

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. 16

Thursday, February 8, 2007

Sixteenth Day

The House of Representatives meets at the State House in Providence, Thursday, February 8, 2007 and is called to order at 4:15 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 67 members present and 8 members absent as follows:

PRESENT - 67: 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, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Wasylyk, Watson, Williams, Winfield.

ABSENT - 8: Representatives Carter, Ginaitt, Lally, McCauley, Palumbo, Singleton, Walsh, Williamson.

INVOCATION

The Honorable Speaker presents Representative Picard 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, February 7, 2007 is approved as printed.

ANNOUNCEMENTS

Representative Peter Ginaitt will be unable to attend session Thursday, February 8, 2007. He is out of town.

Representative Donald Lally will be unable to attend session Thursday, February 8, 2007. He is out of state on business.

Representative Richard Singleton will be unable to attend session Thursday, February 8, 2007. He is away on business.

REPORTS OF REPORTS OF COMMITTEES**COMMITTEE ON RULES**

Representative Naughton, for the Committee on Rules, reports back the following measure, with recommendation of passage:

House Resolution No. 5190 SUB A
BY Naughton, Kilmartin, Gallison, Mattiello, Williamson
ENTITLED, HOUSE RESOLUTION ADOPTING RULES OF THE HOUSE OF REPRESENTATIVES FOR THE YEARS 2007-2008 {LC874/1/A}
02/08/2007 Placed on House Calendar

NEW BUSINESS

House Bill No. 5367
BY Palumbo, Ucci, Trillo, Church, Corvese
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE ILLEGAL IMMIGRATION RELIEF ACT (prohibit the employment of, or harboring of illegal aliens) {LC1284/1}
02/08/2007 Introduced, referred to House Labor

House Resolution No. 5368
BY Palumbo
ENTITLED, HOUSE RESOLUTION RESPECTFULLY REQUESTING THE UNITED STATES CONGRESS TO SUSPEND THE PRACTICE OF GRANTING UNITED STATES CITIZENSHIP TO CHILDREN OF ILLEGAL IMMIGRANTS {LC1319/1}
02/08/2007 Introduced, referred to House Judiciary

House Bill No. 5369
BY Shanley, Pacheco, Scott, Naughton, Lally
ENTITLED, AN ACT RELATING TO GENERAL ASSEMBLY -- PERMANENT JOINT COMMITTEE ON NAMING ALL NEW BUILDINGS, BRIDGES, EDIFICES AND OTHER STATE CONSTRUCTIONS (rename the Chi Phi Fraternity at the University of Rhode Island to the Texas Instruments House) {LC83/1}
02/08/2007 Introduced, referred to House Constituent Services

House Bill No. 5370**BY** Jacquard, Lima, Rice, Gemma**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS -- DECEPTIVE TRADE PRACTICES (require that a party alleging an unfair or deceptive act or practice in the conduct of trade or commerce file a written demand for relief with the alleged actor at least thirty days prior to filing a lawsuit) {LC945/1}

02/08/2007 Introduced, referred to House Corporations

House Bill No. 5371**BY** Coderre E, Slater, Lima, Naughton, Ajello**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- HANDICAPPED ACCESSIBLE TAXICABS (require taxicab companies to maintain at least 2% but no less than one handicapped accessible taxicabs purchased or leased after January 1, 2008) {LC758/1}

02/08/2007 Introduced, referred to House Corporations

House Bill No. 5372**BY** San Bento, Lima, Winfield, Picard, Flaherty**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- INSURANCE (would require when an insurance carrier cancels or terminates a certified policy, notice of cancellation or termination of the insurance so certified would be filed with the division of motor vehicles) {LC1539/1}

02/08/2007 Introduced, referred to House Corporations

House Bill No. 5373**BY** Jackson, O'Neill, Sullivan, Lally**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES - REGULATION OF SALES (clarify that holders of licenses to sell alcoholic beverages are not prohibited from adopting policies which exclude persons under 21 from any licensed establishment) {LC35/1}

02/08/2007 Introduced, referred to House Corporations

House Bill No. 5374 (by request)**BY** Melo**ENTITLED**, AN ACT RELATING TO INSURANCE (create a chapter providing that motor vehicle insurance companies may offer mileage-based and time-based insurance/provide regulation and reporting to the commission) {LC272/1}

02/08/2007 Introduced, referred to House Corporations

House Bill No. 5375**BY** Rice, Segal, Malik, McNamara, Ginaitt**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- LITTER (mandate that retail establishments give their customers who provide their own reusable bags a three cent per bag credit and to post written notice of the credit to their customers) {LC1657/1}

02/08/2007 Introduced, referred to House Environment and Natural Resources

House Bill No. 5376**BY** Jacquard, Gemma

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - REGISTRATION - FEES (provide new regulations and fees for motorcycle and motor scooter licensing and would create a rider education provider education committee) {LC936/1}
02/08/2007 Introduced, referred to House Finance

House Bill No. 5377**BY** Jacquard, Gemma

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES (require the director of administration to review employee transfers every six months/limit the amount of time of the transfer not to exceed one year) {LC934/1}
02/08/2007 Introduced, referred to House Finance

House Bill No. 5378**BY** Jacquard, San Bento, Gemma

ENTITLED, AN ACT RELATING TO TAXATION PROPERTY SUBJECT TO TAXATION (provide that any city/town which provides an exemption or stabilization of taxes prepare and publicly release an analysis of the impact of the proposed project receiving the exemption prior to determining if the tax relief will be granted) {LC935/1}
02/08/2007 Introduced, referred to House Finance

House Bill No. 5379**BY** Naughton, Handy

ENTITLED, AN ACT RELATING TO HUMAN SERVICES - THE FAMILY INDEPENDENCE ACT (allow a parent to receive child care assistance if they work at paid employment or attend an education or training program and work at least 25 hours per week) {LC1117/1}
02/08/2007 Introduced, referred to House Finance

House Bill No. 5380**BY** Singleton, Moffitt, Gorham, Loughlin, Long

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES - PUBLIC OFFICIALS AND MUNICIPAL EMPLOYEES - INSURANCE BENEFITS (prohibit persons who are married and both of whom are employed by the state or its municipalities from receiving health insurance benefits or payment if both persons are covered under one person's benefits) {LC1194/1}
02/08/2007 Introduced, referred to House Finance

House Bill No. 5381**BY** Jacquard, Gemma

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- EQUIPMENT AND ACCESSORIES GENERALLY (require that effective August 1, 2007 all school buses purchased for use in the state be equipped with seat belt assemblies for each passenger and operator seat) {LC939/1}
02/08/2007 Introduced, referred to House H.E.W.

House Bill No. 5382**BY** Naughton, Lewiss**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS (amend the definition of "unprofessional conduct" relative to the treatment of a beneficiary of health insurance and the charges resulting from said treatment) {LC1055/1}

02/08/2007 Introduced, referred to House H.E.W.

House Bill No. 5383**BY** Handy, Pacheco, Ajello, Lewiss, Church**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- DENTISTS AND DENTAL HYGIENISTS (create a special class of license for retired dentists and dental hygienists to allow them to practice dentistry or hygiene for no compensation in volunteer nonprofit situations) {LC1323/1}

02/08/2007 Introduced, referred to House H.E.W.

House Bill No. 5384**BY** Handy, Lewiss**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- DENTISTS AND DENTAL HYGIENISTS (allow dental students who have completed at least half of the prescribed courses in a dental school to sit for and take the dental hygiene exam) {LC1320/1}

02/08/2007 Introduced, referred to House H.E.W.

House Bill No. 5385**BY** Jacquard, San Bento, Gemma**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - POLICE OFFICERS (include airport police officers in the policeman's bill of rights and would also grant to them certain privileges granted to other law enforcement officers) {LC944/1}

02/08/2007 Introduced, referred to House Judiciary

House Bill No. 5386**BY** Jacquard, San Bento, Gemma**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY -- LEVY AND SALE ON EXECUTION (exempt any asset up to \$6,000 in value from the property subject to attachment under this chapter) {LC907/1}

02/08/2007 Introduced, referred to House Judiciary

House Bill No. 5387**BY** Lally, Williamson, O'Neill, Petrarca**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - LAW PRACTICE (exempt the unauthorized practice of law committee from the requirements of the Administrative Procedures Act but would mandate that its rules and regulations be filed with the secretary of state) {LC1236/1}

02/08/2007 Introduced, referred to House Judiciary

House Bill No. 5388**BY** Lally**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- CONCERNING WITNESSES (create a privilege regarding communication between a union representative and any member of his or her bargaining unit/establish situations when the privilege does not apply) {LC791/1}

02/08/2007 Introduced, referred to House Judiciary

House Bill No. 5389**BY** Naughton, San Bento**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS (add deputy sheriffs to the definition of law enforcement officers covered by the Law Enforcement Officers' Bill of Rights) {LC681/1}

02/08/2007 Introduced, referred to House Judiciary

House Bill No. 5390**BY** Lally**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGE (authorize former probate judges in this state to solemnize marriages in this state) {LC1230/1}

02/08/2007 Introduced, referred to House Judiciary

House Bill No. 5391**BY** Jacquard, San Bento, Gemma**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - ELECTRICIANS (allow for relief apprentice(s) on any project provided and application is applied for and approved by division of professional regulations) {LC909/1}

02/08/2007 Introduced, referred to House Labor

House Bill No. 5392**BY** Brien, Gablinske, Corvese, Palumbo, Williamson**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS (require all nongovernmental employers within the state to apply to participate in the extended federal basic employment verification pilot program and to participate if accepted/fine against an employer that does not apply) {LC1138/1}

02/08/2007 Introduced, referred to House Labor

House Bill No. 5393**BY** Lally**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- UNFAIR PRACTICES (empower the labor relations board to prevent any employer or public sector employee organization from engaging in any unfair labor practice) {LC789/1}

02/08/2007 Introduced, referred to House Labor

House Bill No. 5394**BY** Lally, DeSimone**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- MUNICIPAL POLICE ARBITRATION (continue the contractual benefits of the old contract if the parties to a municipal police contract are unable to agree on a new contract within 30 days of the expiration) {LC790/1}

02/08/2007 Introduced, referred to House Labor

House Bill No. 5395**BY** Jacquard, Gemma**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- ELECTRICIANS LICENSES (require Rhode Island reciprocity privileges be extended to electricians and issuing persons who hold current licenses in other states which have the same licensing requirements as Rhode Island) {LC930/1}

02/08/2007 Introduced, referred to House Labor

House Bill No. 5396**BY** Lally**ENTITLED**, AN ACT RELATING TO TOWN AND CITIES - RETIREMENT OF MUNICIPAL EMPLOYEES (allow retired police officers to reenter the service of the pension system in order to perform details or special details) {LC788/1}

02/08/2007 Introduced, referred to House Municipal Government

House Bill No. 5397**BY** Loughlin, Gorham, Mumford, Moffitt, Singleton**ENTITLED**, AN ACT RELATING TO EDUCATION - UNIFORM TEACHING CONTRACTS {LC1203/1}

02/08/2007 Introduced, referred to House H.E.W.

House Resolution No. 5398**BY** Pacheco, Church**ENTITLED**, HOUSE RESOLUTION THANKING THEODORE LABOSSIÈRE, JR. FOR HIS MANY YEARS OF DEVOTED SERVICE TO THE CITIZENS OF BURRILLVILLE {LC1712/1}

Representative Pacheco requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Pacheco seconded by Representatives Segal and Church by unanimous consent, on a voice vote.

House Resolution No. 5399**BY** Pacheco, Church**ENTITLED**, HOUSE RESOLUTION HONORING GERALD W. FOURNIER, SR. FOR FIFTY YEARS OF OUTSTANDING SERVICE TO THE HARRISVILLE HOSE COMPANY NO. 1 AND THE HARRISVILLE FIRE DISTRICT {LC1737/1}

Representative Pacheco requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Pacheco seconded by Representatives Menard, Picard and Rose by unanimous consent on a voice vote.

House Resolution No. 5400**BY** Serpa, McNamara, Fellela, Melo, Vaudreuil**ENTITLED**, HOUSE RESOLUTION PROCLAIMING FEBRUARY 5-9, 2007 AS "SCHOOL COUNSELING WEEK" IN THE STATE OF RHODE ISLAND {LC380/1}

Representative Serpa requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Serpa seconded by Representatives McNamara, Fellela, Melo and many other members of the House by unanimous consent, on a voice vote.

House Resolution No. 5401**BY** Almeida, Fox, Diaz, Williams, Slater**ENTITLED**, HOUSE RESOLUTION PROCLAIMING THE MONTH OF FEBRUARY AS "BLACK HISTORY MONTH" IN THE STATE OF RHODE ISLAND {LC1606/1}

Representative Almeida requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Almeida seconded by Representatives Diaz, Dennigan, McNamara, Serpa, Fellela, Picard, Gemma and Moffitt by unanimous consent, on a voice vote.

TRANSMITTAL

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

ANNOUNCEMENTS

Representative Gallison announces that the Committee on Municipal Government will meet at the rise of the House, in Room 135 of the State House.

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

Representative Mumford wishes Representative Joe Trillo a Happy Birthday on Saturday, February 10th.

Representative Gemma congratulates Representative Joseph McNamara and his wife Diane on their 22nd wedding anniversary.

Representative Gablinske speaks on an article which appeared in the Providence Visitor.

GUESTS

Representative O'Neill welcomes to the House Chamber as guests the Division 3, Shea High School Volleyball Champions as follows: Elizabeth Baldwin, Alyson Catalon, Amanda DoCouto, Nicole Duffy, Karina Evora, Joceddy German, Taylor Gomes, Kristen Ko, Monica Masse, Elba Monteiro, Head Coach-Mr. Jason Pereira, Assistant Coach-Ms. Christina Dailey.

Representative O'Neill welcomes to the House as a guests the Division 2, Shea High School Football Champions as follows: Curtis McBride, Josh Meadows, Jermaine Cabagno, Arlindo Dias, Jerome Hairston, Akeem Williams, Alex Tavares, Bryan Guerrero, Albert Amado, Kaneh R. Die, Joao Vieira, Keveen Nobre, Josh Flanagan, Brian Carreria, Mark Vassallo, Tyler Kingsbury, David Deolivira, Calvin Cottiman, Alex Sannville, Andre N. Rogers, Adelino Dias, John Moarero, Matt Bryson, Kevin Ramos, Barbara Lovett, Leon Warrell, Josh Burgo, Chris Depina, Jaleel Campbell, Henry Pires, Billy Ball, Michael Smith, Billy Mendes, Brian Belgarde, Alfred Appiah, Mohammed Abdalah, Chris Tse, Max Perry, Miguel Ramirez, Christian Viera, Frank Azevedo, Ivan Gomes, Ray Hill, Patrick Guyette, Francisco Rodrigues, JJ Folger, James Savickas, Wilson Santiago, Jeff Gomes, Musa Marong, Manny Baptista, Arthur Nelson, Chris Andrade, Head Coach-Dino Campopiano, Assistants-Damon Scarduzio, David Hanson, Wade Labossiere, Steve Demeo and Mike Goodson, Athletic Director-Ray McGee and Principal-Chris Lord.

Representatives San Bento and McNamara also congratulate the Shea High School teams.

Representative Serpa welcome to the House as guests on behalf of School Counselors Week in the state of Rhode Island-Patricia Nailor, Carol Zimmerman, Fran Barry, Patricia Bird, Bill Izzi, Susan Weber, Donna Tobin, Barbara Crudale, Sharon Schmid, and Belinda Wilkerson.

ADJOURNMENT

At 4:41 o'clock P.M. on motion of Representative Fox seconded by Representative Watson the House adjourns, on a voice vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE ROGER A. PICARD

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 TUESDAY, FEBRUARY 13, 2007:

1 2007-H 5099

BY Gallison

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH CARE
FACILITIES STAFFING

Committee on Labor recommends passage.

IN ORDER FOR WEDNESDAY, FEBRUARY 14, 2007:

1 2007-H 5190 SUB A

BY Naughton

ENTITLED, HOUSE RESOLUTION ADOPTING RULES OF THE HOUSE OF
REPRESENTATIVES FOR THE YEARS 2007-2008

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

Francis P. McCabe
Clerk of the House

Thursday, February 8, 2007