED, That this House of Representatives of the State of Rhode Island and Providence Plantations hereby extends its deepest sympathies and condolences on the passing of Pope John Paul II. We bid farewell to a reverent and noble world leader as he transcends this life and begins his spiritual and immortal journey with God; and be it further

RESOLVED, That this House of Representatives of the State of Rhode Island and Providence Plantations hereby proclaims Friday April 8, 2005, to be "Pope John Paul II Day" in the State of Rhode Island; and be it further

RESOLVED, That we urge all Rhode Islanders to join us in taking time to commemorate the lifetime of humanitarian endeavors and the altruistic accomplishments of this devout and compassionate

world leader; and be it further

RESOLVED, That the Secretary of State be and he hereby is authorized and directed to transmit a duly certified copy of this resolution to the Roman Catholic Diocese of Providence.