

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 third day of January in the year of Our Lord two thousand and six.

Volume 133, No. 12

Tuesday, January 31, 2006

Twelfth Day

The House of Representatives meets at the State House in Providence, Tuesday, January 31, 2006 and is called to order at 4:15 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, Amaral, Anguilla, Brien, Caprio, Carter, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Laroche, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, 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, Williamson,.

ABSENT – 7: Representatives Almeida, Church, Landroche, Lewiss, Menard, Williams, Winfield.

INVOCATION

The Honorable Speaker presents Representative Moran 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 Thursday, January 26, 2006 is approved as printed.

ANNOUNCEMENTS

Representatives Raymond Church will be unable to attend session today, January 31, 2006.

Representatives Norman Landroche will be unable to attend session today, January 31, 2006.

Representative Rene Menard will be unable to attend session Tuesday, January 31, 2006.

**REPORT OF COMMITTEE
COMMITTEE ON SEPARATION OF POWERS**

Representative Coderre, for the Committee on Separation of Powers, reports back the following measures, with recommendation of passage:

House Bill No. 6754

BY Coderre E, Crowley, Kilmartin, Davey, Gallison

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS {LC332/1}

01/31/2006 Placed on House Calendar

House Bill No. 6752

BY Coderre E, Crowley, Kilmartin, Davey, Naughton

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION -- WATER RESOURCES BOARD (amend the composition) {LC335/1}

01/31/2006 Placed on House Calendar

House Bill No. 6751

BY Coderre E, Crowley, Kilmartin, Davey, Gallison

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS {LC331/1}

01/31/2006 Placed on House Calendar

House Bill No. 6749

BY Coderre E, Crowley, Kilmartin, Davey, Gallison

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS -- EDUCATION (boards relating to education) {LC333/1}

01/31/2006 Placed on House Calendar

House Bill No. 6753

BY Coderre E, Crowley, Kilmartin, Davey, Naughton

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS {LC334/1}

01/31/2006 Placed on House Calendar

NEW BUSINESS

House Bill No. 6949**BY** Coderre E, Kilmartin**ENTITLED**, AN ACT RELATING TO SEPARATION OF POWERS {LC1050/1}

01/31/2006 Introduced, referred to House Separation of Powers

House Bill No. 6950**BY** Dennigan, Anguilla, Slater, Diaz, Williams**ENTITLED**, AN ACT RELATING TO WRONGFUL DEATH -- DOMESTIC PARTNERS {LC986/1}

01/31/2006 Introduced, referred to House Judiciary

House Bill No. 6951**BY** Dennigan, Anguilla, Giannini**ENTITLED**, AN ACT RELATING TO PUBLIC RECORDS -- ACCESS {LC962/1}

01/31/2006 Introduced, referred to House Judiciary

House Bill No. 6952**BY** Dennigan, Anguilla, Diaz, Giannini, Williams**ENTITLED**, AN ACT RELATING TO PUBLIC RECORDS {LC960/1}

01/31/2006 Introduced, referred to House Judiciary

House Bill No. 6953**BY** McNamara, McManus, Ginaitt**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- REGULATION OF SALES {LC225/1}

01/31/2006 Introduced, referred to House Judiciary

House Bill No. 6954**BY** Schadone, Melo, Winfield**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- BURGLARY AND BREAKING AND ENTERING {LC164/1}

01/31/2006 Introduced, referred to House Judiciary

House Bill No. 6955**BY** Schadone, Melo, Winfield**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- CHILDREN {LC156/1}

01/31/2006 Introduced, referred to House Judiciary

House Bill No. 6956**BY** Schadone, Lewiss, Melo, Winfield**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- ASSAULTS {LC159/1}

01/31/2006 Introduced, referred to House Judiciary

House Bill No. 6957**BY** Schadone, Lewiss, Melo**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES {LC157/1}

01/31/2006 Introduced, referred to House Judiciary

House Bill No. 6958 (Attorney General)**BY** Schadone, Moran, Jacquard, Corvese**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES --HOMICIDE {LC467/1}

01/31/2006 Introduced, referred to House Judiciary

House Bill No. 6959 (Attorney General)**BY** Diaz, Slater, Almeida, Kilmartin, Sullivan**ENTITLED**, AN ACT RELATING TO WEAPONS -- POSSESSION OF FIREARMS**BY** MINORS {LC463/1}

01/31/2006 Introduced, referred to House Judiciary

House Bill No. 6960**BY** Pacheco, Church, Jackson**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES - LEAVING SCENE OF ACCIDENTS {LC551/1}

01/31/2006 Introduced, referred to House Judiciary

House Bill No. 6961**BY** Amaral, Moffitt, Long, Loughlin, Jacquard**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSE -- WEAPONS {LC974/1}

01/31/2006 Introduced, referred to House Judiciary

House Bill No. 6962 (Attorney General)**BY** Melo, Faria, O'Neill, Shanley, Pacheco**ENTITLED**, AN ACT RELATING TO DOMESTIC VIOLENCE PREVENTION ACT {LC550/1}

01/31/2006 Introduced, referred to House Judiciary

House Bill No. 6963**BY** Handy, Ajello, Jacquard, Story, McNamara**ENTITLED**, AN ACT RELATING TO ELECTIONS -- ELECTION OFFENSES {LC870/1}

01/31/2006 Introduced, referred to House Judiciary

House Bill No. 6964**BY** Faria, Diaz, Laroche, Malik, Melo**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES {LC1081/1}

01/31/2006 Introduced, referred to House Judiciary

House Bill No. 6965**BY** Schadone, Corvese, Gemma, Melo, Savage**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- FETAL PROTECTION ACT {LC167/1}

01/31/2006 Introduced, referred to House Judiciary

House Bill No. 6966**BY** Ajello, Picard, Handy, Naughton, Diaz**ENTITLED**, AN ACT RELATING TO RESIDENTIAL LANDLORD AND TENANT ACT
{LC888/1}

01/31/2006 Introduced, referred to House Judiciary

House Bill No. 6967**BY** Fox**ENTITLED**, AN ACT RELATING TO PARKING FACILITIES AND PRIVILEGES
{LC1032/1}

01/31/2006 Introduced, referred to House Judiciary

House Bill No. 6968**BY** McNamara, Naughton, Ginaitt**ENTITLED**, AN ACT RELATING TO SCHOOL COMMITTEES AND
SUPERINTENDENTS {LC863/1}

01/31/2006 Introduced, referred to House H.E.W.

House Bill No. 6969**BY** Dennigan, Anguilla, Slater, Lewiss, Diaz**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- LICENSING OF
HEALTH CARE FACILITIES {LC990/1}

01/31/2006 Introduced, referred to House H.E.W.

House Bill No. 6970**BY** Palumbo, Lima, Smith, DeSimone, Moura**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY {LC361/1}

01/31/2006 Introduced, referred to House H.E.W.

House Bill No. 6971**BY** Williams, Ajello, Almeida, Handy, Rice**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
HEALTH CARE FOR CHILDREN AND PREGNANT WOMEN {LC1091/1}

01/31/2006 Introduced, referred to House H.E.W.

House Bill No. 6972**BY** Williams, Ajello, Almeida, Handy, Rice**ENTITLED**, AN ACT RELATING TO GENERAL PUBLIC ASSISTANCE, MEDICAL
ASSISTANCE AND ABORTIONS {LC1187/1}

01/31/2006 Introduced, referred to House H.E.W.

House Bill No. 6973**BY** Pacheco, Mumford, Slater, Church**ENTITLED**, AN ACT RELATING TO CURATIVE SERVICES {LC459/1}

01/31/2006 Introduced, referred to House H.E.W.

House Bill No. 6974**BY** Dennigan, Slater, Church, Anguilla, Kilmartin**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - BUDGETING, APPROPRIATION, RECEIPT OF FEDERAL MONIES {LC961/1}

01/31/2006 Introduced, referred to House Finance

House Resolution No. 6975**BY** Church, Pacheco, Picard**ENTITLED**, JOINT RESOLUTION APPROVING THE ISSUANCE OF REVENUE BONDS BY THE RHODE ISLAND ECONOMIC DEVELOPMENT CORPORATION FOR THE NORTHERN RHODE ISLAND BIO-TECH FACILITY {LC239/1}

01/31/2006 Introduced, referred to House Finance

House Bill No. 6976**BY** Church**ENTITLED**, AN ACT RELATING TO PROPERTY SUBJECT TO TAXATION {LC923/1}

01/31/2006 Introduced, referred to House Finance

House Bill No. 6977**BY** Church**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF NORTH SMITHFIELD TO FINANCE THE ACQUISITION OF LAND FOR SCHOOL FACILITIES AND THE CONSTRUCTION AND EQUIPPING OF A NEW MIDDLE SCHOOL AND SCHOOL FACILITIES IN THE TOWN BY THE ISSUANCE OF NOT MORE THAN \$30,000,000 BONDS AND/OR NOTES THEREFOR {LC1127/1}

01/31/2006 Introduced, referred to House Finance

House Bill No. 6978**BY** Dennigan, Anguilla, Slater, Lewiss, Diaz**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- SAFE ROUTES TO SCHOOL {LC985/1}

01/31/2006 Introduced, referred to House Finance

House Resolution No. 6979**BY** Dennigan, Giannini, Diaz, Williams**ENTITLED**, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$100,000 TO THE CHILD ABUSE AND NEGLECT PREVENTION PROJECT {LC984/1}

01/31/2006 Introduced, referred to House Finance

House Bill No. 6980**BY** Dennigan, Anguilla, Slater, Lewiss, Diaz**ENTITLED**, AN ACT RELATING TO THE DEPARTMENT OF ADMINISTRATION {LC995/1}

01/31/2006 Introduced, referred to House Finance

House Bill No. 6981**BY** Dennigan, Anguilla, Slater, Diaz, Williams**ENTITLED**, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX

{LC987/1}

01/31/2006 Introduced, referred to House Finance

House Resolution No. 6982**BY** Dennigan, Anguilla, Slater, Lewiss, Diaz**ENTITLED**, HOUSE RESOLUTION REQUESTING THE RHODE ISLAND DEPARTMENT OF ADMINISTRATION TO PROVIDE A COMPLETE INFORMATION TECHNOLOGY NEEDS ASSESSMENT {LC992/1}

01/31/2006 Introduced, referred to House Finance

House Bill No. 6983 (Attorney General)**BY** Sullivan, Kilmartin, Moran, O'Neill, Moura**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - WEAPONS {LC471/1}

01/31/2006 Introduced, referred to House Finance

House Bill No. 6984**BY** Naughton, Gallison, Pacheco, Almeida, Slater**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES {LC758/1}

01/31/2006 Introduced, referred to House Finance

House Bill No. 6985**BY** Naughton, Gallison, Slater, Pacheco, Almeida**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES {LC558/1}

01/31/2006 Introduced, referred to House Finance

House Bill No. 6986**BY** Pacheco, Mumford, Slater, Church**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES {LC458/1}

01/31/2006 Introduced, referred to House Finance

House Bill No. 6987**BY** Amaral, Savage, Long, Loughlin, San Bento**ENTITLED**, AN ACT RELATING TO TAXATION - PROPERTY TAX RELIEF {LC976/1}

01/31/2006 Introduced, referred to House Finance

House Bill No. 6988**BY** Amaral, Moffitt, Long, Loughlin, Shanley**ENTITLED**, AN ACT RELATING TO TAXATION {LC973/1}

01/31/2006 Introduced, referred to House Finance

House Bill No. 6989**BY** Amaral, Savage, Long, Loughlin, Rose**ENTITLED**, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION {LC957/1}

01/31/2006 Introduced, referred to House Finance

House Bill No. 6990**BY** Slater, Diaz, Williams, Almeida**ENTITLED**, AN ACT RELATING TO SALES TAX {LC1131/1}

01/31/2006 Introduced, referred to House Finance

House Bill No. 6991 (by request)**BY** Schadone, Winfield**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- LITTER CONTROL {LC161/1}

01/31/2006 Introduced, referred to House Finance

House Bill No. 6992**BY** Slater, Diaz, Williams, Dennigan, Naughton**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES {LC969/1}

01/31/2006 Introduced, referred to House Finance

House Bill No. 6993**BY** Naughton, Ginaitt, Malik, McNamara, Carter**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION -- THE RHODE ISLAND RIVERS COUNCIL {LC818/1}

01/31/2006 Introduced, referred to House Finance

House Bill No. 6994 (Attorney General)**BY** Rice, Gallison, Jackson**ENTITLED**, AN ACT RELATING TO GOVERNMENTAL TORT LIABILITY {LC549/1}

01/31/2006 Introduced, referred to House Finance

House Bill No. 6995**BY** Slater, Williams, Almeida, Diaz, Costantino**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- PUBLIC UTILITIES COMMISSION {LC1097/1}

01/31/2006 Introduced, referred to House Corporations

House Bill No. 6996**BY** Schadone, Gemma, Winfield, Melo, Moura**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- INSURANCE -- UNFAIR CLAIMS SETTLEMENT PRACTICES ACT {LC562/1}

01/31/2006 Introduced, referred to House Corporations

House Bill No. 6997**BY** McNamara**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - MEDICAL MALPRACTICE {LC232/1}

01/31/2006 Introduced, referred to House Corporations

House Bill No. 6998**BY** Ajello, Handy, Rice, Naughton, Giannini**ENTITLED**, AN ACT RELATING TO INSURANCE {LC886/1}

01/31/2006 Introduced, referred to House Corporations

House Bill No. 6999**BY** Naughton, Crowley, Gallison, Slater, Pacheco**ENTITLED**, AN ACT RELATING TO INSURANCE -- INDEMNITY NOT-FOR-PROFIT HEALTH INSURERS {LC820/1}

01/31/2006 Introduced, referred to House Corporations

House Bill No. 7000**BY** Long, Jackson, Rice**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- EXEMPTING FROM TAXATION CERTAIN PROPERTY OF THE MIDDLETOWN HISTORICAL SOCIETY INC. {LC1047/1}

01/31/2006 Introduced, referred to House Corporations

House Bill No. 7001 (By request)**BY** Schadone**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- LITTER {LC211/1}

01/31/2006 Introduced, referred to House Corporations

House Bill No. 7002**BY** Slater, Diaz, Williams, Dennigan, Naughton**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES {LC738/1}

01/31/2006 Introduced, referred to House Corporations

House Bill No. 7003**BY** Winfield**ENTITLED**, AN ACT RELATING TO WORKERS' COMPENSATION -- BENEFITS {LC1111/1}

01/31/2006 Introduced, referred to House Labor

House Bill No. 7004**BY** Winfield**ENTITLED**, AN ACT RELATING TO WORKERS' COMPENSATION -- PROCEDURE {LC1110/1}

01/31/2006 Introduced, referred to House Labor

House Bill No. 7005**BY** Winfield**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION -- BENEFITS {LC1113/1}

01/31/2006 Introduced, referred to House Labor

House Bill No. 7006**BY** Almeida, Slater**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - JAILS AND PRISONS {LC906/1}

01/31/2006 Introduced, referred to House Labor

House Bill No. 7007**BY** Moura, Corvese, Schadone, Long**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- INSURANCE -- UNFAIR CLAIMS SETTLEMENT PRACTICES ACT {LC880/1}

01/31/2006 Introduced, referred to House Labor

House Bill No. 7008**BY** Gemma, Handy, Singleton, Jacquard, San Bento**ENTITLED**, AN ACT RELATING TO CERTIFIED SCHOOL TEACHERS' ARBITRATION {LC1062/1}

01/31/2006 Introduced, referred to House Labor

House Bill No. 7009**BY** Faria, Malik, Diaz, Slater, Moura**ENTITLED**, AN ACT RELATING TO LABOR RELATIONS ACT {LC1125/1}

01/31/2006 Introduced, referred to House Labor

House Bill No. 7010**BY** Lima, Ajello, Coderre E, Naughton, Dennigan**ENTITLED**, AN ACT RELATING TO UNFAIR SALES PRACTICES {LC671/1}

01/31/2006 Introduced, referred to House Corporations

House Resolution No. 7011**BY** Gemma**ENTITLED**, HOUSE RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL HOUSE COMMISSION TO STUDY THE SINGLE PAYER COMPREHENSIVE HEALTH INSURANCE PLAN {LC1222/1}

Representative Gemma requests unanimous consent for immediate consideration.

There is no objection.

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

House Resolution No. 7012**BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC1390/1}

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. 7013

BY Fox, Watson

ENTITLED, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC1389/1}

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. 7014

BY Crowley

ENTITLED, HOUSE RESOLUTION RELATING TO THE STATE BUDGET {LC1206/1}

Representative Crowley requests unanimous consent for immediate consideration, seconded by Representative Costantino.

Representative Watson objects.

Representatives Crowley, Costantino and Watson discuss the resolution.

Read and referred to the committee on Finance.

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.

COMMUNICATION FROM THE SENATE

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

Senate Bill No. 2009 SUB A as amended

BY Badeau, Ruggerio, Ciccone, Bates, Revens

ENTITLED, AN ACT RELATING TO INSURANCE -- WORKERS' COMPENSATION INSURANCE FUND {LC355/1/A}

01/31/2006 Referred to House Finance

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 and tomorrow at the rise of the House, in Room 313 of the State House.

Representatives Corvese and Costantino announce that the Committee on Finance will meet today, at the rise of the House, in Room 35 of the State House.

Representative Lima and the Honorable Speaker Murphy wish Representative Sullivan a Happy 29th Birthday.

ADJOURNMENT

At 4:35 o'clock P.M. on motion of Representative Fox seconded by Representative Watson the House adjourns, on a voice vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE JOSEPH P. MORAN III

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, FEBRUARY 2, 2006:

1 2006-H 6754**BY Coderre E****ENTITLED,** AN ACT RELATING TO SEPARATION OF POWERS
Committee on Separation of Powers recommends passage.**2 2006-H 6752****BY Coderre E****ENTITLED,** AN ACT RELATING TO WATERS AND NAVIGATION -- WATER
RESOURCES BOARD

Committee on Separation of Powers recommends passage.

3 2006-H 6751**BY Coderre E****ENTITLED,** AN ACT RELATING TO SEPARATION OF POWERS
Committee on Separation of Powers recommends passage.**4 2006-H 6749****BY Coderre E****ENTITLED,** AN ACT RELATING TO SEPARATION OF POWERS --
EDUCATION

Committee on Separation of Powers recommends passage.

5 2006-H 6753**BY Coderre E****ENTITLED,** AN ACT RELATING TO SEPARATION OF POWERS
Committee on Separation of Powers recommends passage.

Francis P. McCabe
Clerk of the House

Tuesday, January 31, 2006