

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. 29

Wednesday, March 19, 2008

Twenty-ninth Day

The House of Representatives meets at the State House in Providence, Wednesday, March 19, 2008 and is called to order at 4:11 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 70 members present and 5 members absent as follows:

PRESENT - 70: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Coaty, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, 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, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson, Winfield.

ABSENT - 5: Representatives Church, Pacheco, Singleton, Sullivan, Watson.

INVOCATION

The Honorable Speaker presents Representative Carter 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 18, 2008 is approved as printed.

ANNOUNCEMENT

Representative Raymond J. Sullivan has the flu and therefore unable to attend session Tuesday, March 18 and Wednesday, March 19, 2008.

REPORT OF COMMITTEE**COMMITTEE ON JUDICIARY**

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

House Bill No. 8024

BY Story

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow Kevin O'Regan to join Kelly Ann Lora and David C. Tharp) {LC2411/1}
03/19/2008 Placed on House Calendar

NEW BUSINESS**House Resolution No. 8063**

BY Gallison, Gablinske, Malik, Watson

ENTITLED, HOUSE RESOLUTION CONGRATULATING MICHAEL P. CARBONE, JR. ON BEING NAMED RHODE ISLAND MIDDLE SCHOOL PRINCIPAL OF THE YEAR {LC2554/1}

Representative Gallison requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Gallison seconded by Representatives Malik, Carter, Gablinske, McNamara and Melo by unanimous consent, on a voice vote.

House Resolution No. 8064

BY Fox, Watson

ENTITLED, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC2565/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Fox seconded by Representative Gorham by unanimous consent, on a rising vote.

House Resolution No. 8065**BY** Fox, Watson**ENTITLED,** HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC2566/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Fox seconded by Representative Gorham by unanimous consent, on a voice vote.

CALENDAR

From the Calendar are taken:

IN ORDER FOR WEDNESDAY, MARCH 19, 2008:**1 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

Read, and by unanimous consent, ordered to be committed to the committee on Constituent Services.

2 2008-H 8049**BY Lima**

ENTITLED, HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS TO APPOINT AN INDEPENDENT COUNSEL TO INVESTIGATE THE PRISONER OF WAR-MISSING IN ACTION ISSUE

Ordered on the Calendar

Representative Lima moves passage of the resolution, seconded by Representatives Carter, Coderre, McNamara and many other members of the House.

Representatives Gorham and Lima discuss the resolution.

Read and passed, on a roll call vote, 60 members voting in the affirmative and 3 members voting in the negative as follows.

YEAS - 60: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Carter, Coaty, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Handy, Jackson, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Moffitt, Naughton, O'Neill, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Silva, Slater, Story, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson, Winfield.

NAYS - 3: Representatives Gorham, McManus, Mumford.

Representative Gorham rises on a point of order in regards to material being passed out by the pages. The Honorable Speaker rules this material should be placed in the Representative's mail boxes.

3 2008-H 7199

BY Shanley

ENTITLED, AN ACT RELATING TO THE KINGSTON WATER DISTRICT -
BONDS

Committee on Municipal Government recommends passage.

Representative Gallison moves passage of the act, seconded by Representatives Shanley, Walsh, Carter and Scott.

Read and passed, on a roll call vote, 62 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 62: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Coaty, Coderre, Corvese, Costantino, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Handy, Jackson, Kennedy, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Story, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson, Winfield.

NAYS - 0.

4 2008-H 7295 SUB A

BY Shanley

ENTITLED, AN ACT RELATING TO TAXATION - LEVY AND ASSESSMENT
OF LOCAL TAXES

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

Representative Gallison moves passage of the act, seconded by Representative Shanley.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, on a roll call vote, 61 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 61: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Coaty, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Fox, Gablinske, Gallison, Gemma, Handy, Jackson, Kennedy, Kilmartin, Lewiss, Lima, Long, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Story, Trillo, Ucci, Vaudreuil, Walsh, Wasyluk, Williams, Williamson, Winfield.

NAYS - 0.

5 2008-H 7751 SUB A

BY Shanley

ENTITLED, AN ACT RELATING TO CRIMINALS -- CORRECTIONAL INSTITUTIONS -- PAROLE

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

Representative Lally moves passage of the act, seconded by Representatives Shanley, Almeida, Williams, Carter and O'Neill.

Representative Scott discusses the act.

Read, and by unanimous consent, ordered to be placed on the bottom of the Calendar as item 13A.

Representative Lally with the agreement of the Minority, requests to bundle items 6-13 on today's Calendar. There is no objection.

6 2008-H 7367

BY Lally

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

7 2008-H 7502

BY Lally

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGE

Committee on Judiciary recommends passage.

8 2008-H 7838**BY Murphy****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

9 2008-H 7903**BY Gallison****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

10 2008-H 8005**BY Amaral****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

11 2008-S 2239**BY Sosnowski****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

12 2008-S 2083**BY Felag****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

13 2008-S 2028**BY Sheehan****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

Read and passed, items (11-13) in concurrence, on a roll call vote, 64 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 64: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Coaty, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Ferri, Flaherty, Fox, Gablinske, Gallison, Gemma, Gorham, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Story, Trillo, Ucci, Vaudreuil, Walsh, Williams, Williamson, Winfield.

NAYS - 0.

HOLD ON DESK

Majority Leader Fox requests to hold on the desk, items (11-13) on today's Calendar. There is no objection.

TRANSMITTAL

By unanimous consent, all matters on the clerk's desk, except items (11-13) on the Clerk's desk, are ordered to be transmitted to the Honorable Secretary of State and the Honorable Senate, forthwith.

13A 2008-H 7751 SUB A**BY Shanley****ENTITLED, AN ACT RELATING TO CRIMINALS -- CORRECTIONAL
INSTITUTIONS -- PAROLE**

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

Representatives Scott and Fox discuss the act.

Representative Scott requests ruling of the Chair to vote title chapter section 42-56-24 which begins on the top of page 2, line 2 and ends on line 16, page 3, separately. The Honorable Speaker Murphy rule it is divisible.

Representatives Loughlin, Fox, Long, Costantino Shanley and Ucci continue discussion the act.

Representative Ucci requests to vote Section F separately. The Honorable Speaker Murphy states that Section will be reviewed.

Representatives Mumford, Lima, Gemma and Fox discuss the act.

Read, and by unanimous consent, ordered to be placed on the Calendar for Tuesday, March 25, 2008.

ANNOUNCEMENTS

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

Majority Leader Fox announces there will be no session tomorrow, Thursday, March 20th.

Representative Costantino announces that the Committee on Finance will meet at the rise of the House, in Room 35 of the State House and there will be no Committee meeting tomorrow.

Representative Kilmartin wishes Representative Ray Gallison a Happy Birthday this weekend.

GUESTS

Representatives Kilmartin, Dennigan, McManus Coderre and Gallison welcome to the House Chamber as guests Mike Gray-Vice President of Sodexho Food Service; Solange Morrisette-Sodexho General Manager Pawtucket Lunch Program; Rhode Island Credit Union-President and CEO-David Suvale; Rhode Island Credit Union Vice President of Marketing-Gina Dipalo; Hot 106-Liz Wilson-Director of Marketing and Advertising.

Representative Gallison also welcomes to the House as a guest Representative Dennigan's brother, Mark Bruno.

Representative Rice welcomes to the Chamber as a guest Julie Schwartz, Esq. of Progressive States Network, Washington, D.C. (testifying on Representative Rice's bill).

ADJOURNMENT

At 5:08 o'clock P.M. on motion of Representative Lima, and as a further mark of respect to the memory of Adelina Sinapi; on motion of Representative Slater, and as a further mark of respect to the memory of Raul Patino; on motion of Representative Ferri and as a further mark of respect to the memory of Antonina Caparco; on motion of Representative Fellela, and as a further mark of respect to the memory of Paula Early; on motion of Representative Handy, and as a further mark of respect to the memory of John Brown, seconded by Representatives Fox and Gorham the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX**INVOCATION****REPRESENTATIVE KENNETH CARTER**

If we could have a moment of silence in memory of the 5th anniversary of the war in Iraq beginning, for all those who paid the ultimate price. Thank you Almighty God, we ask today that You help us to live wisely, to fight for justice and truth, and to always try to live up to the expectations of our constituents. Amen.

APPENDIX

CALENDAR

IN ORDER FOR TUESDAY, MARCH 25, 2008:

1 **2008-H 7751 SUB A**

BY Shanley

ENTITLED, AN ACT RELATING TO CRIMINALS -- CORRECTIONAL
INSTITUTIONS -- PAROLE

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

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.

IN ORDER FOR WEDNESDAY, MARCH 26, 2008:

1 **2008-H 8024**

BY Story

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

Francis P. McCabe
Clerk of the House

Wednesday, March 19, 2008