

# 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. 26

Wednesday, March 12, 2008

Twenty-sixth Day

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The House of Representatives meets at the State House in Providence, Wednesday, March 12, 2008 and is called to order at 4:16 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 68 members present and 7 members absent as follows:

**PRESENT - 68:** The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Coaty, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Fox, Gallison, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

**ABSENT - 7:** Representatives Church, Flaherty, Gablinske, Gemma, Pacheco, Scott, Singleton.

### **INVOCATION**

The Honorable Speaker presents Representative Gallison 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, March 11, 2008 is approved as printed.

**ANNOUNCEMENTS**

Representative Edwin R. Pacheco will be unable to attend session Wednesday, March 12 and Thursday, March 13, 2008.

Representative Raymond C. Church will be unable to attend session Wednesday, March 12 and Thursday, March 13, 2008.

Representative Al Gemma will be unable to attend session Wednesday, March 12<sup>th</sup> for family reasons.

**NEW BUSINESS****House Bill     No. 8036**

**BY** Costantino

**ENTITLED**, AN ACT RELATING TO TAXATION -- DEPRECIATION OF ASSETS {LC2432/1}

03/12/2008 Introduced, referred to House Finance.

**House Bill     No. 8037**

**BY** Coderre E, O'Neill, Diaz, Ajello

**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- DENTISTS LIMITED LICENSE {LC2462/1}

03/12/2008 Introduced, referred to House H.E.W.

**House Bill     No. 8038**

**BY** Melo, Dennigan, Silva, Serpa, Vaudreuil

**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- PSYCHOLOGISTS {LC2463/1}

03/12/2008 Introduced, referred to House H.E.W.

**House Resolution     No. 8039**

**BY** Ucci, Moffitt, Petrarca, Malik, Fellela

**ENTITLED**, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE {LC953/1}

03/12/2008 Introduced, referred to House Judiciary

**House Bill     No. 8040**

**BY** Silva, Vaudreuil, Moffitt, Serpa, Petrarca

**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES {LC2406/1}

03/12/2008 Introduced, referred to House Judiciary

**House Bill     No. 8041****BY** Fox, Corvese, Carter, Melo, Diaz**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- LABOR AND PAYMENT OF DEBTS BY CONTRACTORS {LC2499/1}

03/12/2008 Introduced, referred to House Labor

Representative Handy requests, with the agreement of the Majority and the Minority, to place (08-H 8042) on tomorrow's Calendar. There is no objection.

**House Resolution     No. 8042****BY** Handy**ENTITLED**, HOUSE RESOLUTION CALLING UPON THE GOVERNMENTS OF KUWAIT, THE UNITED STATES OF AMERICA AND THE STATE OF RHODE ISLAND TO FORM A STATE RELATIONSHIP BETWEEN RHODE ISLAND AND KUWAIT {LC2483/1}

03/12/2008 Placed on House Calendar

**CALENDAR**

From the Calendar are taken:

**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.

Representative Kennedy moves passage of the resolution, seconded by Representatives San Bento, Ehrhardt, Lewiss and Carter.

Read and passed on a roll call vote, 49 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 49: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Carter, Coaty, Coderre, Corvese, Diaz, Ehrhardt, Fellela, Ferri, Fox, Gallison, Giannini, Handy, Jackson, Kennedy, Kilmartin, Lewiss, Lima, Malik, Mattiello, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Segal, Serpa, Shanley, Slater, Story, Sullivan, Trillo, Walsh, Watson, Williams.

NAYS - 0.

**2 2008-H 7057 SUB A****BY Lewiss****ENTITLED, AN ACT RELATING TO INSURANCE -- HEALTH INSURANCE --  
COPAYMENTS**

Committee on Corporations recommends indefinite postponement of the original bill  
and passage of Substitute A.

Read, and by unanimous consent, ordered to be placed on the Calendar for Tuesday, March 18,  
2008.

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
HOUSE OF REPRESENTATIVES

STATEMENT OF CONFLICT OF INTEREST PURSUANT TO RIGL 36-14-6

I, Roger A. Picard, State Representative, District 51, hereby under oath depose and say:

1. (Matter requiring action) I expect to be called upon, in my capacity as State Representative, to  
participate in the consideration of, and to vote upon: 08-H 8034

2. (Nature of the potential conflict) I have the following interest in the matter:  
It affects directly my election.

3. (Complete and (A.) or (B.) and cross out whichever does not apply

B. In compliance with Section 36-14-6(1) & (2)A of the General laws, I hereby request the  
Speaker of the House of Representatives to excuse me from voting on or participating in the  
consideration of the matter described in paragraph 1 above.

ROGER A. PICARD  
REPRESENTATIVE

STATE OF RHODE ISLAND  
COUNTY OF PROVIDENCE

Subscribed and sworn to under the penalties for perjury before me this 12<sup>th</sup> day of March, 2008.

DAVID W. DUMAS  
NOTARY PUBLIC

Representative Picard is excused from voting on or participating in the consideration of the  
matter described in paragraph 1, above.

WILLIAM J. MURPHY  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

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**3 2008-H 8034****BY Baldelli-Hunt****ENTITLED, AN ACT RELATING TO ELECTIONS**

Ordered on the Calendar

Representative Baldelli-Hunt moves passage of the act, seconded by Representatives Fox, Menard and Brien.

Read and passed, on a roll call vote, 56 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 56: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Carter, Coaty, Coderre, Corvese, Costantino, Diaz, Ehrhardt, Fellela, Ferri, Fox, Gallison, Giannini, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lewiss, Lima, Long, Malik, Mattiello, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Petrarca, Rice, Rose, San Bento, Savage, Schadone, Segal, Serpa, Shanley, Silva, Slater, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

**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.

**ANNOUNCEMENTS**

Representative Gallison announces that the Committee on Municipal Government will meet at the rise of the House, in Room 205 of the State House

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

Representative O'Neill announces that the Committee on Judiciary will meet at the rise of the House, in Room 35 of the State House.

**GUESTS**

The Honorable Speaker Murphy welcomes to the House Chamber Mayor Drew Thompson of Derry, Northern Ireland, his partner Mayoress Linda Watson, Mayor Paul Bradley from the town of Buncrana, County Donegal Republic of Ireland and his wife Mary. The Honorable Speaker also welcomes the Friendly Sons of St. Patrick.

At 4:20 o'clock P.M. the Honorable Speaker yields the rostrum to Mayor Thompson and Mayor Bradley.

By unanimous consent, Mayor Thompson addresses the members of the House.

By unanimous consent, Mayor Bradley addresses the members of the House.

At 4:23 o'clock P.M. the Honorable Speaker returns to the rostrum.

Representative Lima announces today is League Day at the State House and welcomes to the House Chamber as guests Marie Hennedy, Jane Rankin and Helen Friend.

The Honorable Speaker Murphy welcomes to the House the Honorable Judge John Cappelli and his sister Mary.

Representative Rice welcomes to the House Chamber Dr. J. Mijin Cha.

#### **AT EASE**

At 4:35 o'clock P.M. the Honorable Speaker Murphy declares the House to be at ease.

#### **ORDER**

At 4:37 o'clock P.M. the Honorable Speaker Murphy calls the House to order.

Representative Sullivan welcomes to the Chamber Derek Warfield and Jim Wood of the Wolfe Tones.

At 4:38 o'clock P.M. the Honorable Speaker yields the rostrum to Derek Warfield.

At 4:43 o'clock P.M. the Honorable Speaker returns to the rostrum.

#### **ADJOURNMENT**

At 4:44 o'clock P.M. on motion of Majority Leader Fox and Representatives Carter and San Bento, and as a further mark of respect to the memory of Anthony "Tony" Marcella; seconded by Representatives Kilmartin and Watson the House adjourns, on a unanimous rising vote.

**Linda M. McElroy**  
**Recording Clerk**

**APPENDIX**

**INVOCATION**

**REPRESENTATIVE RAYMOND E. GALLISON, JR.**

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 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-H 8042****BY Handy****ENTITLED,** HOUSE RESOLUTION CALLING UPON THE GOVERNMENTS OF  
KUWAIT, THE UNITED STATES OF AMERICA AND THE STATE  
OF RHODE ISLAND TO FORM A STATE RELATIONSHIP  
BETWEEN RHODE ISLAND AND KUWAIT

Ordered on the Calendar

**8 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.

**9 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.

**IN ORDER FOR TUESDAY, MARCH 18, 2008:****1 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.

**Francis P. McCabe**  
**Clerk of the House**

**Wednesday, March 12, 2008**