

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. 16

Wednesday, February 6, 2008

Sixteenth Day

The House of Representatives meets at the State House in Providence, Wednesday, February 6, 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 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, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Menard, 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 Gorham, Melo, Moffitt, Palumbo.

INVOCATION

The Honorable Speaker presents Representative Church 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, February 5, 2008 is approved as printed.

ANNOUNCEMENT

Representative Helio Melo is out of state and unable to attend session Wednesday, February 6, 2008.

REPORT OF COMMITTEE**COMMITTEE ON CORPORATIONS**

Representative Kennedy, for the Committee on Corporations, reports back the following measures, with recommendation of passage:

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}

02/06/2008 Placed on House Calendar

NEW BUSINESS**House Bill No. 7375**

BY Kilmartin

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- RETAIL SALE OF GASOLINE (end fractional pricing of gasoline by requiring whole -cent pricing) {LC1039/1}

02/06/2008 Introduced, referred to House Corporations

House Resolution No. 7376

BY Almeida, Fox, Diaz, Williams, Coderre E

ENTITLED, HOUSE RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO TAKE EMERGENCY ACTION TO PROTECT HOMEOWNERS AND BANKS {LC602/1}

02/06/2008 Introduced, referred to House Corporations

House Bill No. 7377

BY Segal, Pacheco, Almeida, Rice, Ferri

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES (create a committee to study alternative methods for state employees to travel to work) {LC1151/1}

02/06/2008 Introduced, referred to House Environment and Natural Resources

House Bill No. 7378

BY Segal, Williams, Ajello, Handy

ENTITLED, AN ACT RELATING TO TAXATION - PERSONAL INCOME TAX (require employers to provide employees with bi-lingual notices regarding the existence of the federal earned income tax credit and volunteer income tax assistance providers) {LC1395/1}

02/06/2008 Introduced, referred to House Finance

House Bill No. 7379**BY** Gallison, Slater, Giannini, Kilmartin, San Bento**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ECONOMIC DEVELOPMENT CORPORATION (require the approval of the senate finance committee and house finance committee prior to the issuance of any community development block grant) {LC965/1}

02/06/2008 Introduced, referred to House Finance

House Bill No. 7380**BY** McCauley**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- MUNICIPAL EMPLOYEES' ARBITRATION (require the state to pay the cost of compulsory mediation involving municipal employees) {LC1359/1}

02/06/2008 Introduced, referred to House Finance

House Bill No. 7381**BY** Segal, Rice, Caprio D**ENTITLED**, AN ACT RELATING TO TAXATION - RESIDENTIAL RENEWABLE ENERGY SYSTEM TAX CREDIT (eliminate the tax credit caps on residential renewable energy systems) {LC1132/1}

02/06/2008 Introduced, referred to House Finance

House Bill No. 7382**BY** Segal, Sullivan, Handy, Pacheco, Lima**ENTITLED**, AN ACT RELATING TO TAXATION - PERSONAL INCOME TAX - CAPITAL GAINS RATES (raise the capital gains rate on assets held more than five (5) years to five percent (5%). Capital gains realized from investments in Rhode Island companies would be exempt) {LC1129/1}

02/06/2008 Introduced, referred to House Finance

House Bill No. 7383**BY** Naughton, Coderre E, Dennigan**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- BREAST CANCER ACT (provide additional funding for breast cancer screening) {LC1389/1}

02/06/2008 Introduced, referred to House Finance

House Bill No. 7384**BY** Naughton, Coderre E, Dennigan**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND HOUSING AND MORTGAGE FINANCE CORPORATION (establish a program of loan guarantees or interest subsidies within RI housing/mortgage finance corp/home modifications to primary residence of persons/disability/65 or older/caregiver of a family member with a disability/65 or older) {LC1357/1}

02/06/2008 Introduced, referred to House Finance

House Bill No. 7385**BY** Lally**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY - JURY LISTS (replace the unclassified pay plan board with the state court administrator as the body that sets the salary of the jury commissioner in accordance with section 88-15-9) {LC1240/1}

02/06/2008 Introduced, referred to House Finance

House Bill No. 7386**BY** Fellela, Ucci, Costantino, Serpa**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE CONVENTION CENTER AUTHORITY ACT -- NAMING RIGHTS (require the convention center authority to put the naming rights of the Rhode Island convention center out for bid) {LC1087/1}

02/06/2008 Introduced, referred to House Finance

House Bill No. 7387**BY** Lally**ENTITLED**, AN ACT PUBLIC OFFICERS AND EMPLOYEES - RETIREMENT SYSTEM - ADMINISTRATION {LC616/1}

02/06/2008 Introduced, referred to House Finance

House Bill No. 7388**BY** McNamara, Costantino**ENTITLED**, AN ACT RELATING TO EDUCATION {LC697/1}

02/06/2008 Introduced, referred to House Finance

House Bill No. 7389**BY** San Bento, Church, Pacheco, Coderre E, Naughton**ENTITLED**, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX {LC981/1}

02/06/2008 Introduced, referred to House Finance

House Bill No. 7390 (Governor)**BY** Watson, Gorham, Story, Ehrhardt, Mumford**ENTITLED**, AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR FISCAL YEAR ENDING JUNE 30, 2009 {LC1320/1}

02/06/2008 Introduced, referred to House Finance

House Resolution No. 7391**BY** Naughton, Coderre E, San Bento**ENTITLED**, HOUSE RESOLUTION EXTENDING THE COMMISSION LIFE AND AMENDING THE MEMBERSHIP OF THE SPECIAL LEGISLATIVE COMMISSION TO STUDY AND ESTABLISH AN OLMSTEAD DECISION TASK FORCE IN THE STATE OF RHODE ISLAND {LC1148/1}

02/06/2008 Introduced, referred to House H.E.W.

House Bill No. 7392**BY** Church**ENTITLED**, AN ACT RELATING TO EDUCATION -- CERTIFICATION OF TEACHERS {LC624/1}

02/06/2008 Introduced, referred to House H.E.W.

House Bill No. 7393 (Attorney General)**BY** Giannini, Fellela, Serpa, Williams, Rice**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - CHILDREN {LC1186/1}

02/06/2008 Introduced, referred to House Judiciary

House Bill No. 7394**BY** Flaherty, Lally, Kilmartin**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURES GENERALLY -- PLEADING {LC1185/1}

02/06/2008 Introduced, referred to House Judiciary

House Bill No. 7395**BY** Lally**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS-- FAMILY COURT {LC1231/1}

02/06/2008 Introduced, referred to House Judiciary

House Bill No. 7396**BY** Naughton**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE {LC1122/1}

02/06/2008 Introduced, referred to House Judiciary

House Bill No. 7397**BY** Naughton**ENTITLED**, AN ACT RELATING TO COURTS -- JOINT AND SEVERAL LIABILITY {LC1123/1}

02/06/2008 Introduced, referred to House Judiciary

TRANSMITTAL

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

COMMUNICATION FROM THE SENATE

A message from the Honorable Senate transmits with announcement of passage, of the following measures:

Senate Bill No. 2207**BY** Algieri, Breene**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF CROSS'S MILL'S VOL. FIRE DEPT. {LC1255/1}

02/06/2008 Placed on House Calendar

Senate Resolution No. 2208**BY** Montalbano J, Ruggerio, Ciccone**ENTITLED**, JOINT RESOLUTION HONORING MARION DEPALMA ON THE OCCASION OF HER RETIREMENT {LC231/1}

02/06/2008 Placed on House Calendar

ANNOUNCEMENTS

Representative Mumford and the Honorable Speaker Murphy wish Representative Joseph Trillo a Happy Birthday on February 10th.

Representative Malik and the Honorable Speaker Murphy wish Representative Joe McNamara and his wife Diane a Happy Anniversary on February 5th.

Representative Silva 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 Lally announces that the Committee on Judiciary will meet at the rise of the House, in Room 205 of the State House.

Representative Loughlin announces that he and Representative Coaty will be unable to attend the Pension Reform Commission Meeting tomorrow. They will be testifying on behalf of their constituents in Newport about 24 hour gambling.

The Honorable Speaker Murphy announces there is no session tomorrow and the Finance Committee will meet in Newport at the Colony House at 4:00 o'clock P.M., also the Pension Commission will be meeting tomorrow at 4:00 o'clock in Room 35 of the State House.

ADJOURNMENT

At 4:22 o'clock P.M. on motion of Representative Ehrhardt, and as a further mark of respect to the memory of Mary Margaret Turkel; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE RAYMOND C. CHURCH

Lord may it be Thy will, not our own, which governs our deliberations this day. Amen

APPENDIX

CALENDAR

IN ORDER FOR WEDNESDAY, FEBRUARY 13, 2008:

1 2008-H 7265

BY Pacheco

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF JIM GERVASIO CONSTRUCTION COMPANY,
INC.

Committee on Corporations recommends passage.

2 2008-S 2207

BY Algieri

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF CROSS'S MILL'S VOL. FIRE DEPT.

Ordered on the Calendar

3 2008-S 2208

BY Montalbano J

ENTITLED, JOINT RESOLUTION HONORING MARION DEPALMA ON THE
OCCASION OF HER RETIREMENT

Ordered on the Calendar

Francis P. McCabe
Clerk of the House

Wednesday, February 6, 2008