

# 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. 8

Wednesday, January 16, 2008

Eighth Day

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The House of Representatives meets at the State House in Providence, Wednesday, January 16, 2008 and is called to order at 4:14 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 72 members present and 3 members absent as follows:

PRESENT - 72: 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, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasyluk, Williams, Williamson, Winfield.

ABSENT - 3: Representatives Palumbo, San Bento, Watson.

### **INVOCATION**

The Honorable Speaker presents Representative Carter 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, January 15, 2008 is approved as printed.

**ANNOUNCEMENTS**

Representative Robert Watson is out of state and unable to attend session Wednesday, January 16, 2008.

Representative Peter Palumbo is out of the country and unable to attend session Wednesday, January 16, through Thursday, January 24, 2008.

**NEW BUSINESS****House Bill No. 7135**

**BY** Brien, Singleton, Gablinske, Palumbo, Mattiello

**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- IDENTIFICATION AND APPREHENSION OF CRIMINALS (require law enforcement to notify Immigration and Customs Enforcement (ICE) of any individual they reasonably believe to be an illegal alien) {LC507/1}

01/16/2008 Introduced, referred to House Judiciary

**House Bill No. 7136**

**BY** Lally, Caprio D

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Jeanne Flight to join Jacqueline J. Kay and George J. Palmer) {LC464/1}

01/16/2008 Introduced, referred to House Judiciary

**House Bill No. 7137**

**BY** O'Neill, Mattiello, Petrarca

**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURES -- SENTENCING AND EXECUTION (require the records of deferred sentences to be automatically quashed and destroyed, if upon completion of the five (5) year period after acceptance of the deferred sentence, no action has been taken on the case) {LC718/1}

01/16/2008 Introduced, referred to House Judiciary

**House Bill No. 7138**

**BY** Palumbo, Mattiello, Singleton, Gablinske, Carter

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - THE RHODE ISLAND TAXPAYER AND CITIZEN PROTECTION ACT OF 2008 {LC168/1}

01/16/2008 Introduced, referred to House Judiciary

**House Bill No. 7139 (Attorney General)**

**BY** Kilmartin, Sullivan, O'Neill, Baldelli-Hunt, Brien

**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- CRIMES AGAINST PUBLIC TRUST {LC623/1}

01/16/2008 Introduced, referred to House Judiciary

**House Bill    No. 7140****BY** Kilmartin**ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --  
NOTARIES PUBLIC {LC508/1}

01/16/2008 Introduced, referred to House Judiciary

**House Resolution    No. 7141****BY** Murphy, Kilmartin, Lima, Coderre E, Corvese**ENTITLED,** HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO  
STUDY ALL ASPECTS OF THE STATE PENSION OR RETIREMENT SYSTEM {LC706/1}

01/16/2008 Introduced, referred to House Finance

**House Resolution    No. 7142****BY** San Bento, Singleton**ENTITLED,** JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE  
ELECTORS A PROPOSITION OF AMENDMENTS TO THE CONSTITUTION OF THE  
STATE (CASINO GAMBLING AT NEWPORT GRAND AND TWIN RIVER) {LC535/1}

01/16/2008 Introduced, referred to House Finance

**House Bill    No. 7143****BY** Lewiss, Dennigan, Savage, Shanley**ENTITLED,** AN ACT RELATING TO LIBRARIES {LC88/1}

01/16/2008 Introduced, referred to House Finance

**House Bill    No. 7144****BY** Corvese, Long, Vaudreuil, Palumbo**ENTITLED,** AN ACT RELATING TO INSURANCE - UNFAIR CLAIMS SETTLEMENT  
PRACTICES ACT {LC167/1}

01/16/2008 Introduced, referred to House Corporations

**House Bill    No. 7145****BY** Kilmartin**ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY {LC172/1}

01/16/2008 Introduced, referred to House Corporations

**House Bill    No. 7146****BY** Corvese, Long, Vaudreuil, Palumbo**ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS --  
AUTOMOBILE BODY REPAIR SHOPS {LC166/1}

01/16/2008 Introduced, referred to House Corporations

**House Bill    No. 7147****BY** Gemma, Picard, Flaherty, McNamara, Naughton**ENTITLED,** AN ACT RELATING TO TAXATION -- REAL ESTATE {LC533/1}

01/16/2008 Introduced, referred to House Municipal Government

**House Bill No. 7148****BY** Kilmartin**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - EMERGENCY POLICE POWER {LC506/1}

01/16/2008 Introduced, referred to House Municipal Government

**House Bill No. 7149****BY** Kilmartin, Coderre E, Rose, Dennigan, San Bento**ENTITLED**, AN ACT RELATING TO PROPERTY - MORTGAGE FORECLOSURE AND SALE {LC524/1}

01/16/2008 Introduced, referred to House Municipal Government

**House Resolution No. 7150****BY** Fox, Gorham**ENTITLED**, JOINT RESOLUTION INVITING HIS HONOR, THE PRESIDENT OF THE SENATE, AND THE HONORABLE SENATE TO JOIN THE HOUSE OF REPRESENTATIVES IN JOINT SESSION FOR THE PURPOSE OF RECEIVING THE STATE OF THE STATE ADDRESS OF HIS EXCELLENCY THE GOVERNOR {LC849/1}

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.

**TRANSMITTAL**

By unanimous consent, (08-H 7150) on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

**House Resolution No. 7151****BY** Giannini, Almeida**ENTITLED**, HOUSE RESOLUTION AMENDING THE MEMBERSHIP OF THE SPECIAL LEGISLATIVE COMMISSION TO STUDY AND ADDRESS CONCERNS REGARDING TEEN VIOLENCE IN THE COMMUNITY {LC735/1}

Representative Giannini requests unanimous consent for immediate consideration.

There is no objection.

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

**House Resolution No. 7152****BY** McNamara, Kilmartin, San Bento, Jacquard, O'Neill**ENTITLED**, HOUSE RESOLUTION HONORING CHARLES DOLAN ON THE OCCASION OF HIS RETIREMENT {LC571/1}

Representative McNamara requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative McNamara seconded by Representatives Kilmartin, Menard, Amaral, Story, McCauley, Coderre, Rose, Church, Carter, Caprio, O'Neill Mumford and many others members of the House by unanimous consent, on a voice vote.

The Honorable Speaker Murphy congratulates Teddy Dolan on his retirement from the state after 44 years of service.

**CALENDAR**

By unanimous consent, the Honorable Speaker Murphy requests to take up tomorrow's Calendar, next. There is no objection

From the Calendar are taken:

**1 2008-S 2034****BY Gibbs****ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Ordered on the Calendar

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Fox seconded by Representatives Jackson, Long, Mumford, Gorham, Rice on a roll call vote, 63 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 63: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Sullivan, Trillo, Walsh, Wasylyk, Williams, Williamson.

NAYS - 0.

**2 2008-S 2036****BY Algieri****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Ordered on the Calendar

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Fox seconded by Representatives Scott, Moffitt and many others members of the House on a roll call vote, 65 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 65: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Sullivan, Trillo, Vaudreuil, Walsh, Wasylyk, Williams, Williamson.

NAYS - 0.

**TRANSMITTAL**

By unanimous consent, (08-S 2034) & (08-S 2036) on the Clerk's desk are ordered to be transmitted to His Excellency, the Governor, forthwith.

**NOW PRESIDING**

At 4:33 o'clock P.M. the Honorable Speaker Murphy yields the rostrum to the Honorable Speaker Pro Tempore Lima.

**ANNOUNCEMENT**

Representative Slater wishes House Page-Gabriela Ramirez a Happy 16<sup>th</sup> Birthday.

**GUESTS**

Representative Serpa welcomes to the House Chamber as a guest Mrs. Filomena (Mena) Silva, wife of Representative Gus Silva.

Representatives Gorham, Winfield and Pacheco welcome to the House as guests the Division III State Champions-Ponagansett High School Football Team (Chieftains). Representative Gorham congratulates the team as follows Craig Stockwell, Derek Rogala, Nick Keeling, Sean Parish, Caleb Gelsomino, Colby Clarke, Jordan Ferretti, Jacob Kravitz, Zach Mason, Josh Morgan, Larry Colaluca, Colin Cunniff, Brad Waterman, Jarvis Ramey, Peter Sheffield, Corey Costa, Garret Drainville, Joe Fogarty, Dante Dermanouelian, George Bissell, Russell Morin, Brendan Fogarty, Marc Gelsomino, Craig Silva, Devon Paquin, Steve Kitson, Matthew Greenhalgh, Tom Tetzner, Robert Prando, Steve Chella, Vincent Gordon, Wyatt Huston, Michael Fogarty, Mark Misto, John Greenhalgh, Michael Kitson, Milton Whitaker, Dylan Longwill, David Santos, Jacob Fraatz, Phillip Colasante, Anthony Lemieux, Matthew Guedes, Joe Parrish, Brian Luther, Christopher Pedchenko, Corey Irace, Ethan Babcock, Adam Babcock, Daniel Fogarty, Max Goto, along with Head Coach-Mr. Thomas Marcello, Assistant Coaches-Mr. Troy Lambert, Mr. Nathan Seoane, Mr. Brian Gendreau and Volunteer Coaches-Mr. John Greenhalgh, Mr. Steve Suvajian, Mr. David Armstrong and Principal-Mr. Dennis Kafalas.

Speaker Pro Tempore Lima welcomes the team and coaches to the House Chamber and congratulates them on their Championship.

#### ADJOURNMENT

At 4:35 o'clock P.M. on motion of Representatives Ehrhardt and Carter and as a further mark of respect to the memory of Freeloze Selena Peterson; on motion of Representative Gemma, and as a further mark of respect to the memory of the late Representative Paul Sherlock; on motion of Representative Carter and as a further mark of respect to the memories of James Timpson and Kevin Higgins; on motion of Representatives Moffitt and Gorham, and as a further mark of respect to the memory of Joyce Spencer; seconded by Representatives Fox and Trillo the House adjourns, on a unanimous rising vote.

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

**APPENDIX**

**INVOCATION**

**REPRESENTATIVE KENNETH CARTER**

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



**APPENDIX**

**TRANSMITTED TO THE GOVERNOR**

**Senate Bill No. 2034**

**BY** Gibbs

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Kenneth Rosenthal to join Judith Rosenthal and Gordon Johnson in marriage) {LC492/1}

**Senate Bill No. 2036**

**BY** Algieri, Montalbano J, Breene, Gibbs, Blais

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (the Honorable Donald L. Carcieri to join Catherine Zadorozny and Stephen J. Zuba in marriage) {LC573/1}