

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 second day of January in the year of Our Lord two thousand and seven.

Volume 134, No. 5

Tuesday, January 16, 2007

Fifth Day

The House of Representatives meets at the State House in Providence, Tuesday, January 16, 2007 and is called to order at 4:20 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 72 members present and 3 members absent as follows:

PRESENT - 72: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, 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, Singleton, Slater, Smith, Story, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT -3: Representatives Pacheco, Palumbo, Trillo.

INVOCATION

The Honorable Speaker presents Representative San Bento 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, January 10, 2007 is approved as printed.

ANNOUNCEMENT

Representative Williamson announces he will be absent from the Chamber on Wednesday, January 17th and Thursday, January 18th, 2007.

NEW BUSINESS**House Bill No. 5060**

BY Naughton, Malik, Slater, Shanley, Lally

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS-PUBLIC UTILITIES COMMISSION (require each gas and electric distribution company to provide monthly bills for all households based upon actual gas and electric usage) {LC214/1}
01/16/2007 Introduced, referred to House Corporations

House Bill No. 5061

BY Gemma, Ginaitt, Naughton, Serpa, Williams

ENTITLED, AN ACT RELATING TO INSURANCE - CERVICAL CANCER VACCINE (require insurance coverage for the cervical cancer vaccine) {LC489/1}
01/16/2007 Introduced, referred to House Corporations

House Bill No. 5062

BY Kilmartin, DeSimone, Williamson, Lally

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS (judge dies before retirement with no surviving spouse or minor child(ren), the accumulated contribution would be credited to a judicial retirement benefits account to be distributed to a designated beneficiary or to the estate) {LC507/1}
01/16/2007 Introduced, referred to House Finance

House Bill No. 5063

BY Shanley, Walsh, Pacheco, Lewiss, Kennedy

ENTITLED, AN ACT RELATING TO SALES AND USE TAXES -- FARM STRUCTURES (exempt from state sales and use taxes materials used for the repair, alteration or extension of farm structures) {LC65/1}
01/16/2007 Introduced, referred to House Finance

House Bill No. 5064

BY Shanley, Dennigan, Lewiss, Scott, Naughton

ENTITLED, AN ACT RELATING TO EDUCATION -- PUBLIC HIGHER EDUCATION ENDOWMENT INCENTIVE PROGRAM (establish the Public Higher Education Academic Excellence and Student Access Endowment Incentive Program) {LC82/1}
01/16/2007 Introduced, referred to House Finance

House Bill No. 5065**BY** Shanley, Dennigan, Scott, Naughton, Pacheco**ENTITLED**, AN ACT RELATING TO EDUCATION -- NURSING LOAN REPAYMENT PROGRAM (address loan forgiveness under the nursing loan repayment program and annually appropriate \$250,000 for matching funds) {LC64/1}

01/16/2007 Introduced, referred to House Finance

House Resolution No. 5066**BY** Naughton, Kilmartin, Corvese, Petrarca, Shanley**ENTITLED**, JOINT RESOLUTION MAKING AN APPROPRIATION TO PAY CERTAIN CLAIMS {LC277/1}

01/16/2007 Introduced, referred to House Finance

House Bill No. 5067**BY** Pacheco, Church**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (grant the DEM the authority to adequately staff the dept with legal personnel and/or in the alternative to retain outside counsel in cases of extraordinary or emergency situations) {LC331/1}

01/16/2007 Introduced, referred to House Finance

House Bill No. 5068**BY** Walsh, Shanley, Caprio D**ENTITLED**, AN ACT RELATING TO TAXATION - TOWN OF NEW SHOREHAM ARTS DISTRICT (recognize Block Island as an art district exempt from taxation) {LC311/1}

01/16/2007 Introduced, referred to House Finance

House Bill No. 5069**BY** San Bento, Flaherty, Williamson, Lewis, Kennedy**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MISCELLANEOUS RULES (require that all state trucks regardless of size have back-up alarm systems and that a police officer be present at all DOT work sites) {LC187/1}

01/16/2007 Introduced, referred to House Finance

House Resolution No. 5070**BY** Fox, Costantino, Lewiss**ENTITLED**, JOINT RESOLUTION SUPPORTING A TAIWAN -- U.S. FREE TRADE AGREEMENT (TUFTA) {LC283/1}

01/16/2007 Introduced, referred to House Finance

House Bill No. 5071**BY** San Bento, Malik, Ginaitt, Sullivan, Flaherty**ENTITLED**, AN ACT RELATING TO EDUCATION (provide any licensed speech language pathologist met the requirements and acquired a Certificate of Clinical Competence from American Speech- Language-Hearing Association/employed by a school district/entitled to receive an annual salary supplement) {LC188/1}

01/16/2007 Introduced, referred to House H.E.W.

House Bill No. 5072**BY** McNamara, Naughton**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS -- SANITATION IN FOOD SERVICE ESTABLISHMENTS (restrict the use of artificial trans fat in foods prepared and/or served by food businesses and food service establishments) {LC170/1}

01/16/2007 Introduced, referred to House H.E.W.

House Bill No. 5073**BY** McNamara, Malik, McManus, Lewiss**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- ASSISTED LIVING RESIDENCE LICENSING ACT (provide that no assisted living residency contract or agreement require a security deposit in excess of one month's rent and that any security deposit received be held in an interest bearing account) {LC368/1}

01/16/2007 Introduced, referred to House H.E.W.

House Bill No. 5074**BY** Shanley, Petrarca, Jacquard, Kilmartin, Ucci**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES -- EMERGENCY VEHICLES (provide requirements for motor vehicle operation in the presence of emergency vehicles) {LC62/1}

01/16/2007 Introduced, referred to House Judiciary

House Bill No. 5075**BY** Coderre E, Kilmartin**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF {LC182/1}

01/16/2007 Introduced, referred to House Judiciary

House Bill No. 5076**BY** Mumford, Gorham, Watson, Loughlin**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Jacqueline McLaughlin and David L. Colicci) {LC438/1}

01/16/2007 Introduced, referred to House Judiciary

House Bill No. 5077**BY** Rice, Gallison**ENTITLED**, AN ACT RELATING TO RENAMING THE NEW SAKONNET BRIDGE, AQUIDNECK ISLAND (name the new Sakonnet Bridge as the "Anne Hutchinson Bridge") {LC107/1}

01/16/2007 Introduced, referred to House Municipal Government

House Bill No. 5078**BY** Pacheco, Church, Walsh, Ginaitt, Sullivan**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- RELIEF OF FIRE FIGHTERS AND POLICE OFFICERS (allow a police officer, fire fighter, crash rescue crewperson, fire marshal, chief deputy fire marshal or deputy fire marshal to collect a salary when wholly/partially incapacitated during a witnessed and/or unavoidable emergency/on or off duty) {LC335/1}

01/16/2007 Introduced, referred to House Municipal Government

House Bill No. 5079**BY** Lima, Rice, Naughton, Moffitt, Gallison**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
ACQUISITION OF LAND (prohibit the state municipalities and related entities from using eminent domain to acquire private property) {LC41/1}
01/16/2007 Introduced, referred to House Finance**House Resolution No. 5080****BY** Giannini, Wasylyk, DeSimone, Diaz, Slater**ENTITLED**, HOUSE RESOLUTION RESPECTFULLY REQUESTING MAYOR DAVID CICILLINE AND THE PROVIDENCE CITY COUNCIL ESTABLISH A NEIGHBORHOOD COMMUNITY ARTS CENTER IN THE MOUNT PLEASANT/ELMHURST SECTION OF PROVIDENCE {LC605/1}

Representative Giannini requests unanimous consent for immediate consideration.

There is no objection.

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

House Bill No. 5081**BY** Lima, Gallison, Moffitt, Wasylyk, Melo**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
CONTRACTORS REGISTRATION {LC72/1}
01/16/2007 Placed on House Calendar**COMMUNICATION**

The Honorable Speaker announces the receipt of the following communication:

January 16, 2007

I hereby appoint Representative Kenneth Carter to Vice Chairman of the House Finance Committee.

William J. Murphy
SPEAKER

Received and placed on file.

January 16, 2007

I hereby appoint Representative David Segal to serve on the Environment and Natural Resource Committee.

William J. Murphy
SPEAKER

Received and placed on file.

January 16, 2007

I hereby appoint the following to serve as Deputy Majority Leaders:

Representatives:

Edith Ajello
Joseph Almeida
Raymond Gallison
Al Gemma
J. Patrick O'Neill
Peter Palumbo
Roger Picard
William San Bento
Gregory Schadone
John P. Shanley

William J. Murphy
SPEAKER

Received and placed on file.

January 16, 2007

I hereby appoint Representative Timothy Williamson as Senior Deputy Majority Leader.

William J. Murphy
SPEAKER

Received and placed on file.

COMMUNICATION FROM THE SENATE

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

Senate Resolution No. 31

BY Issa, Walaska, McCaffrey, Paiva-Weed, Bates

ENTITLED, JOINT RESOLUTION SUPPORTING A TAIWAN -- U.S. FREE TRADE AGREEMENT (TUFTA) {LC284/1}

01/16/2007 Referred to House Finance

Senate Bill No. 53

BY Levesque C

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF KTB, INC. {LC98/1}

01/16/2007 Referred to House Corporations

CALENDAR

From the Calendar are taken:

IN ORDER FOR TUESDAY, JANUARY 16, 2007:**1 2007-H 5009****BY Moffitt**

ENTITLED, HOUSE RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL HOUSE COMMISSION TO STUDY THE FEASIBILITY OF SELLING ALL OR ANY PORTION OF THE BIG RIVER MANAGEMENT AREA BACK TO THE PRIOR OWNERS OR THEIR HEIRS

Ordered on the Calendar

Representative Fox moves passage of the act, seconded by Representatives Moffitt, Sullivan, Williamson and Serpa.

Read and passed, on a roll call vote, 64 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 64: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, DeSimone, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gablinske, Gallison, Giannini, Ginaitt, Gorham, Handy, 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, Singleton, Slater, Story, Sullivan, Vaudreuil, Walsh, Wasylyk, Williamson.

NAYS - 1: Representative Gemma.

2 2007-H 5010**BY Moffitt**

ENTITLED, HOUSE RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL HOUSE COMMISSION TO STUDY LAWS AND REGULATIONS RELATING TO HUNTING AND FISHING IN RHODE ISLAND AND THE LICENSING TO PARTICIPATE THEREIN

Ordered on the Calendar

Representative Fox moves passage of the act, seconded by Representatives Moffitt, Williamson and Fellela.

Read and passed, on a roll call vote, 66 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 66: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, DeSimone, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, 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, Singleton, Slater, Story, Sullivan, Vaudreuil, Walsh, Wasyluk, Watson, Williamson.

NAYS - 0.

TRANSMITTAL

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

REQUEST

Representative Carter requests the journal to reflect that if he was present for the vote on Speaker of the House he would have voted for Speaker William Murphy.

ANNOUNCEMENTS

The Honorable Speaker Murphy welcomes back Representative Kenneth Carter.

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

Representative Corvese wishes Jim Black, a House page, a Happy 19th Birthday.

GUESTS

Representative Savage welcomes to the House Chamber as a guest Sherri Mulhern, former director of Rhode Island Resource Recovery, and Michael T. O'Connell, new director.

Representative Savage also welcomes to the Chamber David Reynolds, from East Providence who is working on his senior project.

ADJOURNMENT

At 4:35 o'clock P.M. on motion of Representative Watson, and as a further mark of respect to the memory of Stephen Briansky; on motion of Representative O'Neill, and as a further mark of respect to the memory of Helen E. Baron; on motion of Representatives Mattiello and Lima and as a further mark of respect to the memories of Maria DiChiro and Cornelius Demers seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE WILLIAM SAN BENTO, 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 WEDNESDAY, JANUARY 17, 2007:

1 2007-H 5081

BY Lima

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
CONTRACTORS REGISTRATION

Ordered on the Calendar

Francis P. McCabe
Clerk of the House

Tuesday, January 16, 2007