

# **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. 10

Wednesday, January 23, 2008

Tenth Day

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The House of Representatives meets at the State House in Providence, Wednesday, January 23, 2008 and is called to order at 4:25 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, Coaty, Coderre, Corvese, Costantino, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, 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, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

**ABSENT - 6:** Representatives Church, Dennigan, Handy, Palumbo, San Bento, Scott.

### **INVOCATION**

The Honorable Speaker presents Representative Singleton 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 22, 2008 is approved as printed.

**ANNOUNCEMENT**

Representative Raymond Church will be unable to attend session Wednesday, January 23, 2008 due to a personal commitment.

**NEW BUSINESS****House Bill No. 7191** (Business Regulation)**BY** Story, Savage, Long**ENTITLED**, AN ACT RELATING TO INSURANCE (require life insurance policies delivered or issued in the state on or after January 1, 2008 to contain certain standard provisions relating to return polices and grace periods) {LC546/1}

01/23/2008 Introduced, referred to House Corporations

**House Bill No. 7192****BY** Vaudreuil, Silva, Serpa, Mattiello**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - PUBLIC UTILITIES COMMISSION (require utilities to maintain an office in Rhode Island open twenty-four (24) hours per day, seven (7) days a week for purposes of addressing emergencies) {LC400/1}

01/23/2008 Introduced, referred to House Corporations

**House Bill No. 7193****BY** Schadone, Malik, Gemma**ENTITLED**, AN ACT RELATING TO INSURANCE -- LIABILITY INSURANCE (eliminate the requirement that the identity of the at fault operator be revealed in a claim for property damage under the provisions of the uninsured motorist statute) {LC629/1}

01/23/2008 Introduced, referred to House Corporations

**House Bill No. 7194****BY** San Bento**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS - CERTIFIED SCHOOL TEACHERS' ARBITRATION (remove the \$5,000 cap on the payment of mediation expenses by the state pertaining to unresolved issues that are submitted to compulsory mediation between the negotiating or bargaining agent and the school committee) {LC792/1}

01/23/2008 Introduced, referred to House Finance

**House Bill No. 7195****BY** McCauley**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- AUTOMATED TRAFFIC VIOLATIONS MONITORING SYSTEMS (remove the sunset provision of July 19, 2008 from the Rhode Island Automated Traffic Violations Monitoring Systems Act of 2005) {LC844/1}

01/23/2008 Introduced, referred to House Finance

**House Bill No. 7196****BY** San Bento, Singleton**ENTITLED**, AN ACT RELATING TO LOTTERIES (modify the master video lottery contract with UTGR, Inc. and Newport Grand Jai Alai , LLC) {LC196/1}

01/23/2008 Introduced, referred to House Finance

**House Bill No. 7197****BY** Long, Ehrhardt, Carter, Coaty**ENTITLED**, AN ACT RELATING TO THE NEWPORT BRIDGE AND TURNPIKE AUTHORITY (require the toll revenue from the Pell bridge to be used only for maintenance of that bridge) {LC709/1}

01/23/2008 Introduced, referred to House Finance

**House Bill No. 7198****BY** San Bento**ENTITLED**, AN ACT RELATING TO PUBLIC FINANCE -- PROHIBITING THE USE OF PUBLIC FUNDS FOR ABORTIONS (prohibit the use of public facilities, public employees and public funds for the purpose of performing, assisting or encouraging abortion) {LC719/1}

01/23/2008 Introduced, referred to House Finance

**House Bill No. 7199****BY** Shanley**ENTITLED**, AN ACT RELATING TO THE KINGSTON WATER DISTRICT - BONDS {LC904/1}

01/23/2008 Introduced, referred to House Finance

**House Bill No. 7200****BY** Gemma, Schadone, Picard, Singleton, Vaudreuil**ENTITLED**, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES (provide for full real estate valuations to be conducted every twelve (12) years from the prior revaluation and updates to be conducted every four (4) years from the last revaluation) {LC794/1}

01/23/2008 Introduced, referred to House Finance

**House Bill No. 7201****BY** Lewiss, Jacquard, Jackson, Church, Rose**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - ATOMIC ENERGY COMMISSION (require that the operations of the state atomic energy commission be funded solely by fees collected, donations and grants) {LC311/1}

01/23/2008 Introduced, referred to House Finance

**House Bill No. 7202 (Attorney General)****BY** Kennedy, Lewiss, Naughton, Coderre E, Kilmartin**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- ACQUISITION OF LAND (provide procedural requirements for those bodies seeking to use eminent domain for the purpose of economic development) {LC370/1}

01/23/2008 Introduced, referred to House Finance

**House Bill No. 7203** (Attorney General)**BY** Kennedy, Lewiss, Naughton, Coderre E, Kilmartin**ENTITLED**, AN ACT RELATING TO INSURANCE -- CONSUMER PROTECTION AT RATE HEARINGS (require insurance companies to pay the costs of expert fees incurred by the attorney general's office in conducting insurance rate reviews on behalf of the public) {LC379/1}  
01/23/2008 Introduced, referred to House Finance**House Bill No. 7204** (Governor)**BY** Mumford, Ehrhardt, Story**ENTITLED**, AN ACT MAKING REVISED APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2008 {LC897/1}  
01/23/2008 Introduced, referred to House Finance**House Bill No. 7205****BY** Silva, Serpa, Lewiss, Vaudreuil, O'Neill**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY OF PUPILS (require all elementary and secondary schools whether public, private, parochial or charter to use environmentally-sensitive cleaning and maintenance products) {LC128/1}  
01/23/2008 Introduced, referred to House H.E.W.**House Bill No. 7206****BY** Corvese, Gablinske, Melo, Brien, Schadone**ENTITLED**, AN ACT RELATING TO EDUCATION - - MANDATES (require that educational mandates be fully funded or else unenforceable) {LC109/1}  
01/23/2008 Introduced, referred to House H.E.W.**House Bill No. 7207****BY** Corvese, Gablinske, Melo, O'Neill, Schadone**ENTITLED**, AN ACT RELATING TO EDUCATION -- TEACHERS' TENURE (push back the date by which school districts required to notify teachers that they are not being rehired from March 1st to June 1st immediately preceding the school year in which the dismissal would become effective) {LC115/1}  
01/23/2008 Introduced, referred to House H.E.W.**House Bill No. 7208****BY** Corvese, Gablinske, Melo, Schadone**ENTITLED**, AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS (codify and set forth certain management authority of school committees, which authority could not be bargained away through collective bargaining agreements) {LC114/1}  
01/23/2008 Introduced, referred to House H.E.W.

**House Bill No. 7209****BY** Gablinske, Corvese, Singleton, Malik, Ucci**ENTITLED**, AN ACT RELATING TO EDUCATION - TEACHERS' TENURE (require the commissioner of elementary and secondary education to establish a seniority protection system for teachers based on a statewide performance evaluation) {LC833/1}

01/23/2008 Introduced, referred to House H.E.W.

**House Bill No. 7210****BY** Gablinske, Corvese, Singleton, Malik**ENTITLED**, AN ACT RELATING TO EDUCATION - RHODE ISLAND STUDENT INVESTMENT INITIATIVE (direct the Rhode Island Department of Elementary and Secondary Education to develop statewide teacher performance standards) {LC834/1}

01/23/2008 Introduced, referred to House H.E.W.

**House Bill No. 7211****BY** Gablinske, Singleton, Malik**ENTITLED**, AN ACT RELATING TO EDUCATION -- COOPERATIVE SERVICE AMONG SCHOOL DISTRICTS (reorganize and reconstitute the educational collaboratives in this state) {LC832/1}

01/23/2008 Introduced, referred to House H.E.W.

**House Bill No. 7212****BY** Lima, Coderre E, Serpa, Lewiss, Almeida**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS (provide for judicial discretion regarding incarceration for convictions related to animal fighting) {LC890/1}

01/23/2008 Introduced, referred to House H.E.W.

**House Bill No. 7213****BY** McNamara, Lewiss, Smith, Naughton**ENTITLED**, AN ACT RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS (expand the definition of student discipline codes to include electronic communications) {LC303/1}

01/23/2008 Introduced, referred to House H.E.W.

**House Bill No. 7214****BY** McNamara, Smith, Lewiss, Segal, McCauley**ENTITLED**, AN ACT RELATING TO EDUCATION -- EMERGENCY RESPONSE PLANS (require school districts to adopt emergency response plans for weather- related evacuations) {LC224/1}

01/23/2008 Introduced, referred to House H.E.W.

**House Bill No. 7215****BY** Schadone, Melo, McCauley, Gemma**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- BURGLARY AND BREAKING AND ENTERING (raise penalties for first and second offenses upon conviction for breaking into a residence when the residents are on the premises) {LC630/1}

01/23/2008 Introduced, referred to House Judiciary

**House Bill No. 7216****BY** Kilmartin**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES {LC887/1}

01/23/2008 Introduced, referred to House Judiciary

**House Bill No. 7217****BY** Schadone, McCauley, Gemma**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES {LC632/1}

01/23/2008 Introduced, referred to House Judiciary

**House Bill No. 7218****BY** Schadone, Malik, Gemma**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- DEATH BY WRONGFUL ACT {LC628/1}

01/23/2008 Introduced, referred to House Judiciary

**House Bill No. 7219****BY** Giannini, Mattiello, Gallison, Almeida, Ferri**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE - SENTENCE AND EXECUTION {LC419/1}

01/23/2008 Introduced, referred to House Judiciary

**House Bill No. 7220****BY** Church, Melo, Mattiello, Silva, Serpa**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - OPEN MEETINGS - SCHOOL COMMITTEES {LC205/1}

01/23/2008 Introduced, referred to House Judiciary

**House Bill No. 7221****BY** Mattiello, Brien, Gallison, Ferri, Rice**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - FRAUD AND FALSE DEALING {LC440/1}

01/23/2008 Introduced, referred to House Judiciary

**House Bill No. 7222 (Attorney General)****BY** Malik, McNamara, Story, Gablinske, Carter**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- REGULATION OF SALES {LC394/1}

01/23/2008 Introduced, referred to House Judiciary

**House Bill No. 7223****BY** Lima, Coderre E, Petrarca, San Bento, Shanley**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --  
MISCELLANEOUS RULES {LC776/1}

01/23/2008 Introduced, referred to House Judiciary

**House Bill No. 7224****BY** McNamara, Lewiss, Smith, Naughton**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- COMPUTER CRIME  
{LC302/1}

01/23/2008 Introduced, referred to House Judiciary

**House Bill No. 7225****BY** San Bento**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- PAYMENT  
OF WAGES {LC720/1}

01/23/2008 Introduced, referred to House Labor

**House Bill No. 7226****BY** Winfield**ENTITLED**, AN ACT RELATING TO WORKERS' COMPENSATION -- BENEFITS  
{LC871/1}

01/23/2008 Introduced, referred to House Labor

**House Bill No. 7227****BY** Kilmartin**ENTITLED**, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- CHECK CASHING  
{LC822/1}

01/23/2008 Introduced, referred to House Labor

**House Bill No. 7228****BY** Winfield**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS - WORKERS'  
COMPENSATION - BENEFITS {LC867/1}

01/23/2008 Introduced, referred to House Labor

**House Bill No. 7229****BY** Winfield**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- WORKERS'  
COMPENSATION -- BENEFITS {LC568/1}

01/23/2008 Introduced, referred to House Labor

**House Bill No. 7230****BY** Winfield**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION -- BENEFITS {LC569/1}

01/23/2008 Introduced, referred to House Labor

**House Bill No. 7231****BY** Winfield**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION -- PROCEDURE {LC567/1}

01/23/2008 Introduced, referred to House Labor

**House Bill No. 7232****BY** Gablinske, Corvese, Singleton, Malik**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS {LC831/1}

01/23/2008 Introduced, referred to House Labor

**House Bill No. 7233****BY** Winfield**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION -- PROCEDURE {LC577/1}

01/23/2008 Introduced, referred to House Labor

**House Bill No. 7234****BY** Lima, Coderre E, Giannini, Gallison, Rice**ENTITLED**, AN ACT RELATING TO LABOR -- MINIMUM WAGES {LC761/1}

01/23/2008 Introduced, referred to House Labor

**House Bill No. 7235****BY** Kilmartin**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - ZONING ORDINANCES {LC763/1}

01/23/2008 Introduced, referred to House Municipal Government

**House Resolution No. 7236****BY** Williamson, Murphy, Serpa, Fox, Kennedy**ENTITLED**, HOUSE RESOLUTION EXPRESSING OUR DEEPEST SYMPATHY ON THE PASSING OF THE HONORABLE STEPHEN JOHN BRUNERO, ESQ. {LC1036/1}

Representative Williamson requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Williamson seconded by Representatives Serpa, Fox, Ucci, Almeida, Melo, Ajello, Coderre, Naughton, Carter, McCauley, Caprio, Lima, Watson, Trillo, Gorham, Story, Long, Loughlin, Mumford, Ehrhardt, Coaty, Savage, Rose, Corvese, Malik, Slater, Diaz, Singleton, Shanley, Petrarca, O'Neill, Moffitt, McManus, Silva, Lewiss, Vaudreuil, Jackson, Sullivan, Gablinske, Flaherty, Walsh, Kennedy, Wasylyk, Costantino,



Fellela, Brien, Baldelli-Hunt, Kilmartin, Gallison, Giannini, Schadone, Gemma, Williams, Picard, Segal and Rice by unanimous consent, on a voice vote.

By unanimous consent, Representative Mattiello requests to place (08 H-7237) on tomorrow's Calendar. There is no objection.

**House Resolution No. 7237**

**BY** Mattiello, Serpa

**ENTITLED**, HOUSE RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL LEGISLATIVE COMMISSION TO MAKE A COMPREHENSIVE STUDY OF THE EFFECT STATE AND FEDERAL MANDATES HAVE ON THE EDUCATION AND FINANCES OF SCHOOL DISTRICTS IN THE STATE OF RHODE ISLAND {LC696/1}  
01/23/2008 Placed on House Calendar

**TRANSMITTAL**

By unanimous consent, all matters on the clerk's desk are ordered to be transmitted to the Honorable Secretary of State, forthwith.

**ANNOUNCEMENTS**

Representative Diaz announces that the Committee on Health, Education and Welfare will meet at the rise of the House, in Room 135 of the State House.

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

Representative Costantino announces that the Committee on Finance will meet tomorrow at 2 o'clock P.M. for a House Fiscal Staff briefing on the Supplemental Budget, in Room 35 of the State House.

**GUESTS**

Representative Kilmartin welcomes to the House Chamber as a guest Ryan Irons.

Representative Coderre welcomes to the House as guests Jim Gillen-Coordinator of Rhode Island Cares; Leslie Miller- Advocacy Chair; and her son former Senator Tom Coderre.

**ADJOURNMENT**

At 4:41 o'clock P.M. on motion of Representatives Williamson, Serpa and the Honorable Speaker Murphy and as a further mark of respect to the memory of former Representative Stephen John Brunero, Esq. and until recently the clerk of the House Corporations Committee; on motion of Representative Rose, and as a further mark of respect to the memory of Hayward T. Freeman; seconded by Representatives Fox, Watson and the entire House of Representatives the House adjourns, on a unanimous rising vote.

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

**APPENDIX**

**INVOCATION**

**REPRESENTATIVE RICHARD W. SINGLETON**

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, JANUARY 24, 2008:

1 2008-S 2092

BY Perry

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Ordered on the Calendar

2 2008-H 7237

BY Mattiello

ENTITLED, HOUSE RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL LEGISLATIVE COMMISSION TO MAKE A COMPREHENSIVE STUDY OF THE EFFECT STATE AND FEDERAL MANDATES HAVE ON THE EDUCATION AND FINANCES OF SCHOOL DISTRICTS IN THE STATE OF RHODE ISLAND

Ordered on the Calendar

Francis P. McCabe  
Clerk of the House

Wednesday, January 23, 2008