

# **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. 6

Thursday, January 10, 2008

Sixth Day

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The House of Representatives meets at the State House in Providence, Thursday, January 10, 2008 and is called to order at 4:29 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 69 members present and 6 members absent as follows:

**PRESENT** - 69: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Long, Loughlin, Malik, Mattiello, McCauley, McNamara, Melo, Menard, 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, Wasylyk, Watson, Williams, Williamson, Winfield.

**ABSENT** - 6: Representatives Dennigan, Jackson, Lima, McManus, Moffitt, Naughton.

### **INVOCATION**

The Honorable Speaker presents Representative Walsh 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 9, 2008 is approved as printed.

**ANNOUNCEMENT**

Representative Elizabeth Dennigan will be unable to attend session Thursday, January 10, 2008.

**APPOINTMENTS**

January 10, 2008

I hereby appoint:

Representative Raymond J. Sullivan

to the House Committee on Judiciary

I hereby appoint:

Representative Steven J. Coaty

to the House Committee on Health, Education and Welfare.

I hereby appoint:

Representative Frank G. Ferri

VICE

Representative Raymond J. Sullivan

to the House Committee on Health, Education & Welfare.

William J. Murphy  
Speaker

**NEW BUSINESS****House Bill No. 7090**

**BY** Church, San Bento, Williams, Silva, Gallison

**ENTITLED**, AN ACT RELATING TO BUSINESSES - TICKET SPECULATORS (explicitly make Internet sales of tickets for Rhode Island events subject to the ticket speculators law) {LC291/1}

01/10/2008 Introduced, referred to House Corporations

**House Bill No. 7091**

**BY** Church, San Bento, Williams, Silva, Baldelli-Hunt

**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS (would prohibit the on-line purchase of tickets to events in RI for purposes of reselling tickets at prices which exceed the face value of the ticket and those additional charges allowed under RI law, regardless of where the resale would take place) {LC701/1}

01/10/2008 Introduced, referred to House Corporations

**House Bill No. 7092****BY** McNamara, Trillo, Watson, Gemma, Ferri**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS (create a consumer protection act regarding airline passengers) {LC563/1}

01/10/2008 Introduced, referred to House Corporations

**House Bill No. 7093****BY** Schadone, O'Neill, Petrarca, Kennedy, Vaudreuil**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ECONOMIC DEVELOPMENT ( create a small business revolving loan and credit enhancement fund to be administered by the Rhode Island economic development corporation to help Rhode Island employers with one hundred (100) or less employees) {LC615/1}

01/10/2008 Introduced, referred to House Finance

**House Bill No. 7094****BY** Church, Williams, Gallison, San Bento, Silva**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- PROVIDING FOR THE VOLUNTARY SUPPORT OF MEALS ON WHEELS**BY** ALLOWING THE DESIGNATION OF A CONTRIBUTION ON THE RHODE ISLAND INCOME TAX RETURN ( would allow resident individual taxpayers who are due a tax refund to designate on their Rhode Island tax return that a contribution be made from their tax refund due to Meals on Wheels.) {LC317/1}

01/10/2008 Introduced, referred to House Finance

**House Bill No. 7095****BY** Fellela, Carter, Serpa, Ucci**ENTITLED**, AN ACT RELATING TO SPORTS, RACING AND ATHLETICS - MUTUAL BETTING AND LICENSE FEES (would increase the legal age for gambling from eighteen (18) to twenty-one (21) {LC576/1}

01/10/2008 Introduced, referred to House Finance

**House Bill No. 7096****BY** Sullivan, Kilmartin, Schadone, O'Neill, Moffitt**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT ( 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 distributed as school aid) {LC433/1}

01/10/2008 Introduced, referred to House Finance

**House Resolution No. 7097****BY** Melo, Savage, Story, Rose, Segal**ENTITLED**, HOUSE RESOLUTION SUPPORTING A CAP OF \$20,000 ON THE COST OF EDUCATING EACH INDIVIDUAL SPECIAL EDUCATION STUDENT AT THE LOCAL LEVEL {LC272/1}

01/10/2008 Introduced, referred to House H.E.W.

**House Bill No. 7098****BY** Rice, McNamara, Segal, Walsh, Handy**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- TOXIC CHEMICALS IN CHILDREN'S PRODUCTS (require manufacturers of children's products to disclose info to the dept of health on their chemical use if the dept designates the chemical as a priority chemical based on potential exposure of a child or fetus to that chemical) {LC197/1}

01/10/2008 Introduced, referred to House H.E.W.

**House Bill No. 7099****BY** McNamara**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- EVIDENCE (expressions of sympathy and statements by a health care provider to a patient or to the patient's family regarding the outcome of such patient's medical care and treatment) {LC130/1}

01/10/2008 Introduced, referred to House Judiciary

**House Bill No. 7100****BY** Schadone, Corvese, Melo, Palumbo, Malik**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- FETAL PROTECTION ACT (establish the Fetal Protection Act) {LC614/1}

01/10/2008 Introduced, referred to House Judiciary

**House Bill No. 7101****BY** Savage, Dennigan, Slater, Melo, Amaral**ENTITLED**, AN ACT RELATING TO PROPERTY -- RESIDENTIAL LANDLORD AND TENANT ACT (provide greater benefits to residential tenants sixty-two (62) years of age and older who move from a rental premises) {LC95/1}

01/10/2008 Introduced, referred to House Judiciary

**House Bill No. 7102****BY** Church**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY - JUDGMENTS, ORDERS, AND DECREES ( change the rate assessed on civil judgments from twelve percent (12%) to the treasury index rate plus three percent (3%) {LC206/1}

01/10/2008 Introduced, referred to House Judiciary

**House Bill No. 7103****BY** Church, McCauley, Melo, Jackson, O'Neill**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- FAILURE TO PAY CHILD SUPPORT (decrease the amount of child support arrearage constituting a felony) {LC295/1}

01/10/2008 Introduced, referred to House Judiciary

**House Bill No. 7104****BY** O'Neill, Pacheco, Melo, Sullivan, Schadone**ENTITLED**, AN ACT RELATING TO ELECTIONS -- GENERAL ASSEMBLY ( would authorize persons who will be eighteen (18) on the day of the election to vote in the primary immediately preceding) {LC434/1}

01/10/2008 Introduced, referred to House Judiciary

**House Bill No. 7105****BY** Gemma, Flaherty**ENTITLED**, AN ACT RELATING TO MAGISTRATES {LC502/1}

01/10/2008 Introduced, referred to House Judiciary

**House Bill No. 7106****BY** Pacheco, Savage, Lally, Picard, Rice**ENTITLED**, AN ACT RELATING TO ELECTIONS -- REGISTRATION OF VOTERS ( authorize persons sixteen (16) and seventeen (17) years of age who preregister to vote to automatically be registered upon reaching age eighteen (18) {LC285/1}

01/10/2008 Introduced, referred to House Judiciary

**House Bill No. 7107****BY** Brien, Gemma, Mattiello, Gablinske, Singleton**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS (require all nongovernmental employers within the state to apply to participate in the extended federal basic employment verification pilot program and to participate if accepted) {LC178/1}

01/10/2008 Introduced, referred to House Labor

**House Bill No. 7108****BY** Schadone, Corvese, Melo, Gablinske, Malik**ENTITLED**, AN ACT RELATING TO LABOR RELATIONS -- COLLECTIVE BARGAINING (prohibit any municipal employee/state police, 911 commission employee/correctional officer, collective bargaining agreement or arbitration award from containing language identifying a specific medical, dental or optometric medical insurance company) {LC607/1}

01/10/2008 Introduced, referred to House Labor

**House Bill No. 7109****BY** Lewiss, Kennedy, Walsh**ENTITLED**, AN ACT ENABLING THE TOWN COUNCIL OF THE TOWN OF WESTERLY TO ENACT CERTAIN ORDINANCES ( would authorize the town council of the town of Westerly to enact ordinances regarding unfinished construction projects located in the town and to provide for a five hundred dollar (\$500) per day penalty for violations) {LC494/1}

01/10/2008 Introduced, referred to House Municipal Government

**House Resolution    No. 7110****BY** DeSimone, Singleton, Petrarca, Shanley, McNamara**ENTITLED**, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (OF THE EXECUTIVE POWER) {LC556/1}

01/10/2008 Introduced, referred to House Separation of Powers

**House Bill        No. 7111****BY** Murphy, Kilmartin, Lima, Coderre E, Corvese**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES - RETIREMENT SYSTEM (create a Commission to be called the "Special House of Representatives Commission to Study the Rhode Island State Pension System." to study all aspects of the state pension or retirement system) {LC612/1}

01/10/2008 Introduced, referred to House Finance

**COMMUNICATION**

The Honorable Speaker announces the receipt of the following communication:

January 10, 2008

The Honorable William J. Murphy  
Speaker of the House  
Room 323  
State House  
Providence, RI 02903

Dear Speaker Murphy,

Please be advised that I will be unable to attend session on Thursday, January 10 as I have a family commitment.

I would appreciate it if you would have the record reflect this information for the day in question.

Sincerely,

Representative J. Russell Jackson  
District 73

Received and placed on file.

**CALENDAR****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.

Representative Melo moves passage of the act, seconded by Representative Rose and many other members of the House.

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, Baldelli-Hunt, Brien, Carter, Church, Coaty, Coderre, Corvese, Costantino, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Kennedy, Kilmartin, Lewiss, Long, Loughlin, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Mumford, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Sullivan, Vaudreuil, Walsh, Wasylyk, Williams, Williamson, Winfield.

NAYS - 0.

**REQUEST**

Representative Trillo requests the journal to reflect that if he had voted on (08-H 7016), he would have voted in the affirmative.

**TRANSMITTAL**

By unanimous consent, (08-H 7016), on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

**ANNOUNCEMENTS**

The Honorable Speaker Murphy wishes Representative Helio Melo a Happy "40<sup>th</sup>" Birthday.

The Honorable Speaker Murphy wishes Representatives Arthur Corvese and J. Patrick O'Neill a Happy Birthday on January 14<sup>th</sup>.

Representative Slater announces that the Finance Sub-Committee on Human Services will meet at 1:00 P.M., on Tuesday, January 15 in Room 35 of the State House.

Representative Kennedy announces that the Committee on Corporations will meet on Tuesday, January 15<sup>th</sup> at the rise of the House, in Room 203 of the State House

**ADJOURNMENT**

At 4:37 o'clock P.M. on motion of Representative Serpa, and as a further mark of respect to the memory of Commander John Bruno of the West Warwick P.D.; seconded by Representatives Fox and Gorham the House adjourns, on a unanimous rising vote.

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



**APPENDIX****INVOCATION****REPRESENTATIVE DONNA M. WALSH**

Dear God, we are grateful for the privilege of serving in this House of Representatives. Keep us ever mindful that we are here to serve those who elected us and all of the people of Rhode Island. Amen.