

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. 13

Thursday, February 1, 2007

Thirteenth Day

The House of Representatives meets at the State House in Providence, Thursday, February 1, 2007 and is called to order at 4:27 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 73 members present and 2 members absent as follows:

PRESENT - 73: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Church, Coderre, Corvese, Costantino, 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, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT - 2: Representatives Carter, Crowley.

INVOCATION

The Honorable Speaker presents Representative Naughton 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 31, 2007 is approved as printed.

COMMITTEE ON CORPORATIONS

Representative Kennedy, for the Committee on Corporations, reports back the following measures, with recommendation of passage:

House Bill No. 5011**BY** Rose, Melo**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF M.T.J., INC. {LC96/1}

02/01/2007 Placed on House Calendar

House Bill No. 5012 SUB A**BY** Shanley, Lally, Walsh, Caprio D**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF WAKEFIELD BUILDING & INVESTMENT CORP. {LC42/1/A}

02/01/2007 Placed on House Calendar

House Bill No. 5013**BY** Shanley, Lally, Walsh, Caprio D**ENTITLED**, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF SOUTH KINGSTOWN {LC81/1}

02/01/2007 Placed on House Calendar

House Bill No. 5035 as amended**BY** Long**ENTITLED**, AN ACT TO VACATE FOR THE FORFEITURE OR REVOCATION OF THE CHARTER OF NEWPORT MASONIC FOUNDATION {LC369/1}

02/01/2007 Placed on House Calendar

House Bill No. 5036**BY** Long**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF KTB, INC. {LC97/1}

02/01/2007 Placed on House Calendar

Senate Bill No. 53**BY** Levesque C**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF KTB, INC. {LC98/1}

02/01/2007 Placed on House Calendar

COMMITTEE ON FINANCE

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

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

02/01/2007 Placed on House Calendar

COMMITTEE ON JUDICIARY

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

House Bill No. 5075**BY** Coderre E, Kilmartin**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Adam Freedman and Lucia Couto) {LC182/1}

02/01/2007 Placed on House Calendar

House Bill No. 5053**BY** Mattiello**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGE (join Elizabeth May McEleney and Michael Newton) {LC371/1}

02/01/2007 Placed on House Calendar

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}

02/01/2007 Placed on House Calendar

House Bill No. 5089**BY** Jackson**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Rachael Aria Omansky and Jonathan Yuhan Chou in marriage) {LC523/1}

02/01/2007 Placed on House Calendar

House Bill No. 5128**BY** Gablinske, Gallison, Mattiello**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Susan Dallaire Masse and James Leo Archy in marriage) {LC524/1}

02/01/2007 Placed on House Calendar

House Bill No. 5148**BY** Pacheco**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join RenTe Williams and Jesse Ruprecht) {LC719/1}

02/01/2007 Placed on House Calendar

House Bill No. 5149**BY** Lally, Shanley, Caprio D**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Kathleen Manning and Philip Shute) {LC384/1}

02/01/2007 Placed on House Calendar

House Bill No. 5212**BY** Rice**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Jae Elizabeth Strommer and Thomas Loring Rowe) {LC953/1}

02/01/2007 Placed on House Calendar

House Bill No. 5213**BY** Ajello, Handy**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Christopher N. Harrison and Carolyn Murray) {LC889/1}

02/01/2007 Placed on House Calendar

NEW BUSINESS**House Bill No. 5272****BY** Slater, Diaz, Almeida, McCauley, Costantino**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY RENAMING THE RHODE ISLAND JUVENILE DETENTION CENTER (rename the Juvenile Detention Center as the "Roosevelt Benton Youth Assignment Center") {LC1076/1}

02/01/2007 Introduced, referred to House Constituent Services

House Bill No. 5273**BY** Petrarca, Winfield, Lima, Ucci**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - PARKING FACILITIES AND PRIVILEGES (require all public buildings to provide specific designated parking for motorcycles at a base of 3 to 100) {LC970/1}

02/01/2007 Introduced, referred to House Constituent Services

House Bill No. 5274**BY** Brien, Palumbo, Corvese, Schadone, Fellela**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH CARE RIGHTS OF CONSCIENCE ACT (provide protection from discrimination to all health care providers who chose not to participate in a health care service that violates the conscience of the health care provider) {LC767/1}

02/01/2007 Introduced, referred to House Corporations

House Bill No. 5275**BY** Ucci, Pacheco, Segal, Petrarca, Picard**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW -- THE RHODE ISLAND FAIR DEALERSHIP ACT (provide protection for dealership owners within this state from the superior economic power of dealership grantors) {LC463/1}

02/01/2007 Introduced, referred to House Corporations

House Bill No. 5276**BY** Pacheco, Ajello, Handy, Dennigan, Coderre E**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- TAXATION (raise the tax on alcoholic beverages and direct \$3.00 of the tax to be used for alcoholism prevention and treatment) {LC1067/1}

02/01/2007 Introduced, referred to House Finance

House Bill No. 5277**BY** Almeida, Diaz, Slater**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- THE OPEN CONTRACTING ACT (prohibit certain contract specifications issued by public bodies soliciting bids on public works projects) {LC941/1}

02/01/2007 Introduced, referred to House Finance

House Bill No. 5278**BY** Petrarca, Winfield, Silva, Ucci**ENTITLED**, AN ACT RELATING TO EDUCATION -- CHILDREN WITH DISABILITIES (require the state to provide funding for the special education needs of a child who moves into a city or town after the school committee adopts its budget for the school year. Any additional funding would apply to that school year only) {LC973/1}

02/01/2007 Introduced, referred to House Finance

House Bill No. 5279**BY** Lewiss, Walsh, Kennedy, Shanley, Scott**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES (remove the language "organically produced" from the statute definition relating to biodiesel fuel the production of which results in employment in RI at a manufacturing facility) {LC1083/1}

02/01/2007 Introduced, referred to House Finance

House Bill No. 5280**BY** Petrarca, Winfield, Silva, Ucci**ENTITLED**, AN ACT RELATING TO TAXATION (provide a tax credit of 10% of the expenses, up to \$200 to private businesses which participate in a Qualified School-to-Career Program) {LC974/1}

02/01/2007 Introduced, referred to House Finance

House Bill No. 5281**BY** Walsh, Gallison, Crowley, Kennedy, Scott**ENTITLED**, AN ACT RELATING TO EDUCATION (require the state to annually pay for the tuition and related costs for students attending a state elementary or secondary vocational education school/payments made directly to the respective schools) {LC355/1}

02/01/2007 Introduced, referred to House Finance

House Bill No. 5282**BY** Palumbo, Jackson, Corvese, McCauley, Church**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- PREVENTION AND SUPPRESSION OF CONTAGIOUS DISEASES (mandate that the dept of health develop a standardized consent form to be signed by a minor child's parent or guardian prior to any vaccination which contains mercury and which would become part of the child's permanent record) {LC21/1}

02/01/2007 Introduced, referred to House H.E.W.

House Bill No. 5283**BY** Palumbo, Malik, McCauley, Church, DeSimone**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY (require nursing home administrators to report abuse of residents to the state police or the police department of the municipality where the abuse occurred) {LC17/1}

02/01/2007 Introduced, referred to House H.E.W.

House Bill No. 5284**BY** Fellela, Lewiss, Giannini, Ucci, Lima**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS {LC1042/1}

02/01/2007 Introduced, referred to House H.E.W.

House Bill No. 5285**BY** Ucci, Lima, Mattiello, Corvese, Fellela**ENTITLED**, AN ACT RELATING TO EDUCATION - ELIGIBILITY FOR ATTENDANCE {LC917/1}

02/01/2007 Introduced, referred to House H.E.W.

House Bill No. 5286**BY** Silva, Lewiss, Vaudreuil, Melo, Shanley**ENTITLED**, AN ACT RELATING TO EDUCATION {LC205/1}

02/01/2007 Introduced, referred to House H.E.W.

House Bill No. 5287**BY** O'Neill, Jackson, Sullivan**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- CHILDREN {LC1087/1}

02/01/2007 Introduced, referred to House Judiciary

House Bill No. 5288**BY** O'Neill, Sullivan, Jackson**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- ASSAULTS {LC1088/1}

02/01/2007 Introduced, referred to House Judiciary

House Bill No. 5289**BY** Almeida, Slater, Ajello, Handy**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE PROCEDURE GENERALLY -- WITNESSES {LC1026/1}

02/01/2007 Introduced, referred to House Judiciary

House Bill No. 5290**BY** Mumford, Ehrhardt, Singleton, Loughlin, Savage**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY GOVERNMENTAL TORT LIABILITY - DEPARTMENT OF ATTORNEY GENERAL {LC904/1}

02/01/2007 Introduced, referred to House Judiciary

House Bill No. 5291**BY** Brien, Lewiss, Mattiello, Giannini, Gablinske**ENTITLED**, AN ACT RELATING TO REAL PROPERTY -- CONVEYANCES {LC305/1}

02/01/2007 Introduced, referred to House Judiciary

House Bill No. 5292**BY** Almeida, Slater**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- LABOR RELATIONS ACT {LC946/1}

02/01/2007 Introduced, referred to House Labor

House Bill No. 5293**BY** Almeida, Diaz, Slater**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- APPRENTICESHIP PROGRAMS IN TRADE AND INDUSTRY {LC932/1}

02/01/2007 Introduced, referred to House Labor

House Bill No. 5294**BY** Almeida, Fox, Mattiello, Giannini, Diaz**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION {LC900/1}

02/01/2007 Introduced, referred to House Labor

House Bill No. 5295**BY** Almeida, Mattiello, Slater, Ajello, Handy**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- FAMILY AND MEDICAL LEAVE {LC683/1}

02/01/2007 Introduced, referred to House Labor

House Bill No. 5296**BY** Slater, Almeida, Diaz, Malik, McNamara**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS - EMPLOYMENT SECURITY - BENEFITS {LC883/1}

02/01/2007 Introduced, referred to House Labor

House Bill No. 5297**BY** Petrarca, Winfield, Silva, Ucci**ENTITLED**, AN ACT RELATING TO TAXATION -- TAXATION EXEMPTION FOR VETERANS {LC971/1}

02/01/2007 Introduced, referred to House Municipal Government

House Bill No. 5298**BY** Petrarca, Ucci, Palumbo, Giannini**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT {LC972/1}

02/01/2007 Introduced, referred to House Municipal Government

House Resolution No. 5299**BY** Naughton, Giannini, Walsh, Lima, Fellela**ENTITLED**, HOUSE RESOLUTION PROCLAIMING FEBRUARY 2, 2007 TO BE "GO RED FOR WOMEN" DAY IN THE STATE OF RHODE ISLAND {LC1352/1}

Representative Naughton requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Naughton seconded by Representatives Dennigan, Giannini, Rice, Serpa, Ajello, Baldelli-Hunt, Coderre, Lima, Walsh, Diaz, Story, Mumford, Singleton, Gemma, Silva, Lally and Picard by unanimous consent, on a voice vote.

House Bill No. 5300**BY** Watson, Gorham, McManus, Story, Ehrhardt**ENTITLED**, AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2008 {LC1305/1}

02/01/2007 Introduced, referred to House Finance

CALENDAR

From the Calendar is taken:

IN ORDER FOR THURSDAY, FEBRUARY 1, 2007:**1 2007-H 5143 SUB A****BY Costantino****ENTITLED**, AN ACT RELATING TO TAXATION

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

Representative Costantino moves passage of the act, seconded by Representatives Fox, Lewiss, Slater, McNamara, Kennedy, Coderre and many other members of the House.

Representatives Mumford, Costantino, Lewiss, Gorham and Watson discuss the act.

Read and passed, on a roll call vote, 58 members voting in the affirmative and 10 members voting in the negative as follows:

YEAS - 58: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Malik, Mattiello, McCauley, McNamara, Melo, Moffitt, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Williamson, Winfield.

NAYS - 10: Representatives Ehrhardt, Gorham, Long, Loughlin, McManus, Menard, Mumford, Story, Wasylyk, Watson.

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.

ANNOUNCEMENTS

Representative Naughton announces that the Committee on Rules will meet at the rise of the House, in Room 205 of the State House

Representative Smith congratulates Representative David Caprio on being chosen as one of the most eligible bachelors in the state of Rhode Island by the Providence Monthly.

Representative McManus wishes Representative Victor Moffitt a Happy Birthday on February 2nd.

Representative Picard wishes Elaine Coderre and her husband a Happy 39th Anniversary.

Representatives Williamson and Fox congratulate Ryan Murphy, son of the Honorable Speaker Murphy, on winning the St. Joseph Elementary School Spelling Bee.

GUESTS

Representative Kennedy welcomes to the House Chamber as guests his sister Tracey Kennedy and his nephew, Drew Kennedy Prouty, from the town of South Kingstown.

Representative McNamara welcomes to the House as a guest Kevin Silva, a Rhode Island College Student from Warren.

Representative Lewiss welcomes to the Chamber as a guest his intern for the year, Claire de Jong, a senior at Brown University.

DESK HELD OPEN

The Honorable Speaker Murphy announces the desk will remain open in order to receive the budget.

ADJOURNMENT

At 5:58 o'clock P.M. on motion of Representatives Lally and Ehrhardt, and as a further mark of respect to the memory of Meghan Catherine Cooney; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE EILEEN S. NAUGHTON

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

APPENDIX

CALENDAR

IN ORDER FOR WEDNESDAY, FEBRUARY 7, 2007:

1 2007-H 5011**BY Rose****ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF M.T.J., INC.

Committee on Corporations recommends passage.

2 2007-H 5013**BY Shanley****ENTITLED,** AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF SOUTH KINGSTOWN

Committee on Corporations recommends passage.

3 2007-H 5036**BY Long****ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF KTB, INC.

Committee on Corporations recommends passage.

4 2007-H 5035 as amended**BY Long****ENTITLED,** AN ACT TO VACATE FOR THE FORFEITURE OR REVOCATION OF THE CHARTER OF NEWPORT MASONIC FOUNDATION

Committee on Corporations recommends passage as amended.

5 2007-H 5012 SUB A**BY Shanley****ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF WAKEFIELD BUILDING & INVESTMENT CORP.

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

6 2007-H 5066**BY Naughton****ENTITLED,** JOINT RESOLUTION MAKING AN APPROPRIATION TO PAY CERTAIN CLAIMS

Committee on Finance recommends passage.

7 2007-H 5075**BY Coderre E****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

8 2007-H 5053**BY Mattiello****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGE

Committee on Judiciary recommends passage.

9 2007-H 5076**BY Mumford****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

10 2007-H 5089**BY Jackson****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

11 2007-H 5128**BY Gablinske****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

12 2007-H 5148**BY Pacheco****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

13 2007-H 5149

BY Lally

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

14 2007-H 5212

BY Rice

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

15 2007-H 5213

BY Ajello

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

16 2007-S 53

BY Levesque C

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF KTB, INC.

Committee on Corporations recommends passage in concurrence.

Francis P. McCabe
Clerk of the House

Thursday, February 1, 2007