

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. 14

Tuesday, February 6, 2007

Fourteenth Day

The House of Representatives meets at the State House in Providence, Tuesday, February 6, 2007 and is called to order at 4:18 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, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Winfield.

ABSENT - 6: Representatives Carter, Gablinske, Gorham, Palumbo, Schadone, Williamson.

INVOCATION

The Honorable Speaker presents Representative McNamara 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, February 1, 2007 is approved as printed.

NEW BUSINESS

House Bill No. 5301**BY** Ginaitt, Lewiss**ENTITLED**, AN ACT RELATING TO INSURANCE (grant the commissioner of health insurance the authority to enforce the laws relating to small group and individual market health insurance against companies offering insurance through out of state trusts and associations) {LC285/1}

02/06/2007 Introduced, referred to House Corporations

House Bill No. 5302**BY** Naughton, Handy, Corvese, Dennigan, Giannini**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS (would prevent the shut off of gas or electric services in any residence where there is a domiciled person under the age of 6 years) {LC771/1}

02/06/2007 Introduced, referred to House Corporations

House Bill No. 5303**BY** Pacheco, Church**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - PASCOAG UTILITY DISTRICT (make changes to the laws relating to the Pascoag Utility District including amending the powers of the district, defining qualified voter) {LC1182/1}

02/06/2007 Introduced, referred to House Corporations

House Bill No. 5304**BY** Malik, Williams, Gablinske, Flaherty, Rose**ENTITLED**, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- CHECK CASHING (require appropriate security measures for check cashing institutions but would eliminate the requirement of bulletproof glass or steel partitions) {LC919/1}

02/06/2007 Introduced, referred to House Corporations

House Bill No. 5305**BY** Ginaitt, Walsh, Lewiss, Naughton**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION (provide for the issuance of beach vehicle registration permits) {LC1218/1}

02/06/2007 Introduced, referred to House Environment and Natural Resources

House Bill No. 5306**BY** Church, Melo, Serpa, Fellela, O'Neill**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE GENERAL ASSEMBLY (establish the position of the chief financial officer within the department of administration) {LC1066/1}

02/06/2007 Introduced, referred to House Finance

House Bill No. 5307**BY** Dennigan, Crowley, Rose, Naughton, Church**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT {LC1054/1}

02/06/2007 Introduced, referred to House Finance

House Bill No. 5308**BY** Diaz, Slater, Almeida**ENTITLED**, AN ACT RELATING TO EDUCATION -- BOARD OF GOVERNORS FOR HIGHER EDUCATION (identify those students who are exempt from paying nonresident tuition at public universities, colleges or community colleges) {LC1176/1}

02/06/2007 Introduced, referred to House Finance

House Bill No. 5309**BY** Lally**ENTITLED**, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE - EMERGENCY MANAGEMENT (add the state court administrator to the emergency management advisory council) {LC1225/1}

02/06/2007 Introduced, referred to House Finance

House Bill No. 5310**BY** Ginaitt, Naughton, Ucci, Handy**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION (create High Priority Conservation and Restoration Areas and a Metro Bay Region) {LC1220/1}

02/06/2007 Introduced, referred to House Finance

House Bill No. 5311 (by request)**BY** Rose**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- RETIREMENT SYSTEM -- CONTRIBUTIONS AND BENEFITS (allow members of the retirement system to serve as paid members of part-time state boards or commissions) {LC1036/1}

02/06/2007 Introduced, referred to House Finance

House Bill No. 5312**BY** Lally**ENTITLED**, AN ACT PUBLIC OFFICERS AND EMPLOYEES - RETIREMENT SYSTEM - ADMINISTRATION (define "active member" and "vested" as it applies to members of the state retirement system) {LC1015/1}

02/06/2007 Introduced, referred to House Finance

House Bill No. 5313**BY** Ginaitt, Lewiss, Walsh**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH PROFESSIONAL LOAN REPAYMENT PROGRAM (expand the health professional loan repayment program to include physical therapists, psychiatric social workers and pharmacists) {LC652/1}

02/06/2007 Introduced, referred to House Finance

House Bill No. 5314**BY** Ginaitt, Lewiss, Naughton, Church, McCauley**ENTITLED**, AN ACT RELATING TO SALES AND USE TAXES -- LIABILITY AND COMPUTATION (exempt equipment used for the Rhode Island enhanced motor vehicle inspection and maintenance program from sales and use taxes) {LC287/1}

02/06/2007 Introduced, referred to House Finance

House Bill No. 5315**BY** Lima, Coderre E, Slater, San Bento, Wasylyk**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- PRIVATIZATION OF SERVICES (establish a process by which the state service providers would bid against private suppliers of such services in an effort to determine those which might be privatized) {LC794/1}

02/06/2007 Introduced, referred to House Finance

House Bill No. 5316**BY** Lally**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- RELIEF OF FIREFIGHTERS AND POLICE OFFICERS (permit police and firefighter retirees to receive certain medical benefits as a result of illness or injury for the necessary period) {LC793/1}

02/06/2007 Introduced, referred to House Finance

House Bill No. 5317**BY** Naughton, Church, Lewiss, Kennedy, Baldelli-Hunt**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT (provide Rhode Island residents, institutions and businesses with a diversification of energy resources) {LC799/1}

02/06/2007 Introduced, referred to House Finance

House Bill No. 5318**BY** Ginaitt, Loughlin, Lewiss, Walsh, Pacheco**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- FIREFIGHTER CANCER WELLNESS (create a program directed by the department of health to test for, collect data on, and to educate firefighters in awareness of bladder cancer) {LC257/1}

02/06/2007 Introduced, referred to House H.E.W.

House Bill No. 5319**BY** Church, Ajello, Melo**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY - JUDGMENTS, ORDERS, AND DECREES (change the rate assessed on civil judgments from 12% to the treasury index rate plus 3%) {LC991/1}

02/06/2007 Introduced, referred to House Judiciary

House Bill No. 5320**BY** DeSimone, Wasylyk**ENTITLED**, AN ACT RELATING TO ELECTIONS -- REGISTRATION OF VOTERS (reduce the waiting period required for disaffiliation with a political party from 90 days to 29 days) {LC1310/1}

02/06/2007 Introduced, referred to House Judiciary

House Bill No. 5321**BY** Lewiss, Naughton, Walsh, Ginaitt, Long**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- PUBLIC BEACH SMOKING POLLUTION CONTROL ACT (prohibit smoking on public beaches in the state) {LC207/1}

02/06/2007 Introduced, referred to House Judiciary

House Bill No. 5322**BY** DeSimone, Palumbo, Corvese, Petrarca, Lally**ENTITLED**, AN ACT RELATING TO PROPERTY - FORM AND EFFECT OF CONVEYANCES (establish evidence of the fair market value of a foreclosed premises as a set off against a deficiency action filed by the mortgagee against the mortgager) {LC1311/1}

02/06/2007 Introduced, referred to House Judiciary

House Bill No. 5323**BY** Flaherty, Gemma, Ginaitt, Naughton, Trillo**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- WEAPONS (create a buffer zone to prevent a dealer license for weapons to be issued within 500' of a public, private, parochial school or a place of public worship) {LC997/1}

02/06/2007 Introduced, referred to House Judiciary

House Bill No. 5324**BY** Ginaitt, Lewiss, Malik, Palumbo, Caprio D**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES - SAFETY BELT USE (make violations of the safety belt law a primary offense commencing on July 1, 2007) {LC269/1}

02/06/2007 Introduced, referred to House Judiciary

House Bill No. 5325**BY** Lally, Shanley**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS (expand the definition of law enforcement officer to include campus police officers) {LC797/1}

02/06/2007 Introduced, referred to House Judiciary

House Bill No. 5326**BY** Walsh, Ajello, Rice, Handy**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ADMINISTRATIVE PROCEDURES {LC1061/1}

02/06/2007 Introduced, referred to House Judiciary

House Bill No. 5327**BY** Diaz, Slater, Segal, Almeida, Ginaitt**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- CHILDREN (make it a crime to sell any cellophane wrap product to minors) {LC924/1}

02/06/2007 Introduced, referred to House Judiciary

House Bill No. 5328**BY** Lally**ENTITLED**, AN ACT RELATING TO ELECTIONS -- PARTY COMMITTEES AND CONVENTIONS (require the resignation of a removed resident from serving on a ward committee) {LC1016/1}

02/06/2007 Introduced, referred to House Judiciary

House Bill No. 5329**BY** Fellela, Ucci, Melo, Serpa, Church**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS - EMPLOYMENT SECURITY - BENEFITS (repeal provisions of the general laws that disqualify an individual from receiving some or all of their unemployment benefits because of the receipt of certain other disqualifying income) {LC1003/1}

02/06/2007 Introduced, referred to House Labor

House Bill No. 5330**BY** Palumbo, McCauley**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- FIREFIGHTERS' ARBITRATION (require that the rights or benefits conferred on employees by an expiring collective bargaining agreement would continue until a new agreement is ratified) {LC1057/1}

02/06/2007 Introduced, referred to House Labor

House Bill No. 5331**BY** Rice, Naughton, Lewiss, Walsh, Ajello**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- FAIR SHARE HEALTH CARE FUND (establish the Fair Share Health Care Report and would require employers of 1,000 employees or more to file annual reports relating to the portion of total employees health care costs paid by the employer) {LC1345/1}

02/06/2007 Introduced, referred to House Labor

House Bill No. 5332**BY** Lima, Diaz, Coderre E, Ajello, Giannini**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- MINIMUM WAGES (raise the minimum wage a specific amount for years 2008 and 2009, and thereafter by a formula linked to inflation) {LC1059/1}

02/06/2007 Introduced, referred to House Labor

House Bill No. 5333**BY** Malik, Gablinske**ENTITLED**, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES (require that new lots created in the town of Warren after the assessment date be assessed and prorated as of the date of approval by the planning board) {LC897/1}
02/06/2007 Introduced, referred to House Municipal Government**House Resolution No. 5334****BY** Murphy, Fox, Gemma, Menard, Mumford**ENTITLED**, HOUSE RESOLUTION EXPRESSING OUR DEEPEST SYMPATHIES ON THE PASSING OF BENJAMIN H. HAWKSLEY {LC1542/1}

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. 5335**BY** Lewiss, Dennigan, Savage, Slater, Jacquard**ENTITLED**, JOINT RESOLUTION EXTENDING THE REPORTING AND EXPIRATION DATES AND AMENDING THE SPECIAL LEGISLATIVE COMMISSION TO STUDY THE CURRENT STRENGTHS AND WEAKNESSES OF LIBRARY SERVICES IN THE STATE OF RHODE ISLAND (The Karla Harry Commission on Libraries in Rhode Island) {LC1349/1}

Representative Lewiss requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Lewiss seconded by Representatives Shanley, Dennigan, Savage, McNamara, Segal and Coderre by unanimous consent, on a voice vote.

Representatives Lewiss and Dennigan discuss the resolution.

House Resolution No. 5336**BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION AMENDING THE MEMBERSHIP OF THE SPECIAL HOUSE OVERSIGHT COMMISSION TO MONITOR THE RAMIFICATION OF THE FIRE SAFETY CODE {LC1604/1}

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. 5337**BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC1547/1}

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 Bill No. 5338**BY** Fox, Sullivan, Brien, Kilmartin, Story**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION (establish a special house commission to study issues regarding water use, supply, and distribution in this state) {LC90/1}

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 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, Amaral, Baldelli-Hunt, Brien, Caprio, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Trillo, Ucci, Vaudreuil, Walsh.

NAYS - 0.

REQUESTS

Representatives Wasylyk and Smith request the journal to reflect that if they had voted on (07H 5338), they would have voted in the affirmative.

House Resolution No. 5339**BY** Watson, Loughlin, Singleton, Mumford, Gorham**ENTITLED**, HOUSE RESOLUTION PROCLAIMING FEBRUARY 6TH TO BE "RONALD REAGAN DAY" IN THE STATE OF RHODE ISLAND {LC984/1}

Representative Loughlin requests unanimous consent for immediate consideration.

There is no objection.

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

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 Corvese announces that the Committee on Labor will meet at the rise of the House, in Room 313 of the State House.

Representative McNamara and the Honorable Speaker Murphy congratulate Representative Crowley on the article which appeared in the February issue of the Governing Magazine. Representative McNamara commends Representative Crowley on his leadership on behalf of his constituents and the state of Rhode Island.

Representative Rice congratulates Representative Giannini on reactivating the Women's Caucus and also Representative Rice congratulates Representative Giannini on being elected its Chairwoman.

Representative Lima announces the Women's Caucus elected the following: Representative Giannini-Chairwoman, 1st Vice Chair-Senator Gallo, 2nd Vice Chair-Representative Walsh, Communication Director-Representative Rice and Treasurer-Representative Mumford.

GUESTS

Representative Fox welcomes to the House Chamber as guests Miss Rhode Island, Danielle Lacourse, a former page in the House along with her mother, Stephanie Lacourse and her brother, Zachary Lacourse. Representative Fox announces Miss Rhode Island will be competing in the Miss USA pageant on March 23rd.

The Honorable Speaker Murphy congratulates Miss Rhode Island and presents her with a citation from the House of Representatives.

At 4:35 o'clock P.M. the Honorable Speaker yields the rostrum to Miss Rhode Island.

By unanimous consent, Miss Rhode Island addresses the members of the House.

At 4:36 o'clock P.M. the Honorable Speaker returns to the rostrum.

Representative Crowley welcomes to the House as guests Newport City Councilor, Kate Leonard, Mr. Charles Berlotti, and Mr. Marshall Michael.

ADJOURNMENT

At 4:50 o'clock P.M. on motion of Representative Scott for Representative Carter, and on a motion of Representatives Scott, Watson, Almeida, Shanley, and the entire House of Representatives and as a further mark of respect to the memory of former Representative John S. "Steve" Hernandez; on motion of Representatives Corvese, Brien and Giannini, and as a further mark of respect to the memory of Benjamin H. Hawksley; on motion of Representative Sullivan and as a further mark of respect to the memory of Richard Pomfret; on motion of Representatives Malik and Rose, and as a further mark of respect to the memory of Ernest Agresti; on motion of Representative Rice, and as a further mark of respect to the memory of Angela Regine; on motion of Representative Amaral, and as a further mark of respect to the memory of Peter Henry; on motion of Representative Giannini, and as a further mark of respect to the memory of Elena Cafaro; on motion of Representative Scott for Representative Carter and on a motion of Representative Scott, and as a further mark of respect to the memory of Sylvia Peck seconded by Representatives Fox and Long the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE JOSEPH M. MC NAMARA

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

Tuesday, February 6, 2007