

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

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Volume 135, No. 4

Tuesday, January 8, 2008

Fourth Day

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The House of Representatives meets at the State House in Providence, Tuesday, January 8, 2008 and is called to order at 4:30 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 73 members present and 2 members absent as follows:

**PRESENT - 73:** The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasyluk, Williams, Williamson, Winfield.

**ABSENT - 2:** Representatives Naughton, Watson.

### **INVOCATION**

The Honorable Speaker presents Representative McNamara 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 3, 2008 is approved as printed.

**ANNOUNCEMENTS**

Representative Eileen Naughton is not feeling well and will be unable to attend session Tuesday, January 8, 2008.

Representative Robert Watson is out of state and will be unable to attend session Tuesday, January 8, 2008.

**REPORTS OF COMMITTEES****COMMITTEE ON FINANCE**

Representative Costantino, for the Committee on Finance, reports back the following measures, with recommendation of passage:

**House Bill No. 7006 SUB A**

**BY** Costantino, Williamson, Coderre E, Kilmartin, Lally

**ENTITLED,** AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS

(allow any magistrate of the superior court as of 1/1/08 who serves /presiding justice of the superior court/magistrate of the family court in service as of 1/1/08 who serves/chief judge of the family court to be appointed for a term of 10 years) {LC251/1/A}

01/08/2008 Placed on House Calendar

**COMMITTEE ON JUDICIARY**

Representative Lally, for the Committee on Judiciary, reports back the following measure, with recommendation of passage:

**House Bill No. 7016**

**BY** Melo

**ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow the Honorable Isadore Ramos Jr. to join Alisha Pina and Chanseng Thounsavath) {LC102/1}

01/08/2008 Placed on House Calendar

**NEW BUSINESS**

**House Bill No. 7053**

**BY** Pacheco, Church, Mumford, Slater, Lima

**ENTITLED,** AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES (allow members in the state retirement system who have retired to be reemployed by the state for 75 working days or 150 half days in any one year without forfeiture or reduction in their benefits) {LC281/1}

01/08/2008 Introduced, referred to House Finance

**House Bill No. 7054****BY** Pacheco, Church, Scott, Long, Moffitt**ENTITLED**, AN ACT RELATING TO TAXATION -- REAL ESTATE CONVEYANCE

TAX (increase the amount of monies which municipalities receive from the real estate conveyance tax from \$1.10 to \$1.40 per every \$2.00 of the face value of the stamps) {LC282/1}  
01/08/2008 Introduced, referred to House Finance

**House Bill No. 7055****BY** Gablinske, Winfield, Caprio D, Brien, Malik**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT (repeal the provision of the privatization of state services act and would make other amendments) {LC44/1}

01/08/2008 Introduced, referred to House Finance

**House Bill No. 7056****BY** Church, Lewiss, San Bento, Moffitt, Dennigan**ENTITLED**, AN ACT RELATING TO TAXATION -- STATE TAX OFFICIALS (authorize the tax administrator to require paid tax return preparers that prepare large numbers of Rhode Island tax returns for their clients to file such returns electronically with the division of taxation) {LC147/1}

01/08/2008 Introduced, referred to House Finance

**House Bill No. 7057****BY** Lewiss, Shanley, Kennedy, Picard, McNamara**ENTITLED**, AN ACT RELATING TO INSURANCE -- HEALTH INSURANCE -- COPAYMENTS (require health insurance carriers to reimburse hospitals for certain uncollected member copayments and deductibles/also place conditions upon the variation of adjusted community rates applied by small employer carriers) {LC140/1}

01/08/2008 Introduced, referred to House Corporations

**House Bill No. 7058****BY** Giannini, Kilmartin, Gallison, Mattiello, Brien**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES -- MOBILE TELEPHONE USE (make unlawful the use of a non-hands-free mobile telephone and/or text messaging while operating a motor vehicle except for public safety personnel) {LC270/1}

01/08/2008 Introduced, referred to House Corporations

**House Bill No. 7059****BY** Savage, Melo, Rose, Dennigan, Story**ENTITLED**, AN ACT RELATING TO EDUCATION -- RESIDENCE OF CHILDREN (give a presumption of validity to a school district in hearings before the dept of elementary and secondary education when a school district determines that a child is no longer a resident of that district for purposes of public education) {LC93/1}

01/08/2008 Introduced, referred to House H.E.W.

**House Bill No. 7060****BY** Carter, Gorham, Gallison, Lewiss, Malik**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --REGISTRATION OF VEHICLES (permit the registrar of motor vehicles to issue a war veteran sticker to eligible vehicles, commercial vehicles or motorcycles less than 10,000 pounds)  
{LC316/1}

Representative Carter requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Carter seconded by Representatives Gallison, Moffitt, Loughlin and Scott on a roll call vote, 66 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 66: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, 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, Petrarca, Picard, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Sullivan, Trillo, Vaudreuil, Walsh, Wasylyk, Williams, Williamson, Winfield.

NAYS - 0.

**TRANSMITTAL**

By unanimous consent, (08-H 7060), on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

**House Resolution No. 7061****BY** Fox, Murphy**ENTITLED**, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC514/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

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

**House Resolution No. 7062****BY** Fox, Murphy**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC513/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

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

**House Resolution No. 7063**

**BY** Savage, Rose, Malik, Dennigan, Melo

**ENTITLED**, HOUSE RESOLUTION DECLARING MARCH 29, 2008 AS "LIGHTS OUT AMERICA DAY" {LC491/1}

Representative Savage requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Savage seconded by Representatives Rose, Dennigan, Melo and many other members of the House by unanimous consent, on a voice vote.

**House Resolution No. 7064**

**BY** Shanley, Lally, Picard, Carter, Lima

**ENTITLED**, HOUSE RESOLUTION CONGRATULATING THE UNIVERSITY OF RHODE ISLAND MEN'S BASKETBALL TEAM ON THEIR NATIONAL RANKING AND SUCCESSFUL SEASON {LC520/1}

Representative Shanley requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Shanley seconded by Representatives Lally, O'Neill, Scott, Picard, Carter, Walsh, Williamson, Rice, Brien, Ehrhardt, Pacheco and many other members of the House by unanimous consent, on a voice vote.

For House Resolution see Appendix of this Journal.

**House Resolution No. 7065**

**BY** Moffitt, Scott, Sullivan, Mumford

**ENTITLED**, HOUSE RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL HOUSE COMMISSION TO STUDY THE FEASIBILITY OF SELLING ALL OR ANY PORTION OF THE BIG RIVER MANAGEMENT AREA BACK TO THE PRIOR OWNERS OR THEIR HEIRS {LC432/1}

Representative Moffitt requests unanimous consent for immediate consideration.

There is no objection.

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

**House Resolution No. 7066****BY** Moffitt, Scott, Long**ENTITLED,** HOUSE RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL HOUSE COMMISSION TO STUDY LAWS AND REGULATIONS RELATING TO HUNTING AND FISHING IN RHODE ISLAND AND THE LICENSING TO PARTICIPATE THEREIN {LC431/1}

Representative Moffitt requests unanimous consent for immediate consideration.

There is no objection.

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

**CALENDAR**

From the Calendar is taken:

**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

Representative Malik moves passage of the act, seconded by Representatives Fox, Gallison, Rose, and Williamson

Read and passed, in concurrence, 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, Baldelli-Hunt, Brien, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Lewiss, Lima, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Silva, Singleton, Slater, Story, Sullivan, Trillo, Vaudreuil, Walsh, Wasylyk, Williams, Williamson, Winfield.

NAYS - 0.

**REQUEST**

Representative Rice requests the journal to reflect that if she had voted on (08-S 2001), she would have voted in the affirmative.

**ANNOUNCEMENTS**

Representative Lally announces that the Committee on Judiciary will meet at the rise of the House, in Room 205 of the State House.

Representative Slater announces that the Committee on Finance will meet at the rise of the House, in Room 35 of the State House

**ADJOURNMENT**

At 4:43 o'clock P.M. on motion of Representative Slater, and as a further mark of respect to the memory of Cesar Piccini (father of Representative Diaz); on motion of Representative Melo, and as a further mark of respect to the memories of Ralph Lewis, Sr. and Maria Bettencourt; on motion of Representative Serpa and as a further mark of respect to the memory of Eric Anglin; on motion of Representative Church, and as a further mark of respect to the memories of Edward T. Connolly and Clare M. Ouimette; on motion of Representative Kennedy, and as a further mark of respect to the memory of Kelsey Rose Gnirke; seconded by Representatives Fox and the Entire House of Representatives the House adjourns, on a unanimous rising vote.

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

**APPENDIX**

**INVOCATION**

**REPRESENTATIVE JOSEPH M. MC NAMARA**

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 WEDNESDAY, JANUARY 9, 2008:

1 2008-H 7006 SUB A

BY Costantino

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --  
COURTS

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

IN ORDER FOR THURSDAY, JANUARY 10, 2008:

1 2008-H 7016

BY Melo

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

*Francis P. McCabe*  
*Clerk of the House*

Tuesday, January 8, 2008

## APPENDIX

2008-7064

## STATE OF RHODE ISLAND

## IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2008

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HOUSE RESOLUTIONCONGRATULATING THE UNIVERSITY OF RHODE ISLAND MEN'S BASKETBALL  
TEAM ON THEIR NATIONAL RANKING AND SUCCESSFUL SEASON

Introduced By: Representatives Shanley, Lally, Picard, Carter, and Lima

Date Introduced: January 08, 2008

Referred To: House read and passed

WHEREAS, The University of Rhode Island's Men's basketball team is off to its best start since 1946-47, with a sterling record of 14-1. They are currently ranked 22<sup>nd</sup> in the Associated Press poll and 20<sup>th</sup> in the country in the USA Today Coaches poll. It is the first time they have been nationally ranked since 1998; and

WHEREAS, URI defeated Providence College and Brown, thereby winning the "State Championship". They were also victorious in two tournaments: The Islander Invitational and the Glenn Wilkes Classic, and are undefeated thus far at the Ryan Center; and

WHEREAS, Head Coach Jim Baron recently won his 300<sup>th</sup> game as a head coach and his 100<sup>th</sup> game as the head coach of the URI basketball team; now, therefore be it

RESOLVED, That the House of Representatives of the State of Rhode Island and Providence Plantations hereby wishes the URI Men's Basketball team continued success in the remainder of the season; and be it further

RESOLVED, That the House of Representatives hereby wishes the team success against the 17<sup>th</sup> ranked Dayton Flyers on January 9<sup>th</sup>, 2008; and be it even further

RESOLVED, That the House of Representatives hereby wishes the team success in winning the Atlantic 10 Conference, and qualifying for the NCAA Tournament to be held in March, 2008; and be it further

RESOLVED, That the Secretary of State be and he hereby is authorized and directed to transmit duly certified copies of this resolution to University of Rhode Island President Robert Carothers, and University of Rhode Island Men's Basketball Head Coach Jim Baron.