

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. 25

Tuesday, March 11, 2008

Twenty-fifth Day

The House of Representatives meets at the State House in Providence, Tuesday, March 11, 2008 and is called to order at 4:30 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 Ajello, 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, Kilmartin, Lally, Lewiss, Lima, Long, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Mumford, Naughton, O'Neill, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Winfield.

ABSENT - 6: Representatives Gablinske, Loughlin, Moffitt, Pacheco, San Bento, Williamson.

INVOCATION

The Honorable Speaker presents Representative Palumbo 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, March 6, 2008 is approved as printed.

ANNOUNCEMENTS

Representative William San Bento will be unable to attend session Tuesday, March 11, 2008.

Representative Edwin R. Pacheco will be unable to attend session Tuesday, March 11, 2008.

REPORTS OF COMMITTEES**COMMITTEE ON CONSTITUENT SERVICES**

Representative Giannini, for the Committee on Constituent Services, reports back the following measures, with recommendation of passage:

House Resolution No. 7052

BY Gemma, Trillo, Flaherty, McNamara

ENTITLED, HOUSE RESOLUTION RESPECTFULLY REQUESTING THE STATE TRAFFIC COMMISSION TO INSTALL FLASHING SCHOOL ZONE LIGHTS AND SIGNAGE ON MAIN AVENUE IN THE CITY OF WARWICK {LC28/1}

03/11/2008 Placed on House Calendar

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}

03/11/2008 Placed on House Calendar

House Resolution No. 7434

BY Ajello, Segal, Carter, Pacheco, Walsh

ENTITLED, HOUSE RESOLUTION RESPECTFULLY REQUESTING THE GOVERNOR OF THE STATE OF RHODE ISLAND TO FLY THE UNITED STATES ARMY FLAG FROM THE FLAGSTAFF ON TOP OF THE STATE HOUSE EVERY YEAR ON JUNE 14TH IN HONOR OF THE BIRTHDAY OF THE UNITED STATES ARMY {LC1629/1}

03/11/2008 Placed on House Calendar

House Bill No. 7801

BY Walsh, Lewiss, Scott

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF CROSS'S MILLS'S VOL. FIRE DEPT. {LC2234/1}

03/11/2008 Placed on House Calendar

House Bill No. 7313

BY Jackson, Murphy, Fox, Costantino, Rice

ENTITLED, AN ACT RELATING TO EDUCATION - REGIONAL VOCATIONAL SCHOOLS (change the name of the Metropolitan Career and Technical Center, in Newport, Rhode Island, to the "Paul W. Crowley Metropolitan Career and Technical Center") {LC1069/1}

03/11/2008 Placed on House Calendar

Senate Resolution No. 2098

BY Pichardo, Ruggerio, Miller, DaPonte, Gallo

ENTITLED, JOINT RESOLUTION EXTENDING THE REPORTING AND EXPIRATION DATES OF THE FAMILY INCOME AND ASSET-BUILDING COMMISSION {LC772/1}

03/11/2008 Placed on House Calendar

Senate Bill No. 2778**BY** Ruggerio**ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF INTERCITY AMBULANCE SERVICE, INC. {LC2380/1}

03/11/2008 Placed on House Calendar

COMMITTEE ON FINANCE

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

House Bill No. 7852**BY** Fox**ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- HEALTH AND EDUCATIONAL BUILDING CORPORATION (allow non-profit clinical laboratories to receive financing from the Rhode Island Health and Educational Building Corporation) {LC2190/1}

03/11/2008 Placed on House Calendar

NEW BUSINESS**House Bill No. 8020****BY** Naughton, Walsh, Church, Coderre E, Slater**ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- UNDERGROUND UTILITY CONTRACTORS {LC2424/1}

03/11/2008 Introduced, referred to House Corporations

House Bill No. 8021**BY** Shanley, Scott, Kennedy, Rice**ENTITLED,** AN ACT RELATING TO THE STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF ENVIRONMENTAL MANAGEMENT -- DIVISIONS {LC2454/1}

03/11/2008 Introduced, referred to House Environment and Natural Resources

House Bill No. 8022**BY** San Bento, Flaherty, Singleton, Rose**ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- THE STATE BUILDING CODE {LC2362/1}

03/11/2008 Introduced, referred to House H.E.W.

House Bill No. 8023**BY** Ehrhardt, Lally, Carter**ENTITLED,** AN ACT RELATING TO ELECTIONS -- NORTH KINGSTOWN {LC2409/1}

03/11/2008 Introduced, referred to House Judiciary

House Bill No. 8024**BY** Story**ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2411/1}

03/11/2008 Introduced, referred to House Judiciary

House Bill No. 8025**BY** Almeida, Williams, Diaz, Ajello, Ferri**ENTITLED,** AN ACT RELATING TO FOOD AND DRUGS -- UNIFORM CONTROLLED SUBSTANCES ACT {LC2459/1}

03/11/2008 Introduced, referred to House Judiciary

House Bill No. 8026**BY** Almeida, Diaz, Segal, Slater, Williams**ENTITLED,** AN ACT RELATING TO MENTAL HEALTH, RETARDATION, AND HOSPITALS - INCOMPETENCY TO STAND TRIAL AND PERSONS ADJUDGED NOT GUILTY BY REASONS OF INSANITY {LC1385/1}

03/11/2008 Introduced, referred to House Judiciary

House Bill No. 8027**BY** Lima, Williamson, Williams**ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- RESTRICTING RADIO FREQUENCY IDENTIFICATION DEVICES {LC2395/1}

03/11/2008 Introduced, referred to House Judiciary

House Bill No. 8028**BY** Almeida, Williams, Diaz, Ajello**ENTITLED,** AN ACT RELATING TO LABOR AND LABOR RELATIONS {LC1282/1}

03/11/2008 Introduced, referred to House Labor

House Bill No. 8029**BY** Fellela, Petrarca, Ucci, Smith**ENTITLED,** AN ACT AUTHORIZING THE TOWN OF JOHNSTON TO FINANCE THE DESIGN AND CONSTRUCTION OF A NEW LIBRARY ON THE NORTHWEST QUADRANT OF THE LAND PARCEL IDENTIFIED AS ASSESSOR'S PLAT 53/3 LOT 34 LOCATED ON MEMORIAL AVENUE AND TO ISSUE NOT MORE THAN \$3,000,000 BONDS AND NOTES THEREFOR {LC2254/1}

03/11/2008 Introduced, referred to House Municipal Government

House Bill No. 8030**BY** Fellela, Petrarca, Smith, Ucci**ENTITLED,** AN ACT AUTHORIZING THE TOWN OF JOHNSTON TO FINANCE THE DESIGN AND CONSTRUCTION OF SANITARY SEWERS FOR THE MEMORIAL PLAT SEWER PROJECT WHICH INCLUDES ALL OR A PORTION OF MILLS DRIVE, POCOTTE DRIVE, ANROLD DRIVE, MONGONE DRIVE, RICHARDSON DRIVE, HARRINGTON DRIVE, CORRINE DRIVE, PINWOOD AVENUE AND CENTRAL AVENUE; AND FOR THE CHERRY HILL SEWER PROJECT WHICH INCLUDES ALL OR A PORTION OF CHERRY HILL ROAD, OLD CHERRY HILL ROAD, CHRYSANTHY COURT, SETIAN CIRCLE, KERN ACRE DRIVE, CAVALCADE BOULEVARD, BALSAM COURT, HEMLOCK COURT, WOODCREST DRIVE, CYNTHIA DRIVE, WORCESTER AVENUE, PRESCOTT AVENUE, HOLLAND AVENUE, ROWENA DRIVE, BIRCHWOOD DRIVE AND TO ISSUE NOT MORE THAN \$7,100,000 BONDS AND NOTES THEREFOR {LC2253/1}

03/11/2008 Introduced, referred to House Municipal Government

House Resolution No. 8031**BY** Almeida, Williams, Slater, Ajello, Handy**ENTITLED,** HOUSE RESOLUTION OPPOSING THE E-VERIFY PROGRAM AND URGING THE UNITED STATES CONGRESS TO HALT ITS IMPLEMENTATION {LC2407/1}

03/11/2008 Introduced, referred to House Judiciary

House Resolution No. 8032**BY** Fox, Watson**ENTITLED,** HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC2497/1}

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. 8033**BY** Fox, Watson**ENTITLED,** HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC2496/1}

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.

With the agreement of the majority and minority, Representative Baldelli-Hunt requests to place (08-H 8034) on tomorrow's Calendar. There is no objection.

House Bill No. 8034**BY** Baldelli-Hunt, Brien**ENTITLED,** AN ACT RELATING TO ELECTIONS {LC2491/1}

03/11/2008 Placed on House Calendar

House Resolution No. 8035**BY** Williams, Almeida, Fox, McNamara, Diaz**ENTITLED,** HOUSE RESOLUTION PROCLAIMING MARCH 10TH OF 2008 TO BE "HARRRIET TUBMAN DAY" IN THE STATE OF RHODE ISLAND {LC2469/1}

Representative Williams requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Williams seconded by Representatives Fox, Almeida, Coderre, Diaz, DeSimone, Ajello, Walsh, Rice and Gorham by unanimous consent, on a voice vote.

TRANSMITTAL

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

RULE 17

The following bill was received pursuant to Rule 17:

Representative Almeida-An Act relating to E-Verify Program

ANNOUNCEMENTS

The Honorable Speaker Murphy announces Representative Pacheco and his wife had a baby girl, Savannah Catherine Pacheco.

The Honorable Speaker Murphy and Representative Lima wish Representative McCauley a Happy 50th Birthday.

Representative Mumford announces former Mayor of Cranston Stephen Laffey and his wife had a 9lb. 9oz. baby boy, Stephen Patrick Laffey.

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

Representative Rice announces that the Committee on Environment and Natural Resources will meet at the rise of the House, in Room 201 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.

GUESTS

Representative Winfield welcomes to the House Chamber as guests the 2008 Hoby Baker Award Recipients as follows: Alex Fay, Barrington; Sarah Giuliano, Barrington; Peter Taylor, Bishop Hendricken; Craig Koprusak, Burrillville; Rebecca Bertholic, Burrillville; Patrick Norton, Coventry; Brian Fay, Cranston East; Nicholas DeLomba, Cranston West; Tawni Roche, Cranston; Matthew Jones, Cumberland; Nicholas Sangster, East Greenwich; Kyle Croke, East Providence; Michael Haley, Johnston; John J. Ryan, LaSalle; Maura McCabe, LaSalle; Cory Martone, Lincoln; Shannen Doherty, Lincoln School/PCD; Tayler Spurlock, Middletown; Ryan Fullerton, Moses Brown; Corey Lescault, Mt. Hope; John Guay, Mt. St. Charles; Alysha Arnold, Mt. St. Charles; Richard Quan, Narragansett; William Bennett IV, North Kingstown; Ross Murphy, North Providence; Trevor White, North Smithfield; Kaitlynn Bobb, North Smithfield; Bruce Choiniere, Pilgrim; Benjamin Brayton, Ponaganset; Adam Resse, Portsmouth; Nelson Knudsen, The Prout School; Corey Trainor, PCD/Wheeler; Devin Smith, Rogers; Justin Bergeron, Scituate; Joseph Gonsalves, Smithfield; Kyle Vandemoer, South Kingstown; Samantha Furtado, St. Mary/Bay View; Thomas Votta, St. Raphael; Spencer Rose, Toll Gate; Brittany Chronley, Toll Gate; Ted Jackvony, Tolman; Zach Haskins, Warwick Veterans Memorial; Alyssa Rose, West Warwick; Shane Dansereau, Woonsocket.

The Honorable Speaker Murphy and Minority Leader Watson also welcome to the House the Hobey Baker recipients and their coaches.

ADJOURNMENT

At 4:45 o'clock P.M. on motion of Representative Giannini, and the entire House of Representatives and as a further mark of respect to the memory of Edward Lynch; on motion of Representative Baldelli-Hunt, and as a further mark of respect to the memory of Rachel Martineau seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE PETER G. PALUMBO

Heavenly Father, look with favor on our deliberation and assist us by your grace to do what is just and wise. Amen.

APPENDIX

CALENDAR

IN ORDER FOR WEDNESDAY, MARCH 12, 2008:

1 2008-H 7510**BY Kennedy****ENTITLED,** JOINT RESOLUTION IN OPPOSITION TO THE NATIONAL
INSURANCE ACT OF 2007

Committee on Corporations recommends passage.

2 2008-H 7057 SUB A**BY Lewiss****ENTITLED,** AN ACT RELATING TO INSURANCE -- HEALTH INSURANCE --
COPAYMENTSCommittee on Corporations recommends indefinite postponement of the original bill
and passage of Substitute A.**3 2008-H 8034****BY Baldelli-Hunt****ENTITLED,** AN ACT RELATING TO ELECTIONS

Ordered on the Calendar

IN ORDER FOR THURSDAY, MARCH 13, 2008:

1 2008-H 7852**BY Fox****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES – HEALTH AND
EDUCATIONAL BUILDING CORPORATION

Committee on Finance recommends passage.

2 2008-H 7052**BY Gemma****ENTITLED,** HOUSE RESOLUTION RESPECTFULLY REQUESTING THE STATE
TRAFFIC COMMISSION TO INSTALL FLASHING SCHOOL ZONE
LIGHTS AND SIGNAGE ON MAIN AVENUE IN THE CITY OF
WARWICK

Committee on Constituent Services recommends passage.

3 2008-H 7334**BY Diaz****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT

Committee on Constituent Services recommends passage.

4 2008-H 7434**BY Ajello****ENTITLED,** HOUSE RESOLUTION RESPECTFULLY REQUESTING THE GOVERNOR OF THE STATE OF RHODE ISLAND TO FLY THE UNITED STATES ARMY FLAG FROM THE FLAGSTAFF ON TOP OF THE STATE HOUSE EVERY YEAR ON JUNE 14TH IN HONOR OF THE BIRTHDAY OF THE UNITED STATES ARMY

Committee on Constituent Services recommends passage.

5 2008-H 7801**BY Walsh****ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF CROSS'S MILLS'S VOL. FIRE DEPT.

Committee on Constituent Services recommends passage.

6 2008-H 7313**BY Jackson****ENTITLED,** AN ACT RELATING TO EDUCATION - REGIONAL VOCATIONAL SCHOOLS

Committee on Constituent Services recommends passage.

7 2008-S 2098**BY Pichardo****ENTITLED,** JOINT RESOLUTION EXTENDING THE REPORTING AND EXPIRATION DATES OF THE FAMILY INCOME AND ASSET-BUILDING COMMISSION

Committee on Constituent Services recommends passage in concurrence.

8 2008-S 2778

BY Ruggiero

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF INTERCITY AMBULANCE SERVICE, INC.

Committee on Constituent Services recommends passage in concurrence.

Francis P. McCabe
Clerk of the House

Tuesday, March 11, 2008