

# **State of Rhode Island and Providence Plantations**

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## **JOURNAL** **-OF THE-** **HOUSE OF REPRESENTATIVES**

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**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.

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Volume 135, No. 22

Tuesday, March 4, 2008

Twenty-second Day

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The House of Representatives meets at the State House in Providence, Tuesday, March 4, 2008 and is called to order at 4:10 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 67 members present and 8 members absent as follows:

**PRESENT** - 67: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Church, Coaty, Coderre, Corvese, Costantino, Dennigan, DeSimone, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Lally, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Schadone, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Winfield.

**ABSENT** - 8 Representatives Caprio, Carter, Diaz, Kilmartin, Lewiss, Savage, Scott, Williamson.

### **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 Thursday, February 28, 2008 is approved as printed.

**ANNOUNCEMENTS**

Representative Grace Diaz will be unable to attend session Tuesday, March 4, 2008.

Representative John A. Savage is out of state and therefore unable to attend session Tuesday, March 4 through Thursday, March 6, 2008.

**REPORT OF COMMITTEE****COMMITTEE ON FINANCE**

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

**House Bill No. 7548** (Governor)

**BY** Mumford, Costantino

**ENTITLED**, AN ACT RELATING TO PUBLIC FINANCE -- STATE BUDGET (appropriate \$19,423,025 from the Budget Reserve and Cash Stabilization Account for FY 2007) {LC2138/1} 03/04/2008 Placed on House Calendar

**NEW BUSINESS**

**House Bill No. 8003**

**BY** Gemma, McNamara, Ferri, Flaherty, Naughton

**ENTITLED**, AN ACT RELATING TO AERONAUTICS - AIRPORTS AND LANDING FIELDS (require the Rhode Island airport corporation to install an emergency siren system at the T.F. Green State Airport) {LC2363/1} 03/04/2008 Introduced, referred to House Finance

**House Bill No. 8004**

**BY** Amaral, Silva, McManus, Moffitt, Gablinske

**ENTITLED**, AN ACT RELATING TO EDUCATION -- TEACHERS' TENURE (change the deadline to notify teachers of layoffs from March 1st to June 1st) {LC1407/1} 03/04/2008 Introduced, referred to House H.E.W.

**House Bill No. 8005**

**BY** Amaral

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow Paul A. Jarvie to join Jennifer Ahern and John Mulhern) {LC2319/1} 03/04/2008 Introduced, referred to House Judiciary

**House Bill No. 8006**

**BY** McCauley

**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- EXPLOSIVES AND FIREWORKS (repeal the law relating to the sale and possession of fireworks and create new laws governing the sale, possession, or use of explosive devices and components of explosive devices) {LC2301/1} 03/04/2008 Introduced, referred to House Judiciary

**House Resolution No. 8007****BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC2426/1}

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 Resolution No. 8008****BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC2427/1}

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. 8009****BY** Kilmartin, Dennigan, Rose, San Bento, McManus**ENTITLED**, HOUSE RESOLUTION CONGRATULATING THE SAINT RAPHAEL ACADEMY FOOTBALL TEAM ON WINNING THE 2007 RHODE ISLAND DIVISION ONE STATE FOOTBALL CHAMPIONSHIP {LC2405/1}

Representative Dennigan requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Dennigan seconded by Representatives Malik, Coderre, Naughton, McNamara, Rose, Corvese and Melo by unanimous consent, on a voice vote.

**RULE 17**

**The following bills were received pursuant to Rule 17:**

Representative McCauley-An Act relating to Criminal Offenses.

**COMMUNICATION FROM THE SENATE**

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

**Senate Bill No. 2785****BY** McCaffrey, Montalbano J, Ruggerio**ENTITLED,** AN ACT RELATING TO ELECTIONS {LC2434/1}

03/04/2008 Referred to House Judiciary

**CALENDAR**

From the Calendar are taken:

**IN ORDER FOR TUESDAY, MARCH 4, 2008:****1 2008-H 7376****BY Almeida****ENTITLED,** HOUSE RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO TAKE EMERGENCY ACTION TO PROTECT HOMEOWNERS AND BANKS

Committee on Corporations recommends passage.

Representative Almeida moves passage of the act, seconded by Representatives Fox, Ajello, McNamara, Palumbo, Walsh, San Bento, Slater, Rice, Ferri, Giannini and Williams.

Read and passed on a roll call vote, 40 members voting in the affirmative and 10 members voting in the negative as follows:

YEAS - 40: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Brien, Church, Coderre, Corvese, Costantino, Dennigan, Fellela, Flaherty, Fox, Gallison, Giannini, Handy, Jackson, Malik, McCauley, McNamara, Melo, Menard, Naughton, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Schadone, Segal, Serpa, Shanley, Singleton, Slater, Story, Vaudreuil, Walsh, Williams, Winfield.

NAYS - 10: Representatives Amaral, Coaty, Ehrhardt, Gorham, Long, Loughlin, McManus, Moffitt, Mumford, Trillo.

**REQUESTS**

Representative Watson requests the journal to reflect that if he was in the Chamber, he would have voted in the negative on (08-H 7376).

Representatives Gemma and Mattiello request the journal to reflect that if they had voted on (08-H 7376), they would have voted in the affirmative.

**2 2008-S 2346****BY Jabour****ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF N.A.H. INVESTMENTS, INC.

Committee on Corporations recommends passage in concurrence.

Representative Kennedy moves passage of the act, seconded by Representative Picard.

Read and passed, in concurrence, on a roll call vote, 48 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 48: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Brien, Church, Coaty, Coderre, Corvese, Costantino, Ehrhardt, Ferri, Flaherty, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Kennedy, Long, Loughlin, Malik, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Palumbo, Petrarca, Picard, Rice, San Bento, Schadone, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Trillo, Walsh, Williams, Winfield.

NAYS - 0

### REQUEST

Representative Mattiello requests the journal to reflect that if he had voted on (08-S 2346), he would have voted in the affirmative.

### 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.

### AT EASE

At 4:20 o'clock P.M. the Honorable Speaker Murphy declares the House to be at ease.

### ORDER

At 4:24 o'clock P.M. the Honorable Speaker Murphy calls the House to order.

### ADJOURNMENT

At 4:25 o'clock P.M. on motion of Representative Ehrhardt, and as a further mark of respect to the memory of Stanley G. Reynolds; on motion of Representative Rice, and as a further mark of respect to the memory of Skip Jones 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**

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

APPENDIX

TRANSMITTED TO GOVERNOR

**Senate Bill No. 2346**

**BY** Jabour, Tassoni

**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE  
CHARTER OF N.A.H. INVESTMENTS, INC. {LC1473/1}

APPENDIX

CALENDAR

IN ORDER FOR THURSDAY, MARCH 6, 2008:

1 2008-H 7548

BY Mumford

ENTITLED, AN ACT RELATING TO PUBLIC FINANCE -- STATE BUDGET  
Committee on Finance recommends passage.

Francis P. McCabe  
Clerk of the House

Tuesday, March 4, 2008