

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. 15

Tuesday, February 5, 2008

Fifteenth Day

The House of Representatives meets at the State House in Providence, Tuesday, February 5, 2008 and is called to order at 4:15 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, 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, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT - 3: Representatives Amaral, O'Neill, Sullivan.

INVOCATION

The Honorable Speaker presents Representative Fellela 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 31, 2008 is approved as printed.

ANNOUNCEMENT

Representative Kilmartin was unable to attend session on January 29, 30 and 31, 2008 because he was out of state.

NEW BUSINESS**House Resolution No. 7332**

BY Rice, Serpa, Segal

ENTITLED, HOUSE RESOLUTION EXPRESSING SUPPORT FOR THE HUMAN RIGHTS TORCH RELAY {LC1296/1}

02/05/2008 Introduced, referred to House Constituent Services

House Resolution No. 7333

BY Diaz, Almeida, Slater

ENTITLED, HOUSE RESOLUTION URGING MAJOR LEAGUE BASEBALL TO RETIRE JERSEY NUMBER 21 IN HONOR OF THE LIFETIME ACHIEVEMENTS OF THE LATE ROBERTO CLEMENTE {LC1225/1}

02/05/2008 Introduced, referred to House Constituent Services

House Bill No. 7334

BY Diaz, Almeida, Slater

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT (create a Liberian cultural exchange commission) {LC1223/1}

02/05/2008 Introduced, referred to House Constituent Services

House Resolution No. 7335

BY Vaudreuil, Serpa, Silva

ENTITLED, HOUSE RESOLUTION PROCLAIMING FEBRUARY 4-8, 2008 AS "NATIONAL SCHOOL COUNSELING WEEK" IN THE STATE OF RHODE ISLAND {LC1324/1}

02/05/2008 Introduced, referred to House Constituent Services

House Bill No. 7336

BY Schadone, Jackson, Petrarca, Gemma, Rice

ENTITLED, AN ACT RELATING TO INSURANCE - UNFAIR CLAIMS SETTLEMENT PRACTICES ACT (provide a cause of action for third-party claimants in automobile accidents for unfair claims practices) {LC1037/1}

02/05/2008 Introduced, referred to House Corporations

House Bill No. 7337

BY Schadone, Winfield, Brien, Rice, Corvese

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - ATHLETIC AGENTS (create a uniform athlete agent act to regulate the business of sports agency) {LC633/1}

02/05/2008 Introduced, referred to House Corporations

House Bill No. 7338**BY** Scott, Lewiss, Carter, Shanley, Walsh**ENTITLED**, AN ACT RELATING TO PROPERTY - UNIFORM ENVIRONMENTAL COVENANTS ACT (establish rules and regulations relating to environmental covenants) {LC124/1}

02/05/2008 Introduced, referred to House Environment and Natural Resources

House Bill No. 7339**BY** McCauley**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- RETIREMENT SYSTEM-CONTRIBUTIONS AND BENEFITS (permit members in the state retirement system who have retired from municipal employment to obtain post-retirement employment with the state without a suspension of retirement benefits) {LC1189/1}

02/05/2008 Introduced, referred to House Finance

House Bill No. 7340**BY** Caprio D, Williamson, DeSimone, Petrarca, Mattiello**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY - GOVERNMENTAL TORT LIABILITY (clarify that governmental indemnification of its employees would not affect any obligations of the insurer) {LC1056/1}

02/05/2008 Introduced, referred to House Finance

House Bill No. 7341**BY** Williams**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - REGISTRATION OF VEHICLES (allow the administrator of the division of motor vehicles to issue registration plates in honor of Dr. Martin Luther King, Jr. for a fee of forty dollars regular registration fees) {LC1085/1}

02/05/2008 Introduced, referred to House Finance

House Bill No. 7342**BY** Petrarca, Winfield, Gemma, Kennedy, Corvese**ENTITLED**, AN ACT RELATING TO INSURANCE - MOTOR VEHICLE (require insurance companies that pay claims to a motor vehicle policy holder for total loss due to an accident or if the vehicle is stolen, to add seven percent (7%) to the claims amount) {LC561/1}

02/05/2008 Introduced, referred to House Finance

House Bill No. 7343**BY** Lima, Coderre E, Almeida, Dennigan, Diaz**ENTITLED**, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX -- CAPITAL GAINS RATE (raise the capital gains rate for the 2009 through 2011 years to 5%, with the increased amount raised for the 2009 tax year going to Rhode Island cities and towns to compensate for cuts in state aid to cities and towns) {LC1104/1}

02/05/2008 Introduced, referred to House Finance

House Bill No. 7344**BY** Flaherty, Gemma, Naughton, McNamara, Ferri**ENTITLED**, AN ACT RELATING TO AERONAUTICS (require the Rhode Island Airport Corporation to appropriate five million dollars (\$5,000,000) to the city of Warwick annually with a three percent (3%) increase annually) {LC1219/1}

02/05/2008 Introduced, referred to House Finance

House Bill No. 7345**BY** Menard, Trillo, Malik, Flaherty, Winfield**ENTITLED**, AN ACT RELATING TO TAXATION -- SPRINKLER AND FIRE ALARM TAX CREDITS (provide tax credits for equipment and installation cost of sprinkler and fire alarm systems in existing buildings) {LC857/1}

02/05/2008 Introduced, referred to House Finance

House Bill No. 7346**BY** Walsh, Coderre E, Lima, Williams, Smith**ENTITLED**, AN ACT RELATING TO TAXATION -- TAX CREDITS FOR CONTRIBUTIONS TO SCHOLARSHIP ORGANIZATIONS (establish a tax credit for the "Public Education Partnership Fund.") {LC1188/1}

02/05/2008 Introduced, referred to House Finance

House Bill No. 7347**BY** DeSimone, Petrarca, Singleton, Williamson, Caprio D**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF BUSINESS REGULATION (create three (3) hearing officer positions to hearing matters relating to the department of business regulation) {LC732/1}

02/05/2008 Introduced, referred to House Finance

House Bill No. 7348**BY** Brien, Baldelli-Hunt, Lally, Shanley, Schadone**ENTITLED**, AN ACT STATE AFFAIRS AND GOVERNMENT -- ECONOMIC DEVELOPMENT (establish within the Economic Development Corporation an expanded program to assist Rhode Island companies to secure new business with federal, state and local governments) {LC1183/1}

02/05/2008 Introduced, referred to House Finance

House Bill No. 7349**BY** Baldelli-Hunt, Almeida, Pacheco, Brien, Story**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES - INSURANCE BENEFITS (require a state employee who is either married to another state employee or who is the domestic partner of another state employee to choose the least expensive health care plan, either family coverage or individual coverage) {LC1024/1}

02/05/2008 Introduced, referred to House Finance

House Bill No. 7350**BY** Shanley, Williamson, Diaz, Malik, Loughlin**ENTITLED**, AN ACT RELATING TO TAXATION -- CIGARETTE TAX (cap the maximum tax for cigars at fifty cents (\$.50) for each cigar) {LC1257/1}

02/05/2008 Introduced, referred to House Finance

House Bill No. 7351 (Lieutenant Governor)**BY** Shanley, Naughton, Lally, Brien, Dennigan**ENTITLED**, AN ACT RELATING TO EDUCATION -- NURSING LOAN REPAYMENT PROGRAM (address loan forgiveness under the nursing loan repayment program and annually appropriate \$250,000 for matching funds) {LC1234/1}

02/05/2008 Introduced, referred to House Finance

House Bill No. 7352 (Lieutenant Governor)**BY** Gemma, Fox, Church, Rice, Schadone**ENTITLED**, AN ACT RELATING TO THE HEALTH AND SAFETY - HEALTHY RHODE ISLAND REFORM ACT OF 2008 (establish the healthy Rhode Island strategic plan and chronic care management program) {LC1184/1}

02/05/2008 Introduced, referred to House H.E.W.

House Bill No. 7353**BY** McCauley**ENTITLED**, AN ACT RELATING TO EDUCATION - THE RHODE ISLAND INVESTMENT INITIATIVE (provide that the intervention provisions of the RI Student Investment Initiative Act/not alter or affect rights or remedies of school employees provided under federal laws, state laws, local laws or collective bargaining agreements) {LC1190/1}

02/05/2008 Introduced, referred to House H.E.W.

House Bill No. 7354**BY** Fellela, Serpa, Carter**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY - PERMIT PROGRAM FOR CATS (provide that when a cat or kitten is offered for sale or adoption, the person so doing, either has to spay or neuter the cat or kitten prior to the adoption or sale or provide a spay or neuter prepaid certificate) {LC685/1}

02/05/2008 Introduced, referred to House H.E.W.

House Bill No. 7355**BY** Fellela, Ucci, Serpa, Petrarca**ENTITLED**, AN ACT RELATING TO EDUCATION (transfer the Johnston school department from the Providence vocational area to the William E. Davies vocational area) {LC1179/1}

02/05/2008 Introduced, referred to House H.E.W.

House Bill No. 7356**BY** Corvese, Schadone, DeSimone**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - HEALTH CLUBS (require a criminal records check of any owner, employee, or volunteer working in a dance studio, karate school, or modeling studio) {LC1249/1}

02/05/2008 Introduced, referred to House H.E.W.

House Bill No. 7357**BY** Caprio D, Williamson, DeSimone, Petrarca, Mattiello**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURES - PROCEDURE IN PARTICULAR ACTIONS - WRONGFUL DEATH (allow for the recovery of punitive damages in a wrongful death suit) {LC1058/1}

02/05/2008 Introduced, referred to House Judiciary

House Bill No. 7358**BY** Caprio D, Williamson, DeSimone, Petrarca, Mattiello**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURES -- PROCEDURE IN PARTICULAR ACTIONS -- DEATH**BY** WRONGFUL ACT (allow for the recovery of punitive damages in a wrongful death suit) {LC1054/1}

02/05/2008 Introduced, referred to House Judiciary

House Bill No. 7359**BY** Lima, Coderre E, Almeida, Slater, Diaz**ENTITLED**, AN ACT RELATING TO PROPERTY -- POSSESSION AND PRESCRIPTION (increase the period of time to claim title by adverse possession from ten (10) years to twenty-five (25) years) {LC879/1}

02/05/2008 Introduced, referred to House Judiciary

House Bill No. 7360**BY** Handy**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- PROHIBITING PERSONS FROM ENTERING AND REMAINING ON PUBLIC WAYS OR SIDEWALKS WITHIN A 100 FOOT RADIUS OF A REPRODUCTIVE HEALTH CARE FACILITY (criminal penalty/civil remedy/person who enters or remains on a public way or sidewalk adjacent to a reproductive health care facility/bstructs, detains, hinders, impedes or blocks entrance to or exit from a reproductive health care facility) {LC1256/1}

02/05/2008 Introduced, referred to House Judiciary

House Bill No. 7361**BY** Walsh, Giannini, Handy, Lewiss, Rice**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - THE CIVIL RIGHTS ACT OF 1990 (impose a three year statute of limitations on civil actions for violating an individual's civil rights) {LC1187/1}

02/05/2008 Introduced, referred to House Judiciary

House Bill No. 7362**BY** Menard, Flaherty, Winfield, Baldelli-Hunt**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES -- MOTOR VEHICLE

OFFENSES (require a bail commission, a traffic tribunal magistrate, or a district court judge to immediately suspend a person's license upon that person being charged with a DUI)

{LC814/1}

02/05/2008 Introduced, referred to House Judiciary

House Bill No. 7363**BY** Mattiello, Giannini, Almeida, Ferri, Brien**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES (create the online property offenses act and would make it a criminal offense to use Internet access to obtain, sell, or fence stolen property) {LC129/1}

02/05/2008 Introduced, referred to House Judiciary

House Bill No. 7364**BY** Diaz, Almeida, Williams, Lima, Slater**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- CHILDREN (include blunt wraps under the definitions of rolling papers) {LC1181/1}

02/05/2008 Introduced, referred to House Judiciary

House Bill No. 7365**BY** Gallison, Gablinske, Lewiss, Rice, Rose**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES - EQUIPMENT AND ACCESSORIES - INSPECTIONS (establish fines applicable to individuals who install or adjust equipment on a motor vehicle, intended for highway use that would result in an unsafe vehicle as set forth in chapter 31-23 and 31-24) {LC1167/1}

02/05/2008 Introduced, referred to House Judiciary

House Bill No. 7366**BY** Menard, Flaherty, Winfield, Baldelli-Hunt**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MOTOR VEHICLE OFFENSES {LC812/1}

02/05/2008 Introduced, referred to House Judiciary

House Bill No. 7367**BY** Lally, Shanley, Caprio D, Carter**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC1199/1}

02/05/2008 Introduced, referred to House Judiciary

House Bill No. 7368**BY** Flaherty, Corvese, Shanley, Malik**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - SEWAGE CHARGES {LC1214/1}

02/05/2008 Introduced, referred to House Municipal Government

House Bill No. 7369**BY** Vaudreuil, Silva**ENTITLED**, AN ACT RELATING TO THE 10A VALUATION AND RATIFICATION OF THE CITY CHARTER OF THE CITY OF CENTRAL FALLS {LC859/1}

02/05/2008 Introduced, referred to House Municipal Government

House Bill No. 7370**BY** Carter, Gemma, Gallison, Malik, Fellela**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF VETERANS' AFFAIRS {LC405/1}

02/05/2008 Introduced, referred to House Veterans Affairs

House Resolution No. 7371**BY** Walsh, Coderre E, Handy, Williams, Carter**ENTITLED**, HOUSE RESOLUTION RESPECTFULLY URGING THE UNITED STATES CONGRESS TO ADEQUATELY PROVIDE FOR OUR COUNTRY'S VETERANS {LC1060/1}

02/05/2008 Introduced, referred to House Veterans Affairs

House Resolution No. 7372**BY** Naughton, Diaz, Coderre E, Williamson, Pacheco**ENTITLED**, HOUSE RESOLUTION ADOPTING RULES OF THE HOUSE OF REPRESENTATIVES FOR THE YEARS 2007-2008 {LC1295/1}

02/05/2008 Introduced, referred to House Rules Committee

House Resolution No. 7373**BY** Fox, Long**ENTITLED**, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC1399/1}

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. 7374**BY** Fox, Long**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC1397/1}

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, FEBRUARY 5, 2008:**1 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.

Representative Costantino moves passage of the act, seconded by Representatives Williamson, Serpa, Rose and Dennigan.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, on a roll call vote, 55 members voting in the affirmative and 9 members voting in the negative as follows.

YEAS - 55: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, Ehrhardt, Fellela, Ferri, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Malik, Mattiello, McNamara, Melo, Moffitt, Mumford, Naughton, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Trillo, Ucci, Vaudreuil, Williams, Williamson.

NAYS - 9: Representatives Coaty, Flaherty, Gorham, Loughlin, McManus, Menard, Story, Walsh, Watson.

TRANSMITTAL

By unanimous consent, (08-H 7007 SUB A), on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

ANNOUNCEMENTS

Representative Mumford and the Honorable Speaker Murphy wish Representative Victor Moffitt a Happy Birthday on February 2nd.

Representative Giannini and the Honorable Speaker Murphy wish Representative Frank Ferri a Happy Birthday on February 2nd.

Representative Williams wishes Representative Elaine Coderre and her husband Raymond a Happy Anniversary.

Majority Leader Fox announces there will be no session on Thursday, February 7, 2008.

Majority Leader Fox announces that the Committee on Finance will meet in Newport at 4:00 o'clock P.M. at the Colony House (Old State House).

Majority Leader Fox announces the deadline for bill drafts to legislative council is this Friday February 8th at around 4:30-5:00 o'clock and the deadline for bill introduction is Thursday, February 14, 2008.

Majority Leader Fox announces that the Pension Commission will meet this Thursday, February 7th at 4:00 o'clock P.M.

Representative Costantino announces that the Committee on Finance will continue its hearing at the rise of the House, in Room 35 of the State House.

Representative Caprio introduces his intern David Hayes Jr. to the House Chamber.

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

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

ADJOURNMENT

At 4:30 o'clock P.M. on motion of Representatives Lewiss, Scott and Carter and as a further mark of respect to the memory of Judith S. Newman; on motion of Representatives Coderre and Kilmartin, and as a further mark of respect to the memory of William Busald; on motion of Representative Shanley and as a further mark of respect to the memory of Margaret Deignan; on motion of Representative Mattiello, and as a further mark of respect to the memory of Ronald H. Crabtree; on motion of Representative Giannini, and as a further mark of respect to the memories of Frederick Lennon and Anthony Michael Abbate; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE DEBORAH A. FELLELA

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