

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. 11

Thursday, January 24, 2008

Eleventh Day

The House of Representatives meets at the State House in Providence, Thursday, January 24, 2008 and is called to order at 4:26 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 71 members present and 4 members absent as follows:

PRESENT - 71: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, 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 - 4: Representatives Dennigan, Flaherty, Lally, Palumbo.

INVOCATION

The Honorable Speaker presents Representative Ferri 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 23, 2008 is approved as printed.

ANNOUNCEMENT

Representative Donald J. Lally is out of town on business and unable to attend session on Thursday, January 24, 2008.

NEW BUSINESS**House Bill No. 7238** (Attorney General)

BY Fellela, Ucci, Melo, Serpa

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - RHODE ISLAND RESOURCE RECOVERY CORPORATION (require any commercial entity engaged in the business of collecting/disposing solid waste, which deposits the waste at the central landfill/certify in writing every 30 days/such waste was not generated or collected outside the territorial limits of RI) {LC374/1}

01/24/2008 Introduced, referred to House Corporations

House Bill No. 7239

BY Ajello, Giannini, Rice, Walsh, Naughton

ENTITLED, AN ACT RELATING TO INSURANCE (provide insurance coverage for treatment of infertility for unmarried, as well as married, persons) {LC797/1}

01/24/2008 Introduced, referred to House Corporations

House Bill No. 7240

BY DeSimone, Petrarca, Singleton, Palumbo, Lally

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - DUTIES (prohibit utilities from keeping customer funds or termination penalties associated with the unused balance of services remaining under the service contract.) {LC730/1}

01/24/2008 Introduced, referred to House Corporations

House Bill No. 7241

BY Petrarca, Singleton, Silva, Lima, Shanley

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- MUSICAL ADVERTISING (advertising and conducting of certain live musical performances or productions by false and/or misleading affiliations or associations with other musical groups and would impose penalties for any violations) {LC564/1}

01/24/2008 Introduced, referred to House Corporations

House Bill No. 7242

BY Gallison, Rice, Jackson, Gablinske, Malik

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -- EMERGENCY MANAGEMENT (require approval General

Assembly/Bristo/Jamestown/Middletown/Newport/Portsmouth/Tiverton/Warren of any emergency response plan/RI Emerg Mngt Agency for the transp of liq uefied natural gas through Narragansett Bay/Mount Hope Bay) {LC963/1}

01/24/2008 Introduced, referred to House Environment and Natural Resources

House Bill No. 7243**BY** Williams, Segal

ENTITLED, AN ACT RELATING TO TAXATION - MOTION PICTURE PRODUCTION TAX CREDITS (require applicants for a motion picture production tax credit to submit a diversity plan outlining the specific goals of the film production for hiring minorities/women/using certified vendors under the RI minority business enterprise program) {LC547/1}

01/24/2008 Introduced, referred to House Finance

House Bill No. 7244**BY** Kilmartin

ENTITLED, AN ACT RELATING TO JUSTICE ASSISTANCE (appropriate the sum of four hundred thousand dollars (\$400,000) for Justice Assistance) {LC903/1}

01/24/2008 Introduced, referred to House Finance

House Bill No. 7245**BY** Kilmartin

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- LICENSING OF HEALTH CARE FACILITIES (repeal the provision of the general laws that establishes a minimum level of uncompensated care on an annual basis to be provided by licensed home nursing care providers) {LC907/1}

01/24/2008 Introduced, referred to House Finance

House Bill No. 7246**BY** Moffitt, Mumford, Savage, Gallison, McManus

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ESTABLISHING AN OFFICE OF INSPECTOR GENERAL (establish the office of inspector general as an independent administrative agency charged with the purpose of preventing and detecting fraud, waste and abuse, and mismanagement in the expenditure of public funds) {LC413/1}

01/24/2008 Introduced, referred to House Finance

House Bill No. 7247**BY** Corvese, Williams, Gablinske, Pacheco, Schadone

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- WEAPONS -- LICENSE OR PERMIT FEE (increase the fee for a weapons license or permit and would provide that nonresident permits would be valid for one year.) {LC482/1}

01/24/2008 Introduced, referred to House Finance

House Bill No. 7248**BY** Petrarca, Silva, O'Neill, Sullivan, Lima

ENTITLED, AN ACT RELATING TO MOTOR AND MOTOR VEHICLES -- TAXATION (expand the definition of the owners of mv for registration and property tax purposes, to include partnerships, firms, associations, corporations and limited liability companies which operate on state roads for more than 30 days) {LC545/1}

01/24/2008 Introduced, referred to House Finance

House Bill No. 7249**BY** Ucci, Mattiello, Fellela, O'Neill, Petrarca**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES - CERTIFICATION OF CHILD CARE AND YOUTH WORKERS (broaden the definition of "youth serving agency" and would require criminal records checks of persons seeking to volunteer with youth serving agencies.) {LC429/1}

01/24/2008 Introduced, referred to House H.E.W.

House Bill No. 7250**BY** McNamara, Costantino**ENTITLED**, AN ACT RELATING TO EDUCATION (require education collaboratives to file a yearly expense and investment report with health, education and welfare, and finance, along with the board of regents, the senate committee on education and local school committees) {LC702/1}

01/24/2008 Introduced, referred to House H.E.W.

House Bill No. 7251**BY** McNamara, Costantino**ENTITLED**, AN ACT RELATING TO EDUCATION (require regional collaboratives to comply with the uniform system of accounting promulgated by the auditor general) {LC875/1}

01/24/2008 Introduced, referred to House H.E.W.

House Bill No. 7252**BY** Rice, Giannini, Walsh, Ajello, Naughton**ENTITLED**, AN ACT RELATING TO CRIMINALS -- CORRECTIONAL INSTITUTIONS (require that notification be given to all victims who have a protective order relative to a prisoner that is about to be released from prison) {LC899/1}

01/24/2008 Introduced, referred to House Judiciary

House Bill No. 7253**BY** Lewiss, Mattiello, Brien, O'Neill, Sullivan**ENTITLED**, AN ACT CRIMINAL OFFENSES (make it a felony for an on-line predator to engage in cyberstalking of a minor.) {LC157/1}

01/24/2008 Introduced, referred to House Judiciary

House Bill No. 7254**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO PROPERTY -- RESIDENTIAL LANDLORD AND TENANT ACT (provide grounds for eviction in federally subsidized or regulated housing including violent acts against persons or property, use of narcotics on premises and noncompliance of tenants obligations) {LC919/1}

01/24/2008 Introduced, referred to House Judiciary

House Bill No. 7255 (Attorney General)**BY** Fellela, Serpa, Carter, Ucci**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - CHILDREN (amend the definition of second degree child abuse by eliminating the word "serious" therefrom) {LC392/1}
01/24/2008 Introduced, referred to House Judiciary**House Bill No. 7256** (Attorney General)**BY** Walsh, Kilmartin, Williams**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS (create new criminal offenses related to methamphetamine possession and manufacture and would establish a commission to study various issues related thereto.) {LC371/1}
01/24/2008 Introduced, referred to House Judiciary**House Bill No. 7257****BY** Brien, Baldelli-Hunt, Mattiello, O'Neill, Picard**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- IMPERSONATION AND IDENTITY FRAUD (mandate the specific penalties imposed for conviction of impersonation and identity fraud) {LC418/1}
01/24/2008 Introduced, referred to House Judiciary**House Bill No. 7258** (Attorney General)**BY** Diaz, Slater, Almeida, Segal, Handy**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- WEAPONS (make it unlawful for any person to knowingly receive, transport or possess any firearm/has the importer's or manufacturer's serial number tampered with) {LC391/1}
01/24/2008 Introduced, referred to House Judiciary**House Bill No. 7259** (Attorney General)**BY** Almeida, Mattiello, Giannini, Ferri, Jacquard**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- HOMICIDE (amend the crime of murder so as to make the section on penalties for murder compatible) {LC443/1}
01/24/2008 Introduced, referred to House Judiciary**House Bill No. 7260****BY** Ucci, Petrarca, Fellela, Smith**ENTITLED**, AN ACT RELATING TO TAXATION -- THE LEVY AND ASSESSMENT OF LOCAL TAXES -- JOHNSTON -- HOMESTEAD EXEMPTION (eliminate the homestead exemption to Johnston to all residential real estate which consists of not more than five units and would apply the exemption only to single family, owner-occupied residences) {LC952/1}
01/24/2008 Introduced, referred to House Municipal Government**House Bill No. 7261****BY** Long, Savage, Story**ENTITLED**, AN ACT RELATING TO EDUCATION -- TRANSPORTATION OF SCHOOL PUPILS BEYOND CITY LIMITS (require the state to reimburse local school committees for the entire cost of transportation of pupils to another city or town when the transportation is required by mandate) {LC779/1}
01/24/2008 Introduced, referred to House Finance

By unanimous consent, Representative Walsh requests to place (08-H 7262) on the Calendar for Tuesday, January 29, 2008. There is no objection.

House Resolution No. 7262

BY Walsh, Rice, Giannini, Fellela, Ajello

ENTITLED, HOUSE RESOLUTION RESPECTFULLY REQUESTING THE UNITED STATES CONGRESS TO INTRODUCE AND ADOPT LEGISLATION ON ELDER CARE {LC793/1}

01/24/2008 Placed on House Calendar

COMMUNICATION

The Honorable Speaker announces the receipt of the following communication:

January 24, 2008

The Honorable William J. Murphy
Speaker of the House
Room323
State House
Providence, RI 02903

Dear Speaker Murphy,

Please be advised that I will be unable to attend session on Thursday, January 24, 2008, as I will be out of town on business that day.

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

Sincerely,

Chairman Donald J. Lally, Jr.
District 33

Received and placed on file.

CALENDAR

From the Calendar are taken:

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

Representative Fox moves passage of the act, seconded by Representative Watson.

Read and passed, in concurrence, 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, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Diaz, Ehrhardt, Fellela, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Naughton, O'Neill, Pacheco, Petrarca, Rice, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasyluk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

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

Representative Mattiello moves passage of the resolution, seconded by Representatives Rice, Corvese, Savage, Kilmartin, Carter, Ajello, Lima, San Bento, Walsh and many other members of the House.

Representatives Watson, Carter, Serpa, Lima, Gorham, Fox, Williamson, Mattiello, Corvese, Story, Kilmartin and Loughlin discuss the resolution.

Read and passed, on a roll call vote, 61 members voting in the affirmative and 4 members voting in the negative as follows:

YEAS - 61: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Corvese, Costantino, DeSimone, Diaz, Fellela, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McManus, McNamara, Melo, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasyluk, Williams, Williamson.

NAYS - 4: Representatives Coaty, Ehrhardt, Gorham, Watson.

TRANSMITTAL

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

ANNOUNCEMENTS

The Honorable Speaker Murphy wishes Representative Gregory Schadone a Happy Birthday on January 25, 2008.

The Honorable Speaker Murphy wishes Representative Roger Picard a Happy Birthday on January 26, 2008.

The Honorable Speaker Murphy wishes Representative Al Gemma a Happy Birthday on January 27, 2008.

The Honorable Speaker Murphy wishes Representative Donna Walsh a Happy Birthday on January 28, 2008.

The Honorable Speaker Murphy wishes Representative Peter Petrarca and his wife Michelle a Happy Anniversary on January 28, 2008.

The Honorable Speaker Murphy wishes Senator Paul Moura a Happy Birthday.

Representative Costantino announces everyone should have received a Revised Budget At A Glance on their desk and also that the Committee on Finance will be meet at the rise of the House, in Room 35 of the State House.

Representative Rice announces that the Committee on Environment and Natural Resources will meet briefly at the rise of the House, in Room 207 of the State House.

Representative Long announces an 8th grade class of Lawn Ave School in Jamestown were guests at the State House on Thursday, January 17th along with their teacher Mrs. McGuirl and principal Mrs. Almanzer. Representative Long thanks everyone involved in making their visit possible.

Representative Long wishes his mom Ruth a Happy Birthday on January 17th.

ADJOURNMENT

At 5:02 o'clock P.M. on motion of Representatives Gemma, Carter, Rice, Naughton, McNamara, Williamson and Serpa, and as a further mark of respect to the memory of Carmine Ginolfi; on motion of Representative Amaral, and as a further mark of respect to the memory of Chuck Martens; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE FRANK J. FERRI

Thank you God for Your presence here with us and Your blessings on this Assembly today and every day. Amen.

APPENDIX

TRANSMITTED TO THE GOVERNOR

Senate Bill No. 2092

BY Perry

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Cathy Seggel to join Jennifer Seggel and Edward Eads) {LC738/1}

APPENDIX

CALENDAR

IN ORDER FOR TUESDAY, JANUARY 29, 2008:

1 2008-H 7262

BY Walsh

ENTITLED, HOUSE RESOLUTION RESPECTFULLY REQUESTING THE
UNITED STATES CONGRESS TO INTRODUCE AND ADOPT
LEGISLATION ON ELDER CARE

Ordered on the Calendar

Francis P. McCabe
Clerk of the House

Thursday, January 24, 2008