

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 first day of January in the year of Our Lord two thousand and eight.

Volume 135, No. 3

Thursday, January 3, 2008

Third Day

The House of Representatives meets at the State House in Providence, Thursday, January 3, 2008 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 67 members present and 8 members absent as follows:

PRESENT - 67: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, DeSimone, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, O'Neill, Pacheco, Palumbo, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Story, Sullivan, Trillo, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson,

ABSENT - 8: Representatives Diaz, Jacquard, Naughton, Petrarca, Singleton, Smith, Ucci, Winfield.

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 Wednesday, January 2, 2008 is approved as printed.

ANNOUNCEMENTS

Representative Eileen Naughton will be unable to attend session Thursday, January 3, 2008 due to illness.

Representative Richard Singleton is out of town on business and will be unable to attend session Thursday, January 3, 2008.

NEW BUSINESS**House Bill No. 7030**

BY Gemma, Flaherty, McNamara

ENTITLED, AN ACT RELATING TO RESIDENTIAL RENTAL REAL ESTATE (require all property owners in Providence and Warwick to register their name, home address, zip code and telephone number with their city's recorder of deeds.) {LC48/1}

01/03/2008 Introduced, referred to House Judiciary

House Bill No. 7031

BY Gallison

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow Edward Finn to join Peter Cohn and Amelia Gruber in marriage on or about July 19, 2008 within the Town of Bristol, Rhode Island.) {LC10/1}

01/03/2008 Introduced, referred to House Judiciary

House Bill No. 7032

BY Gallison, Shanley, Carter, Rose, Moffitt

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- GRAVES AND CORPSES (would increase the fines to \$5,000 for the defacing or any injury to the Soldiers' and Sailors' Monument, any public statue or monument or any grave site/cemetery and would provide for full restitution of the amount of the cost of the damages incurred) {LC17/1}

01/03/2008 Introduced, referred to House Judiciary

House Bill No. 7033

BY McNamara, Malik, Corvese

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- REMOTE ALCOHOL MONITORING (judge to require any person who pleads nolo contendere or guilty, or who is otherwise convicted of DUI, DWI, or driving while impaired to wear an alcohol monitoring device which would alert the probation office) {LC133/1}

01/03/2008 Introduced, referred to House Judiciary

House Bill No. 7034

BY Shanley, Lally, Corvese, Brien, Amaral

ENTITLED, AN ACT RELATING TO ELECTIONS -- ELECTIVE MEETING (would set the statewide poll closing time as 8:00 pm) {LC98/1}

01/03/2008 Introduced, referred to House Judiciary

House Bill No. 7035**BY** Shanley, Gallison, Scott, Long, Lewiss**ENTITLED**, AN ACT RELATING TO TAXATION -- ESTATE AND TRANSFER TAXES -- LIABILITY AND COMPUTATION (would limit the valuation of farmland and other real and tangible property associated with the agricultural operations on such farmlands to \$2,500,000 for purposes of imposition of taxes by the state upon transfer of the estates of decedent farmers) {LC59/1}

01/03/2008 Introduced, referred to House Finance

House Bill No. 7036**BY** Corvese, Schadone, Malik, McNamara, Gallison**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - TRESPASS AND VANDALISM (would amend the penalties for willful trespass within school buildings by mandating a fine of not more than \$1,000 or imprisonment for 1 year, or both) {LC111/1}

01/03/2008 Introduced, referred to House Judiciary

House Bill No. 7037**BY** Brien, Schadone, Mattiello, Giannini, Palumbo**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- UNBORN VICTIMS OF VIOLENCE ACT (would define and impose penalties for violence to an unborn child) {LC176/1}

01/03/2008 Introduced, referred to House Judiciary

House Bill No. 7038**BY** Brien, Schadone, Mattiello, Giannini, Palumbo**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES (would make assault on a pregnant woman causing her to suffer a miscarriage or stillbirth punishable by up to thirty (30) years imprisonment) {LC174/1}

01/03/2008 Introduced, referred to House Judiciary

House Bill No. 7039**BY** Brien, Schadone, Mattiello, Palumbo, Malik**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- ABORTION (would prohibit any woman from being forced to have an abortion against her will) {LC177/1}

01/03/2008 Introduced, referred to House Judiciary

House Bill No. 7040**BY** San Bento, Rose, Singleton, Shanley, Slater**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT (would require the operation of video lottery games on a twenty-four hour basis at the Twin River and Newport Grand facilities. The revenue gained from the additional hours of operation would be deposited in the general fund) {LC259/1}

01/03/2008 Introduced, referred to House Finance

House Bill No. 7041**BY** Gorham

ENTITLED, AN ACT RELATING TO APPROPRIATIONS (would make appropriations to the Tyler Free Library, the West Glocester Fire and the Foster Ambulance Corps) {LC258/1}
01/03/2008 Introduced, referred to House Finance

House Bill No. 7042**BY** Savage, Rose, Melo, Story, Long

ENTITLED, AN ACT RELATING TO TAXATION (provide that the cities and towns would be reimbursed by the state for transportation costs associated with pupils attending certain programs outside of the school district) {LC92/1}
01/03/2008 Introduced, referred to House Finance

House Bill No. 7043**BY** Story, Coaty, Ehrhardt, Savage, Long

ENTITLED, AN ACT RELATING TO EDUCATION (provide for the reimbursement of extraordinary services to school districts) {LC118/1}
01/03/2008 Introduced, referred to House Finance

House Resolution No. 7044**BY** Ucci, Fellela, Smith, Petrarca

ENTITLED, JOINT RESOLUTION APPROVING PROJECT STATUS FOR A. DUIE PYLE INC. {LC81/1}
01/03/2008 Introduced, referred to House Finance

House Bill No. 7045**BY** Gemma, Singleton, McNamara, Sullivan, Moffitt

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES - REGULATORY POWERS OF ADMINISTRATION (repeal the general law requiring the Kent County Water Authority to provide water to biotechnology manufacturing facilities located within the Kent County Water District) {LC76/1}
01/03/2008 Introduced, referred to House Corporations

House Bill No. 7046**BY** Shanley, Lally, Corvese, Brien, Rose

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES (create a retailer's Class AS license that authorizes the licensee to sell at retail, wines to be used for sacramental purposes only/to any duly ordained priest, minister or rabbi or to any church or religious society) {LC58/1}
01/03/2008 Introduced, referred to House Corporations

House Bill No. 7047**BY** Walsh, Slater, Ajello, Almeida, Rice

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- PUBLIC UTILITIES COMMISSION (provide that a person appearing before the Public Utilities Commission would have the right to appear in person and to retain and be represented by either legal counsel and/or another person of the party's choice, who need not be an attorney) {LC64/1}
01/03/2008 Introduced, referred to House Corporations

House Bill No. 7048**BY** Corvese, Ajello, Schadone, Malik, McNamara**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - STATE POLICE (provide for the implementation of a program among law enforcement agencies, broadcast media/to alert the state police and the public in the event of the disappearance of a senior citizen with an impaired mental condition) {LC110/1}

01/03/2008 Introduced, referred to House H.E.W.

House Bill No. 7049**BY** Brien, Malik, Schadone, Mattiello, Palumbo**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH CARE RIGHTS OF CONSCIENCE ACT (provide protection from discrimination to all health care providers who chose not to participate in a health care service that violates the conscience of the health care provider) {LC175/1}

01/03/2008 Introduced, referred to House H.E.W.

House Bill No. 7050**BY** Rose, Savage, Dennigan**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - SIZE, WEIGHT AND LOAD LIMITS (limit the parking of commercial vehicles in excess of five tons on the state roadways of the city of East Providence to two hours) {LC23/1}

01/03/2008 Introduced, referred to House Municipal Government

House Bill No. 7051**BY** Kennedy, Walsh, Lewiss**ENTITLED**, AN ACT RELATING TO TAXATION - VETERANS' BENEFITS - WESTERLY (increase the amount of veterans, veterans' widows, totally disabled veterans, POW's, gold star parents exemptions and exemptions for the blind in Westerly) {LC263/1}

01/03/2008 Introduced, referred to House Veterans Affairs

House Resolution No. 7052**BY** Gemma, Trillo, Flaherty, McNamara**ENTITLED**, HOUSE RESOLUTION RESPECTFULLY REQUESTING THE STATE TRAFFIC COMMISSION TO INSTALL FLASHING SCHOOL ZONE LIGHTS AND SIGNAGE ON MAIN AVENUE IN THE CITY OF WARWICK {LC28/1}

01/03/2008 Introduced, referred to House Constituent Services

Representatives Gorham and Kilmartin discuss the process of New Business.

COMMUNICATION FROM THE SENATE

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

Senate Bill No. 2001

BY Felag

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF HERITAGE REMODELING, LTD. {LC250/1}

01/03/2008 Placed on House Calendar

CALENDAR

IN ORDER FOR THURSDAY, JANUARY 3, 2008:

From the Calendar is taken:

1 2008-H 7029

BY Dennigan

ENTITLED, HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO REVIEW THE PROPOSAL TO MERGE LIFESPAN AND CARE NEW ENGLAND

Ordered on the Calendar

Representative Dennigan moves passage of the resolution, seconded by Representatives Scott, Rose, Savage, Shanley, Slater, Vaudreuil, McCauley, Almeida, Williams, Gemma, Lewiss, Carter, Brien, Giannini, Rice, Coderre, Church, Lima, Wasylyk, Walsh and San Bento.

Representatives Gemma, Giannini, Almeida and Moffitt discuss the resolution.

Read and passed on a roll call vote, 61 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 61: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, Ehrhardt, Fellela, Ferri, Flaherty, Gablinske, Gallison, Gemma, Giannini, Gorham, Jackson, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, O'Neill, Pacheco, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Story, Sullivan, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson.

NAYS - 0.

TRANSMITTAL

By unanimous consent, (08-H 7029) on the Clerk's desk is ordered to be transmitted to the Honorable Secretary of State, forthwith.

ANNOUNCEMENTS

Representative San Bento wishes Representative Kennedy a Happy 47th Birthday.

Representative Williams wishes the Honorable Speaker a Happy Birthday.

Representative Costantino announces that the Committee on Finance will meet today at the rise of the House in Room 35 of the State House.

GUESTS

Representative Serpa welcomes to the House Chamber as a guest Peter Calci, Vice President of the West Warwick Town Council.

Representative San Bento welcome to the House as a guest Brigid C. Flaherty

ADJOURNMENT

At 4:35 o'clock P.M. on motion of Representative Walsh, and as a further mark of respect to the memory of Leon Y. Passeroni; on motion of Representative Pacheco, and as a further mark of respect to the memory of George Binns; 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 TUESDAY, JANUARY 8, 2008:

1 2008-S 2001

BY Felag

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF HERITAGE REMODELING, LTD.

Ordered on the Calendar

Francis P. McCabe
Clerk of the House

Thursday, January 3, 2008