

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. 17

Tuesday, February 12, 2008

Seventeenth Day

The House of Representatives meets at the State House in Providence, Tuesday, February 12, 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, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT - 4: Representatives Diaz, Malik, San Bento, Sullivan.

INVOCATION

The Honorable Speaker presents Representative Scott 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, February 6, 2008 is approved as printed.

ANNOUNCEMENT

Representative Jan P. Malik is out of town and unable to attend session Tuesday, February 12 through Thursday, February 14, 2008.

REPORTS OF COMMITTEE**COMMITTEE ON JUDICIARY**

Representative Lally, for the Committee on Judiciary, reports back the following measure, with recommendation of passage:

House Bill No. 7031**BY** Gallison

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow Edward Finn to join Peter Cohn and Amelia Gruber in marriage on or about July 19, 2008 within the Town of Bristol, Rhode Island.) {LC10/1}

02/12/2008 Placed on House Calendar

House Bill No. 7084**BY** McManus

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow Charles Michael Blais to join Eric DiMario and Alana Cordeiro) {LC367/1}

02/12/2008 Placed on House Calendar

House Bill No. 7086**BY** Fox

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow the Honorable Byron Trefonides to join Jeslyn MacClary and Preston Miller) {LC526/1}

02/12/2008 Placed on House Calendar

House Bill No. 7127**BY** Serpa

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Jeffrey Frye may join Jennifer M. Sanabria and Jeremy J. Fournier) {LC673/1}

02/12/2008 Placed on House Calendar

House Bill No. 7136**BY** Lally, Caprio D

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Jeanne Flight to join Jacqueline J. Kay and George J. Palmer) {LC464/1}

02/12/2008 Placed on House Calendar

House Bill No. 7175**BY** Gablinske, Gallison**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow Alayne White to join Sara Jean Faria and Justin Bernard Walsh) {LC766/1}

02/12/2008 Placed on House Calendar

House Bill No. 7178**BY** Rice, Jackson**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow The Honorable James F. Howard, Jr. to join Sapana Y. Shah and Thomas H. Alberts) {LC747/1}

02/12/2008 Placed on House Calendar

House Bill No. 7323**BY** Gallison, Gablinske**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow David E. Barboza to join Erica Lynn Jenks and David John Giannini) {LC1092/1}

02/12/2008 Placed on House Calendar

NEW BUSINESS**House Bill No. 7398****BY** Ucci, Kennedy, Fellela, Petrarca, Caprio D**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS -- UNFAIR SALES PRACTICES (would prohibit any person, firm or corporation from charging a surcharge of any kind relating to gift certificates and/or gift cards) {LC1259/1}

02/12/2008 Introduced, referred to House Corporations

House Bill No. 7399 (Lieutenant Governor)**BY** Coderre E, Naughton, Kennedy, McNamara**ENTITLED**, AN ACT RELATING TO INSURANCE - ACCIDENT AND SICKNESS INSURANCE POLICIES (amend the definition of a dependent on health insurance policies. It would not require that a child between 19 and 25 be a student to be considered a dependent) {LC1220/1}

02/12/2008 Introduced, referred to House Corporations

House Bill No. 7400**BY** Kilmartin, McManus**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS (prohibit taxicab operators, public motor vehicle operators, and public transit authority operators from using a cellular telephone while in the operation of said vehicle, except in the case of an emergency) {LC911/1}

02/12/2008 Introduced, referred to House Corporations

House Bill No. 7401**BY** Kilmartin, Sullivan, McManus**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- USE OF ELECTRONIC DEVICES (make unlawful the operation of nonhands-free mobile telephones while driving a motor vehicle or a bicycle) {LC909/1}

02/12/2008 Introduced, referred to House Corporations

House Bill No. 7402**BY** Menard, Flaherty, Trillo, Winfield, Ucci**ENTITLED**, AN ACT RELATING TO TAXATION - SALES AND USE TAXES - LIABILITY AND COMPUTATION (extend the sales tax exemption on sprinkler and fire alarm systems as requested by the Comprehensive Fire and Safety Act of 2003 to December 31, 2009) {LC1336/1}

02/12/2008 Introduced, referred to House Finance

House Bill No. 7403**BY** Dennigan, Ajello, Handy, Diaz**ENTITLED**, AN ACT RELATING TO EDUCATION -- UNIVERSAL BREAKFAST PROGRAM (establish a Universal Breakfast Program for all Rhode Island òsevere needò public schools, as defined by the Federal School Lunch Program) {LC855/1}

02/12/2008 Introduced, referred to House Finance

House Bill No. 7404**BY** Pacheco, Amaral, Church, Long, Vaudreuil**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - RETIREMENT SYSTEM - CONTRIBUTIONS AND BENEFITS (would bring the policies regarding retirement of members of the Rhode Island Judiciary and State Police in conformity with state employees) {LC280/1}

02/12/2008 Introduced, referred to House Finance

House Bill No. 7405**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO TAXATION -- ESTATE AND TRANSFER TAXES (increase from \$675,000 to \$1,000,000 the allowable exclusion from the net tax on the estate of a decedent dying after December 31, 2007) {LC1318/1}

02/12/2008 Introduced, referred to House Finance

House Bill No. 7406**BY** Ucci, Slater, Caprio D, Malik, Fellela**ENTITLED**, AN ACT RELATING TO PUBLIC FINANCE -- STATE BUDGET (would prohibit state and municipal employees from making or authorizing expenditures exceeding appropriations) {LC1094/1}

02/12/2008 Introduced, referred to House Finance

House Bill No. 7407**BY** Ucci, Smith, Petrarca, Fellela**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - RHODE ISLAND RESOURCE RECOVERY CORPORATION (would make land leased by the resource recovery corporation to a private entity subject to taxation by the municipality within which it is located) {LC1261/1}

02/12/2008 Introduced, referred to House Finance

House Bill No. 7408**BY** Picard, Brien, Baldelli-Hunt**ENTITLED**, AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS (would give authority to the school board for Woonsocket to establish a dress code for elementary, middle and high school students) {LC1319/1}

02/12/2008 Introduced, referred to House H.E.W.

House Bill No. 7409**BY** Kilmartin, Sullivan**ENTITLED**, AN ACT RELATING TO BUSINESS AND PROFESSIONS - THE RHODE ISLAND HEALTH INFORMATION EXCHANGE ACT OF 2008 (would establish safeguards and confidentiality protection for health information exchange) {LC1079/1}

02/12/2008 Introduced, referred to House H.E.W.

House Bill No. 7410**BY** Ucci, McNamara, Fellela, Petrarca, Winfield**ENTITLED**, AN ACT RELATING TO EDUCATION - ELIGIBILITY FOR ATTENDANCE (authorize school departments to admit children into their kindergarten programs even though those children have not reached age 5 by September 1 of the school year) {LC1260/1}

02/12/2008 Introduced, referred to House H.E.W.

House Bill No. 7411**BY** Coaty, Gorham, McManus, Story, Ehrhardt**ENTITLED**, AN ACT RELATING TO INITIATIVE AND REFERENDUM (provide a detailed process by which a proponent of a voter initiative and referendum proposal would present the proposal to the secretary of state, the general assembly and the governor) {LC1097/1}

02/12/2008 Introduced, referred to House Judiciary

House Bill No. 7412**BY** Story, Malik, Savage, Gablinske, McManus**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES - REGULATION OF SALES (increase the mandatory license loss to ninety (90) days for any minor convicted of possession of an alcoholic beverage) {LC1441/1}

02/12/2008 Introduced, referred to House Judiciary

House Bill No. 7413**BY** Story, Malik, Savage, Gablinske, McManus**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- FRAUD AND FALSE DEALING (make it a misdemeanor offense for any person to manufacture or distribute a false identification card punishable by a fine from one hundred dollars (\$100) to five hundred dollars (\$500) {LC1348/1}

02/12/2008 Introduced, referred to House Judiciary

House Bill No. 7414**BY** Menard, Malik, Baldelli-Hunt, Winfield, Ucci**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES - REGULATION OF SALES (would take increase the penalty provisions of underage persons possessing alcoholic beverages) {LC807/1}

02/12/2008 Introduced, referred to House Judiciary

House Bill No. 7415**BY** Menard, Malik, Winfield, Ucci**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES - REGULATION OF SALES (change the period of suspension from thirty (30) days to six (6) months for transportation of alcoholic beverages by underage persons) {LC809/1}

02/12/2008 Introduced, referred to House Judiciary

House Bill No. 7416**BY** Menard, Flaherty, Malik, Winfield, Ucci**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- REGULATION OF SALES (hold all persons who provide alcohol to any person under age 21, or permits persons under age 21 to consume alcohol on their property criminally responsible and not just adults or person over age 21) {LC1338/1}

02/12/2008 Introduced, referred to House Judiciary

House Bill No. 7417**BY** McManus, Story**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MISCELLANEOUS RULES (would make violations of a safety belt law a primary offense commencing July 21, 2008 and reduces operator and passenger violations from \$75.00 to \$30.00) {LC1250/1}

02/12/2008 Introduced, referred to House Judiciary

House Bill No. 7418 (Attorney General)**BY** Kilmartin, Sullivan, Pacheco, Brien, Baldelli-Hunt**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- CRIMES AGAINST PUBLIC TRUST (create a new chapter within title 11 entitled "crimes against the public trust" defining and punishing theft of honest services) {LC1023/1}

02/12/2008 Introduced, referred to House Judiciary

House Bill No. 7419 (Attorney General)**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES (repeal enumerated special circumstances that could be relied on by the court to sentence an individual to life imprisonment without the possibility of parole) {LC384/1}

02/12/2008 Introduced, referred to House Judiciary

House Bill No. 7420**BY** Kilmartin, Lewiss, Pacheco**ENTITLED**, AN ACT RELATING TO ELECTIONS - MAIL BALLOTS (expand the use of mail ballots as long as certain conditions are met) {LC681/1}

02/12/2008 Introduced, referred to House Judiciary

House Bill No. 7421**BY** Ajello, Dennigan, Handy, Walsh, Rice**ENTITLED**, AN ACT RELATING TO ELECTIONS - CONDUCT OF ELECTION (make changes to the elections recount process) {LC1030/1}

02/12/2008 Introduced, referred to House Judiciary

House Bill No. 7422**BY** Ajello, Dennigan, Walsh, Rice, Handy**ENTITLED**, AN ACT RELATING TO PUBLIC RECORDS -- ACCESS TO PUBLIC RECORDS (mandate that a public body receiving a request for access to public records comply within three (3) business days) {LC1031/1}

02/12/2008 Introduced, referred to House Judiciary

House Resolution No. 7423**BY** Coaty, Gorham, McManus, Story, Ehrhardt**ENTITLED**, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (INITIATIVE AND REFERENDUM) {LC1099/1}

02/12/2008 Introduced, referred to House Judiciary

House Bill No. 7424 (Attorney General)**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- ENTICEMENT OF CHILDREN (increase the penalties for the enticement of children from a misdemeanor to a felony) {LC389/1}

02/12/2008 Introduced, referred to House Judiciary

House Bill No. 7425**BY** Story, Gemma**ENTITLED**, AN ACT RELATING TO PROPERTY -- ADVERSE POSSESSION (allow one who has been in open notorious, hostile possession of land for fifteen (15) successive years and who also during said time has paid all taxes assessed land/legal owner of such land) {LC1451/1}

02/12/2008 Introduced, referred to House Judiciary

House Bill No. 7426**BY** San Bento, Williams, Lima**ENTITLED**, AN ACT RELATING TO LABOR RELATIONS -- ARBITRATION

(acknowledge arbitration as the preferred alternative labor dispute resolution mechanism and limit instances when an arbitration award can be vacated) {LC1458/1}

02/12/2008 Introduced, referred to House Labor

House Bill No. 7427**BY** Coaty, Story, Mumford, Ehrhardt**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES (prohibit health care or other benefits to school committee members unless such benefits are approved by a 75% vote of the city or town council) {LC1053/1}

02/12/2008 Introduced, referred to House Municipal Government

House Bill No. 7428**BY** Kilmartin, Lewiss, Pacheco**ENTITLED**, AN ACT RELATING TO ELECTIONS -- POLLING PLACES (change the range of the number of potential voters for each voting district from nineteen hundred (1900) to three thousand (3,000) and from one hundred fifty (150) to two hundred (200) voters) {LC679/1}

02/12/2008 Introduced, referred to House Municipal Government

House Bill No. 7429**BY** Kilmartin, Lewiss, Pacheco**ENTITLED**, AN ACT RELATING TO ELECTIONS -- MAIL BALLOTS (authorize members or employees of the local board of canvassers to supervise the casting of votes by persons using mail ballots to aid in the processing of mail ballots) {LC678/1}

02/12/2008 Introduced, referred to House Municipal Government

House Bill No. 7430**BY** Kilmartin, Lewiss, Pacheco**ENTITLED**, AN ACT RELATING TO ELECTIONS -- PARTY COMMITTEES AND CONVENTIONS (provide local boards of canvassers with nomination papers and a certification process for nomination papers through the use of the central voter registration system) {LC682/1}

02/12/2008 Introduced, referred to House Municipal Government

House Resolution No. 7431**BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC2122/1}

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. 7432**BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC2124/1}

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.

House Bill No. 7433**BY** Fox**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF SEQUEL COMMUNICATIONS, INC. {LC2151/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Fox seconded by Representative Church on a roll call vote, 58 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 58: 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, Lally, Lewiss, Lima, Long, Loughlin, Mattiello, McManus, McNamara, Melo, Menard, Moffitt, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Serpa, Shanley, Silva, Slater, Story, Trillo, Vaudreuil, Walsh, Williamson, Winfield.

NAYS - 0.

REQUEST

Representative DeSimone requests the journal to reflect that if he had voted on (08 H 7433), he would have voted in the affirmative.

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. 2028

BY Sheehan, Connors, Levesque C

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Katherine Anne Robertson and Ethan Frederick French) {LC34/1}

02/12/2008 Referred to House Judiciary

Senate Bill No. 2083

BY Felag, Levesque C, Bates

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Alayne White to join Sara Jean Faria and Justin Bernard Walsh) {LC767/1}

02/12/2008 Referred to House Judiciary

ANNOUNCEMENTS

Representative Gallison announces Speaker Pro Tempore Charlene Lima received the General O'Neil Award for consumer protection, for her hard work as Chair of the Special House Commission Examining Contractors and Buildings.

Majority Leader Fox announces that the Committee on Rules will meet on Tuesday, February 26th after winter break.

Majority Leader announces there will be no session on Thursday, February 14th and the desk will be held open on Wednesday February 13th for the introduction of bills and will remain open until the bang of the gavel on Tuesday, February 26th.

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

Representative Giannini announces that the Committee on Constituent Services will meet at the rise of the House, in Room 135 of the State House.

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

GUESTS

Representative Lima introduces and welcomes to the House Chamber members of the Special House Commission to Examine the Issue of Licensing Builders and Contractors as follows: herself, Representative Raymond E. Gallison, Jr., Vice Chair; Representative Helio Melo; Representative Victor G. Moffitt, Representative Peter N. Wasylyk; Mr. George Whalen, Executive Director-Contractors Registration Board; Mr. David Palmisciano-RI Carpenters Local

94; Mr. Gregory Mancini, BUILDRI; Mr. Edgar Ladouceur, President, RI Builders Association; Mr. Rick Hall-Associated Builders and Contractors; Ms. Susan Gainor; Mr. Tom Furey, Furey Roofing and Construction; Mr. Eric Anderson-RI Chapter of the Associated General Contractors of America and Christy Hetherington from the Office of the Attorney General.

Representative Fellela welcomes to the House as guests her daughter Ally Fellela and her mother-in-law Eva Fellela on today her 84th birthday.

ADJOURNMENT

At 4:29 o'clock P.M. on motion of Representatives Gemma and McNamara, and as a further mark of respect to the memory of Katherine Place; on motion of Representative Moffitt, and as a further mark of respect to the memory of Reverend Henry Bell; on motion of Representative Carter and as a further mark of respect to the memory of Mary Turkel; seconded by Representatives Fox and Long the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE JOSEPH H. SCOTT

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 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

IN ORDER FOR TUESDAY, FEBRUARY 26, 2008:

1 2008-H 7031**BY Gallison****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

2 2008-H 7084**BY McManus****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

3 2008-H 7086**BY Fox****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

4 2008-H 7127

BY Serpa

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

5 2008-H 7136

BY Lally

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

6 2008-H 7175

BY Gablinske

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

7 2008-H 7178

BY Rice

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

8 2008-H 7323

BY Gallison

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

Francis P. McCabe
Clerk of the House

Tuesday, February 12, 2008