

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. 12

Tuesday, January 29, 2008

Twelfth Day

The House of Representatives meets at the State House in Providence, Tuesday, January 29, 2008 and is called to order at 4:18 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 Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, 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, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT - 6: Representatives Ajello, Gablinske, Kilmartin, Naughton, Scott, Sullivan.

INVOCATION

The Honorable Speaker presents Representative Serpa 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 24, 2008 is approved as printed.

ANNOUNCEMENT

Representative Edith H. Ajello will be unable to attend session Tuesday, January 29 through Thursday, January 31, 2008 due to business responsibilities.

REPORTS OF COMMITTEE**COMMITTEE ON FINANCE**

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

House Bill No. 7007 SUB A

BY Williamson, Serpa

ENTITLED, AN ACT AMENDING THE DISTRESSED AREAS ECONOMIC REVITALIZATION ACT {LC244/1/A}

01/29/2008 Placed on House Calendar

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}

01/29/2008 Placed on House Calendar

NEW BUSINESS**House Bill No. 7263**

BY Fox, Almeida, Williams, Segal, Diaz

ENTITLED, AN ACT RELATING TO GENERAL ASSEMBLY -- PERMANENT JOINT COMMITTEE ON NAMING ALL NEW BUILDINGS, BRIDGES, EDIFICES AND OTHER STATE CONSTRUCTIONS (would name a portion of the interstate highway 195 "I-Way" after Manuel Q. Ledo and John F. Lopez) {LC1088/1}

01/29/2008 Introduced, referred to House Constituent Services

House Bill No. 7264

BY Pacheco, Church

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- TRAFFIC CONTROL DEVICES (permit buses and other motor vehicles owned and operated by the Rhode Island public transit authority to use traffic control signal preemption devices to prolong green traffic signals) {LC668/1}

01/29/2008 Introduced, referred to House Constituent Services

House Bill No. 7265

BY Pacheco

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF JIM GERVASIO CONSTRUCTION COMPANY, INC. {LC791/1}

01/29/2008 Introduced, referred to House Corporations

House Bill No. 7266**BY** Lima, Coderre E, Naughton, Ajello, Serpa**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW -- UNFAIR SALES PRACTICES (define the term regular price for purposes of the law regulating discount price advertisements) {LC1049/1}

01/29/2008 Introduced, referred to House Corporations

House Bill No. 7267**BY** Kennedy, San Bento, Picard, Williams, Lewiss**ENTITLED**, AN ACT RELATING TO INSURANCE -- CASUALTY INSURANCE GENERALLY (require that insurance companies notify insured persons of material modifications by way of a separate mailed notice titled "Important Notice.") {LC1061/1}

01/29/2008 Introduced, referred to House Corporations

House Resolution No. 7268**BY** Kennedy, San Bento, Picard, Williams, Lewiss**ENTITLED**, HOUSE RESOLUTION IN SUPPORT OF H.R. 506**ENTITLED** "THE HEALTH PARTNERSHIP THROUGH CREATIVE FEDERALISM ACT" {LC967/1}

01/29/2008 Introduced, referred to House Corporations

House Resolution No. 7269**BY** Kennedy, San Bento, Picard, Williams, Lewiss**ENTITLED**, HOUSE RESOLUTION OPPOSING THE AMENDMENT OR REPEAL OF THE MCCARRAN-FERGUSON ACT {LC968/1}

01/29/2008 Introduced, referred to House Corporations

House Bill No. 7270**BY** McNamara, Ferri, Naughton, Malik, Gemma**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- LITTER CONTROL AND RECYCLING (increase the penalties for littering along the coastline) {LC714/1}

01/29/2008 Introduced, referred to House Environment and Natural Resources

House Bill No. 7271**BY** Gablinske, Winfield, Caprio D, Brien, Malik**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- PRIVATIZATION OF STATE SERVICES (various revisions to the provisions of the general laws pertaining to the privatization of state services, including, but not limited to, repealing the provision providing for an appeal process) {LC1081/1}

01/29/2008 Introduced, referred to House Finance

House Bill No. 7272**BY** Schadone, Corvese, Malik, Jackson, Melo**ENTITLED**, AN ACT RELATING TO TAXATION -- REAL ESTATE EVALUATION ASSESSMENTS (change the current schedule/required reevaluation of municipal real estate) {LC1038/1}

01/29/2008 Introduced, referred to House Finance

House Bill No. 7273**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION (permit cities and towns to defer a portion of property taxes for residents over 65 years of age) {LC910/1}

01/29/2008 Introduced, referred to House Finance

House Bill No. 7274**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO EDUCATION -- STATE AID (provide that the general assembly annually appropriate three million dollars to any school district that creates an art high school) {LC912/1}

01/29/2008 Introduced, referred to House Finance

House Bill No. 7275**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO TAXATION -- PROPERTY TAX RELIEF (increase the income limit for persons claiming the property tax credit thus increasing the amount of the credit available) {LC917/1}

01/29/2008 Introduced, referred to House Finance

House Bill No. 7276**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX (impose the state income tax on any nonresident property owner in a town which holds a financial town meeting should that nonresident vote at the financial town meeting if permitted to do so) {LC920/1}

01/29/2008 Introduced, referred to House Finance

House Bill No. 7277**BY** Church, Vaudreuil, Malik, Ucci, Baldelli-Hunt**ENTITLED**, AN ACT RELATING TO DEBT MANAGEMENT (repeal and revoke the general assembly's prior approval of financing for the Blackstone Valley Courthouse) {LC896/1}

01/29/2008 Introduced, referred to House Finance

House Bill No. 7278**BY** Pacheco, Church, Baldelli-Hunt, Mumford, Silva**ENTITLED**, AN ACT RELATING TO TAXATION (establish a deduction for higher education-related expenses) {LC288/1}

01/29/2008 Introduced, referred to House Finance

House Bill No. 7279**BY** Kilmartin**ENTITLED**, AN ACT PUBLIC OFFICERS AND EMPLOYEES -- SALARIES AND TRAVELING EXPENSES (prohibit state employees from crediting service as a municipal employee or municipal elected official as state service for the purpose of computing vacation accrual) {LC921/1}

01/29/2008 Introduced, referred to House Finance

House Bill No. 7280**BY** McNamara, Malik, Naughton, Silva, Lewiss**ENTITLED**, AN ACT RELATING TO EDUCATION -- CURRICULUM (require that the physical education and health curriculums in schools be based on standards set by Rhode Island Health Education Framework and Rhode Island Physical Education Framework) {LC188/1}
01/29/2008 Introduced, referred to House H.E.W.**House Bill No. 7281****BY** Naughton, Coderre E, McNamara, San Bento, Slater**ENTITLED**, AN ACT RELATING TO HEALTH CARE QUALITY PROGRAM -- MONITORING THE OCCURRENCE OF PRESSURE ULCERS IN HEALTH CARE FACILITIES (add the occurrence of pressure ulcers to the list of subjects on which the health care quality steering committee shall advise) {LC42/1}
01/29/2008 Introduced, referred to House H.E.W.**House Bill No. 7282****BY** Lewiss, Coderre E, Kennedy, McNamara, Silva**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- PHARMACIES (require pharmacists to dispense the same number of pills or amount of medication as prescribed by the physician) {LC323/1}
01/29/2008 Introduced, referred to House H.E.W.**House Bill No. 7283****BY** Kilmartin**ENTITLED**, AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS (provide that in the event of an audit of a school department, the auditor general would select the auditor if the audit is not performed by the office of the auditor general) {LC918/1}
01/29/2008 Introduced, referred to House H.E.W.**House Bill No. 7284****BY** Serpa, Gallison, Silva, Lewiss, Fellela**ENTITLED**, AN ACT RELATING TO ANIMALS ANIMAL HUSBANDRY -- DOGS (prohibit any person from keeping a dog tethered, penned, caged, fenced or confined outside for more than thirty minutes when the temp is beyond the weather safety scale without access to outdoor housing) {LC746/1}
01/29/2008 Introduced, referred to House H.E.W.**House Bill No. 7285****BY** Kilmartin**ENTITLED**, AN ACT RELATING TO EDUCATION - REGIONAL COUNTY SCHOOL SUPERINTENDENTS (establish a regional county school superintendent in each county of the state, within the Providence County, for purposes of oversight and facilitating the combination of resources in the county) {LC914/1}
01/29/2008 Introduced, referred to House H.E.W.

House Bill No. 7286**BY** Pacheco, Church, Corvese, Picard, Savage**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES (establish the crime of homicide by motor vehicle for motor vehicle violations that cause the death of another person. The crime may be a felony or a misdemeanor, depending upon the nature of the motor vehicle violation) {LC789/1}

01/29/2008 Introduced, referred to House Judiciary

House Bill No. 7287**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - CORRECTIONS DEPARTMENT (require persons placed on community confinement to notify their landlords of said status) {LC906/1}

01/29/2008 Introduced, referred to House Judiciary

House Bill No. 7288**BY** Ajello, Picard, Williams, Slater, Coderre E**ENTITLED**, AN ACT RELATING TO PROPERTY -- RESIDENTIAL LANDLORD AND TENANT ACT (require a landlord to pay a departing tenant the value of fuel oil left in the tank upon the tenant vacating the premises) {LC1032/1}

01/29/2008 Introduced, referred to House Judiciary

House Bill No. 7289**BY** Pacheco, Handy, Church, Brien, Gallison**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- ACCIDENTS AND ACCIDENT REPORTS (mandatory two year revocation of license when convicted leaving scene of an accident resulting in serious bodily injury/increase amount of time license be revoked when convicted of leaving scene of accident resulting in death) {LC422/1}

01/29/2008 Introduced, referred to House Judiciary

House Bill No. 7290**BY** Serpa, Gallison, Gablinske, Lewiss, Silva**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE (permit the district court/family court/domestic violence is alleged/provisions for the care, custody and control of any companion animal as set forth in section 4-13.1-2, kept or held by either party/minor child residing in the household) {LC127/1}

01/29/2008 Introduced, referred to House Judiciary

House Bill No. 7291**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES (create a secondary motor vehicle offense, inattentive driving, to a primary moving violation offense punishable by a fine) {LC913/1}

01/29/2008 Introduced, referred to House Judiciary

House Bill No. 7292**BY** Winfield

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS - WORKERS COMPENSATION - BENEFITS (workers who claim disfigurement as a result of a work related incident to wait one year from the disfiguring event before filing a petition for disfigurement benefits) {LC868/1}

01/29/2008 Introduced, referred to House Labor

House Bill No. 7293**BY** Loughlin, Amaral, Trillo

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- PAYMENT OF WAGES (prohibit payroll deductions from all state and municipal employees for the benefit of any private organization including, unions. However, it would allow charitable payroll deductions) {LC417/1}

01/29/2008 Introduced, referred to House Labor

House Bill No. 7294**BY** Kilmartin, Coderre E

ENTITLED, AN ACT RELATING TO PROPERTY -- MORTGAGE FORECLOSURE AND SALE (foreclosure deeds to be recorded within thirty (30) days of the foreclosure sale and would also require financial institutions who are successful bidders at the foreclosure sale to create escrow accounts for the payment of outstanding real estate taxes {LC1077/1}

01/29/2008 Introduced, referred to House Municipal Government

House Bill No. 7295**BY** Shanley, Walsh, Caprio D, Lally

ENTITLED, AN ACT RELATING TO TAXATION - LEVY AND ASSESSMENT OF LOCAL TAXES (South Kingstown to issue prorated bills to owners of new manufactured homes on leased land) {LC1034/1}

01/29/2008 Introduced, referred to House Municipal Government

House Bill No. 7296**BY** Kilmartin

ENTITLED, AN ACT RELATING TO WATER AND NAVIGATION - THE COASTAL RESOURCES MANAGEMENT COUNCIL (cities and towns to provide free parking at CRMC designated rights-of-way along the Rhode Island shore) {LC908/1}

01/29/2008 Introduced, referred to House Municipal Government

House Bill No. 7297**BY** Kilmartin

ENTITLED, AN ACT RELATING TO GENERAL ASSEMBLY - CREATING A SUNSET OVERSIGHT COMMISSION (review various commissions, boards, agencies, authorities and corporations to determine whether or not there is a genuine public need for the agency) {LC905/1}

01/29/2008 Introduced, referred to House Separation of Powers

House Resolution No. 7298**BY** Picard, Murphy, Brien, Baldelli-Hunt, Singleton**ENTITLED**, HOUSE RESOLUTION EXTENDING CONDOLENCES ON THE PASSING OF STATE SENATOR ROGER R. BADEAU {LC1147/1}

Representative Picard requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Picard seconded by Representatives Brien, Baldelli-Hunt, Gemma, Carter, Almeida, Fox, Malik, McNamara, Lima, Coderre, Walsh and many other members of the House and by unanimous consent, on a voice vote.

House Resolution No. 7299**BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC1161/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

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

House Resolution No. 7300**BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC1160/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

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

CALENDAR

From the Calendar is taken:

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

Representative Walsh moves passage of the act, seconded by Representative Serpa.

Read and passed, on a roll call vote, 55 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 55: The Honorable Speaker Murphy and Representatives Baldelli-Hunt, Brien, Caprio, Carter, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gallison, Gemma, Giannini, Gorham, Jackson, Lally, Lewiss, Lima, Long, Malik, Mattiello, McManus, Melo, Moffitt, Mumford, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Segal, Serpa, Silva, Singleton, Story, Ucci, Vaudreuil, Walsh, Wasyluk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

ANNOUNCEMENT

Representative Corvese announces that the Committee on Labor will meet at the rise of the House, in Room 201 of the State House.

GUESTS

Representative Walsh welcomes to the House Chamber as guests Beverly Babcock-President of the RI Business and Professional Women; Evelyn Smith-Past State President of the RIBPW, and a member of the Charlestown Affordable Housing Commission and former Town Council Member; and Reverend Jean Barry-Executive Director of Warm Shelter and Chair of the Charlestown Affordable Commission.

TRANSMITTAL

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

ADJOURNMENT

At 4:34 o'clock P.M. on motion of the Honorable Speaker Murphy and the entire House of Representatives and as a further mark of respect to the memory of Senator Roger Badeau; on a motion of Representative Moffitt, and as a further mark of respect to the memory of Agnes Ball; on motion of Representative Coderre, and as a further mark of respect to the memory of Anthony J. Sassi, Sr.; on motion of Representative McCauley and as a further mark of respect to the memory of Loretta Roberts; on motion of Representative Church, and as a further mark of respect to the memory of Patricia Lovett; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE PATRICIA A. SERPA

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

APPENDIX

CALENDAR

IN ORDER FOR THURSDAY, JANUARY 31, 2008:

1 **2008-H 7141**

BY Murphy

ENTITLED, HOUSE RESOLUTION CREATING A SPECIAL HOUSE
COMMISSION TO STUDY ALL ASPECTS OF THE STATE
PENSION OR RETIREMENT SYSTEM

Committee on Finance recommends passage.

2 **2008-H 7007 SUB A**

BY Williamson

ENTITLED, AN ACT AMENDING THE DISTRESSED AREAS ECONOMIC
REVITALIZATION ACT

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

Francis P. McCabe
Clerk of the House

Tuesday, January 29, 2008