

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. 28

Wednesday March 15, 2006

Twenty-eighth Day

The House of Representatives meets at the State House in Providence, Wednesday, March 15, 2006 and is called to order at 4:20 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, Caprio, 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, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Williams, Winfield.

ABSENT – 7: Representatives Brien, Carter, Laroche, McManus, Scott, Voccola, Williamson.

INVOCATION

The Honorable Speaker presents Representative Gallison 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 14, 2006 is approved as printed.

**REPORTS OF COMMITTEES
COMMITTEE ON CORPORATIONS**

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

Senate Bill No. 2011 SUB A

BY Walaska, Alves

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
DEFINITIONS AND GENERAL CODE PROVISIONS (define a motorized scooter)
{LC199/1/A}

03/16/2006 Placed on House Calendar

COMMITTEE ON SEPARATION OF POWERS

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

Senate Bill No. 2138 SUB B

BY Connors, Perry, Polisena, McCaffrey

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS (remove legislators and legislative appointees from certain boards and commissions in accord with the recent amendments to the state constitution) {LC406/1/B}

03/15/2006 Placed on House Calendar

NEW BUSINESS

House Bill No. 7879

BY Menard, Malik, Petrarca, Winfield, Singleton

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- LOW AND MODERATE
INCOME HOUSING {LC2314/1}

03/15/2006 Introduced, referred to House Corporations

House Bill No. 7880

BY Menard, Brien T, Ucci, Petrarca, Laroche

ENTITLED, AN ACT RELATING TO MANDATED BENEFITS REVIEW ACT
{LC2321/1}

03/15/2006 Introduced, referred to House Corporations

House Bill No. 7881

BY Menard, Brien T, Ucci, Winfield, Crowley

ENTITLED, AN ACT RELATING TO PROPERTY -- CONDOMINIUM LAW {LC2330/1}

03/15/2006 Introduced, referred to House Corporations

House Bill No. 7882**BY** Menard, Brien T, Malik, Ucci, Winfield**ENTITLED**, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX CREDIT
{LC2326/1}

03/15/2006 Introduced, referred to House Finance

House Bill No. 7883**BY** Menard, Brien T, Petrarca, Winfield, Landroche**ENTITLED**, AN ACT RELATING TO SPORTS, RACING AND ATHLETICS --
ESTABLISHMENT AND EXTENSION OF GAMBLING ACTIVITIES AND OTHER
FACILITIES {LC2331/1}

03/15/2006 Introduced, referred to House Finance

House Bill No. 7884**BY** Menard, McManus, Petrarca**ENTITLED**, AN ACT RELATING TO EDUCATION -- SCHOOL HOUSING -- STATE AID
RATIOS {LC2317/1}

03/15/2006 Introduced, referred to House Finance

House Bill No. 7885**BY** Menard, Winfield, Moran, Singleton, Petrarca**ENTITLED**, AN ACT RELATING TO EDUCATION -- FOUNDATION LEVEL SCHOOL
SUPPORT {LC2313/1}

03/15/2006 Introduced, referred to House Finance

House Bill No. 7886**BY** Menard, Petrarca, Winfield, Giannini**ENTITLED**, AN ACT RELATING TO PUBLIC ACCESS DEFIBRILLATION {LC2324/1}

03/15/2006 Introduced, referred to House Finance

House Bill No. 7887**BY** Menard, Coderre E, Petrarca, Winfield**ENTITLED**, AN ACT RELATING TO DOMESTIC RELATIONS - DOMESTIC ABUSE
PREVENTION {LC2420/1}

03/15/2006 Introduced, referred to House Judiciary

House Bill No. 7888**BY** Menard, Malik, Petrarca, Winfield, Laroche**ENTITLED**, AN ACT RELATING TO ELECTIONS -- TREASURER REPORTS
{LC2033/1}

03/15/2006 Introduced, referred to House Judiciary

House Bill No. 7889**BY** Menard, Brien T, Ucci, Winfield, Giannini**ENTITLED**, AN ACT RELATING TO RHODE ISLAND CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORTING {LC2323/1}

03/15/2006 Introduced, referred to House Judiciary

House Bill No. 7890**BY** Menard, Brien T, Ucci, Laroche**ENTITLED**, AN ACT RELATING RO BUSINESSES AND PROFESSIONS - DENTISTS AND DENTAL HYGIENISTS {LC2329/1}

03/15/2006 Introduced, referred to House H.E.W.

House Bill No. 7891**BY** Menard, Brien T, Winfield, Laroche, Giannini**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- ESTABLISHING FIRE SAFETY STANDARDS FOR CIGARETTES {LC2316/1}

03/15/2006 Introduced, referred to House H.E.W.

House Bill No. 7892**BY** Menard, Singleton**ENTITLED**, AN ACT RELATING TO MENTAL HEALTH, RETARDATION, AND HOSPITALS {LC2319/1}

03/15/2006 Introduced, referred to House H.E.W.

House Bill No. 7893**BY** Almeida**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES {LC2571/1}

03/15/2006 Introduced, referred to House Corporations

House Bill No. 7894**BY** Slater, Diaz, Williams, Almeida, McCauley**ENTITLED**, AN ACT RELATING TO ENERGY ASSISTANCE {LC236/1}

03/15/2006 Introduced, referred to House Finance

House Bill No. 7895**BY** Lima, Palumbo, Jacquard, Handy, McNamara**ENTITLED**, AN ACT RELATING TO EDUCATION - TEACHERS' TENURE {LC2675/1}

03/15/2006 Introduced, referred to House H.E.W.

House Bill No. 7896**BY** Palumbo, Jacquard, Lima, Ucci, Mumford**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- STORM DRAIN MAINTENANCE {LC2737/1}

03/15/2006 Introduced, referred to House Environment and Natural Resources

By unanimous consent, Representative Rose requests to place (06-H 7897) on the top of tomorrow's Calendar. There is no objection.

House Bill No. 7897

BY Rose, Melo, Savage, Moura, Dennigan

ENTITLED, AN ACT AUTHORIZING THE CITY OF EAST PROVIDENCE TO FINANCE THE REPAIRS, RENOVATIONS, AND IMPROVEMENTS TO CITY ROADS AND DRAINAGE SYSTEMS AND TO ISSUE NOT MORE THAN \$5,000,000 BONDS AND NOTES THEREFOR {LC2726/1}

03/15/2006 Placed on House Calendar

House Resolution No. 7898

BY Pacheco, Church

ENTITLED, HOUSE RESOLUTION COMMEMORATING THE 200TH ANNIVERSARY OF THE TOWN OF BURRILLVILLE {LC2492/1}

Representative Pacheco requests unanimous consent for immediate consideration.

There is no objection.

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

COMMUNICATION

The Honorable Speaker announces the following communication:

March 2, 2006

TO THE HONORABLE SECRETARY OF STATE:

I have the honor to inform you that pursuant to the Rhode Island General Laws, Chapter 12-26, Section 12-26-1, I hereby appoint:

Representative Richard W. Singleton

To the Special Commission on Criminal Justice.

Sincerely,

William J. Murphy

Received and placed on file.

March 9, 2006

TO THE HONORABLE SECRETARY OF STATE:

I have the honor to inform you that pursuant to the Public Laws Acts and Resolves, 2006 – H 6439, as amended, I hereby appoint:

Representative Carol A. Mumford

To the Special Legislative Commission to Study the Consolidation of School Districts in Rhode Island.

Sincerely,
William J. Murphy

Received and placed on file.

COMMUNICATION FROM THE SENATE

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

Senate Resolution No. 2207 (Lieutenant Governor)**BY** Roberts, Paiva-Weed, Levesque C, Goodwin, Gibbs**ENTITLED**, JOINT RESOLUTION RESPECTFULLY REQUESTING THE UNITED STATES CONGRESS AND PRESIDENT BUSH TO ADDRESS CONCERNS WITH THE MEDICARE PART D PROGRAM AND ADOPT THE SPECIFIC CHANGES AS LISTED {LC1348/1}

03/15/2006 Referred to House H.E.W.

Senate Resolution No. 2382**BY** Roberts, Gibbs, Lenihan, Pichardo**ENTITLED**, JOINT RESOLUTION REINSTATING AND EXTENDING THE COMMISSION LIFE AND AMENDING THE MEMBERSHIP OF THE SPECIAL LEGISLATIVE COMMISSION TO STUDY THE CURRENT STRENGTHS AND WEAKNESSES OF LIBRARY SERVICES IN THE STATE OF RHODE ISLAND {LC1698/1}

03/15/2006 Referred to House H.E.W.

CALENDAR

From the Calendar are taken:

IN ORDER FOR WEDNESDAY, MARCH 15, 2006:

1 2006-H 7440 as amended**BY Coderre E****ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS**

Ordered on the Calendar.

The act has been moved and seconded supra.

Representative Coderre, seconded by Representatives Kilmartin, Fox, Gemma, Naughton, Jackson, Corvese and Moura offers a written motion to amend.

**FLOOR AMENDMENT
TO
2006 -- H 7440**

AN ACT RELATING TO SEPARATION OF POWERS

Mr. Speaker:

I hereby move to amend 2006 -- H 7440, entitled "AN ACT RELATING TO SEPARATION OF POWERS", as follows:

By deleting all of the language following the enactment clause and inserting in place thereof the following:

"SECTION 1. Sections 12-1.1-4, 12-1.1-5 and 12-1.1-8 of the General Laws in Chapter 12-1.1 entitled "State Crime Laboratory Commission" are hereby amended to read as follows:

12-1.1-4. Membership. -- (a) The commission shall consist of ~~seven (7)~~ five (5) members: (1) ~~two (2) members of the house of representatives, selected by the chairperson of the house finance committee, at least one of whom shall be from the minority party;~~ (2) ~~two (2) members from the senate, selected by the chairperson of the senate finance committee, at least one of whom shall be from the minority party;~~ (3) the attorney general; (4) the superintendent of state police; and (5) the president of the R.I. Police Chiefs Association; provided, that if the sitting President of the Rhode Island Police Chiefs Association is the Superintendent of the Rhode Island State Police, the Vice President of the Rhode Island Police Chiefs Association shall serve; ex officio; and two (2) public members appointed by the governor with the advice and consent of the senate. A commission member has the right to send, in his or her place, a designated representative to a meeting. Appointed public members shall serve two (2) year terms and shall be eligible to succeed themselves.

(b) Members shall serve until their successors are appointed and qualified. Each member of the board may designate a subordinate within his or her department or agency to represent him or her at all meetings of the board. Three (3) members of the board shall constitute a quorum and the vote of a majority of those present and voting shall be required for action.

(c) Members of the commission shall be removable by the governor pursuant to the provisions of section 36-1-7 of the general laws and for cause only, and removal solely for partisan or personal reasons unrelated to capacity or fitness for the office shall be unlawful.

12-1.1-5. Chairperson. -- The attorney general shall be the chairperson of the commission. The board may elect from among its members such other officers as it deems necessary.

12-1.1-8. Powers and duties of commission. -- The commission shall have the following

powers and duties:

(1) Establish goals, priorities, standards, policies, plans, programs, and budgets for the operation of the state crime laboratory;

(2) Monitor the general operation of the state crime laboratory and evaluate its effectiveness;

(3) Apply for, contract for, receive, and expend for its purposes any appropriations or grants from the state and/or its political subdivisions, the federal government, or any other source, public or private, in accordance with the appropriations process;

(4) (i) Accept funds appropriated by the general assembly out of any money in the treasury not otherwise appropriated for effectuating the daily operation of the state crime laboratory;

(ii) Accept any moneys made available through direct grants for its function and operation;

(iii) Expend these sums of money for the purchase of equipment, payment of salaries, purchase of material, office supplies, and laboratory supplies, and for labor for publishing, for the benefit of law enforcement officers in the state of Rhode Island, for scientific advances in the field of criminalistics, and any other essentials that may be deemed necessary and expedient to the scientific criminal investigation and training of law enforcement officers and firefighters in modern scientific investigative techniques and research in the field of scientific criminal investigation;

(5) Recommend legislation to the governor and legislature in the field of scientific criminal investigation;

(6) Provide suitable badges and appropriate commissions to laboratory personnel in evidence of their authority;

(7) Establish any and all committees it deems necessary to carry out the mission of the state crime laboratory;

(8) Perform any other duties that may be necessary to carry out the purposes of this chapter and chapter 1.2-;

(9) ~~(i) The commission shall submit an annual report to the governor and to the legislature concerning its work during the preceding fiscal year. Within ninety (90) days after the end of each fiscal year, the commission shall approve and submit an annual report to the governor, the speaker of the house of representatives, the president of the senate, and the secretary of state, of its activities during that fiscal year. The report shall provide: an operating statement summarizing meetings or hearings held, including meeting minutes, subject addressed, decisions rendered, rules or regulations promulgated, studies conducted, policies and plans developed, approved, or modified, and programs administered or initiated; a consolidated financial statement of all funds received and expended including the source of the funds, a listing of any staff supported by these funds, and a summary of any clerical, administrative or technical support received; a summary of performance during the previous fiscal year including accomplishments, shortcomings and remedies; a synopsis of hearings, complaints, suspensions, or other legal matters related to the commission; a summary of any training courses held pursuant to this chapter; a briefing on anticipated activities in the upcoming fiscal year; and findings and recommendations for improvements. The report shall be posted electronically on the websites of the general assembly and the secretary of state pursuant to the provisions of section 42-20-8.2. The director of the department of administration shall be responsible for the enforcement of the provisions of this subsection;~~

~~(ii) Other studies, evaluation, analyses, and reports shall be submitted to the governor or the legislature as deemed appropriate or as requested.~~

(10) To approve or disapprove the director and all other positions of the state crime laboratory appointed by the University of Rhode Island;

(11) To conduct a training course for newly appointed and qualified members within six (6) months of their qualification or designation. The course shall be developed by the chair of the commission, be approved by the commission, and be conducted by the chair of the commission. The commission may approve the use of any commission and/or staff members and/or individuals to assist with training. The training course shall include instruction in the following areas: the provisions of chapters 42-46, 36-14 and 38-2; and the commission's rules and regulations. The director of the department of administration shall, within ninety (90) days of the effective date of this act, prepare and disseminate training materials relating to the provisions of chapters 42-46, 36-14, and 38-2.

SECTION 2. This act shall take effect upon passage."

Respectfully submitted,

REPRESENTATIVE CODERRE

=====
LC02491/4
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The motion to amend prevails on a roll call vote 64 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 64: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Caprio, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Lima, Long, Loughlin, Malik, McHugh, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Shanley, Slater, Smith, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

Read and passed, as amended, on a roll call vote, 64 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 64: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Caprio, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, Diaz, Ehrhardt, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Shanley, Slater, Smith, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Williams, Winfield.

NAYS - 1: Representative Faria.

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.

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

Representative McNamara 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 Naughton announces that the Committee on Rules will meet today, at the rise of the House, in Room 205 of the State House.

Representative San Bento wishes Britney Joyal, daughter of Emilie Joyal, a Happy 19th Birthday.

Representative Lima and the Honorable Speaker Murphy wish Representative Giannini a Happy Birthday.

ADJOURNMENT

At 4:33 o'clock P.M. on motion of Representatives Mumford and Shanley, and as a further mark of respect to the memory of Dr. Kathleen Mallon; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE RAYMOND E. GALLSION, JR.

Heavenly Father, look with favor on our deliberation and assist us by your grace to do what is just and wise. Amen.

APPENDIX**CALENDAR****IN ORDER FOR THURSDAY, MARCH 16, 2006:****1 2006-H 7897****BY Rose**

ENTITLED, AN ACT AUTHORIZING THE CITY OF EAST PROVIDENCE TO FINANCE THE REPAIRS, RENOVATIONS, AND IMPROVEMENTS TO CITY ROADS AND DRAINAGE SYSTEMS AND TO ISSUE NOT MORE THAN \$5,000,000 BONDS AND NOTES THEREFOR

Ordered on the Calendar

2 2006-H 7176**BY Coderre E**

ENTITLED, AN ACT RELATING TO HIGHWAYS -- MOUNT HOPE BRIDGE AUTHORITY

Committee on Separation of Powers recommends passage.

3 2006-S 2141 SUB A**BY Sosnowski**

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS

Committee on Separation of Powers recommends indefinite postponement of the original bill and passage of Substitute A in concurrence.

4 2006-S 2140 SUB A**BY Lenihan**

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS

Committee on Separation of Powers recommends indefinite postponement of the original bill and passage of Substitute A in concurrence.

5 2006-S 2595 SUB A**BY Lenihan**

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- INDUSTRIAL RECREATIONAL BUILDING AUTHORITY

Committee on Separation of Powers recommends indefinite postponement of the original bill and passage of Substitute A.

6 2006-S 2143 as amended**BY Roberts**

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION -- WATER RESOURCES BOARD

Committee on Separation of Powers recommends passage as amended in concurrence.

7 2006-S 2598**BY Felag****ENTITLED,** AN ACT RELATING TO HIGHWAYS -- MOUNT HOPE BRIDGE
AUTHORITY

Committee on Separation of Powers recommends passage in concurrence.

8 2006-S 2142 as amended**BY Gallo****ENTITLED,** AN ACT RELATING TO SEPARATION OF POWERS --
EDUCATION

Committee on Separation of Powers recommends passage as amended in concurrence.

IN ORDER FOR TUESDAY, MARCH 21, 2006:**1 2006-H 7205 SUB A****BY Coderre E****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENTCommittee on Separation of Powers recommends indefinite postponement of the original
bill and passage of Substitute A.**2 2006-H 7156 SUB A****BY Coderre E****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
NARRAGANSETT INDIAN LAND MANAGEMENT
CORPORATIONCommittee on Separation of Powers recommends indefinite postponement of the original
bill and passage of Substitute A.**3 2006-S 2138 SUB B****BY Connors****ENTITLED,** AN ACT RELATING TO SEPARATION OF POWERSCommittee on Separation of Powers recommends indefinite postponement of the original
bill and the Substitute A and passage of Substitute B.**4 2006-S 2011 SUB A****BY Walaska****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
DEFINITIONS AND GENERAL CODE PROVISIONSCommittee on Corporations recommends indefinite postponement of the original bill
and passage of Substitute A in concurrence.

Francis P. McCabe
Clerk of the House

Wednesday, March 15, 2006