

# State of Rhode Island and Providence Plantations

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## **JOURNAL** -OF THE- **HOUSE OF REPRESENTATIVES**

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**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.

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Volume 134, No. 32

Thursday, March 29, 2007

Thirty-second Day

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The House of Representatives meets at the State House in Providence, Thursday, March 29, 2007 and is called to order at 4:25 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, Carter, Church, Coderre, Corvese, Costantino, DeSimone, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rose, San Bento, Savage, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasyluk, Watson, Williams, Williamson, Winfield.

**ABSENT - 6:** Representatives Crowley, Dennigan, Lima, Rice, Schadone, Smith.

### **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, March 28, 2007 is approved as printed.

**ANNOUNCEMENTS**

Representative Amy Rice is undergoing surgery and will be unable to attend session on Thursday, March 29, 2007.

Representative Steven Smith is attending a conference sponsored by the Wallace Foundation regarding Labor Management Collaboration and will be unable to attend session Thursday, March 29, 2007.

Representative Anastasia Williams was unable to attend session Wednesday, March 28<sup>th</sup> 2007 due to a car accident.

I hereby appoint the following persons to the Tax Relief Technical Advisory Group

Gary Sasse  
Laurie White  
Daniel Beardsley  
John Simmons  
Mayor Scott Avedisian  
Ellen Frank  
Janet A Hidalgo  
Russ Deneker  
Michael O'Keefe  
Xaykham Khamsyvovong  
Tony Gouveia  
Robert A. Walsh, Jr.  
Shivan Subramaniam  
John Warren  
John J. Nugent

William J. Murphy  
Speaker of the House

I hereby appoint the following persons to the Foundation Aid Technical Advisory Group:

Elizabeth Burke Bryant  
Peter McWalters  
James DiPrete  
Tim Duffy  
Steven Nardelli  
Marcia Reback  
Will Van Horn  
Stacey Jordon  
M. Richard Scherza  
Linda Filomena  
Ella Whaley  
Jennifer Wood  
Jo Eva Gaines  
Kathy Kaiser

William J. Murphy  
Speaker of the House

**NEW BUSINESS****House Bill No. 6220****BY** DeSimone, Kilmartin, Lima, Coderre E, Petrarca**ENTITLED**, AN ACT RELATING TO INSURANCE -- ENTERAL NUTRITION PRODUCTS (require insurance providers in the state to provide coverage for enteral nutrition products when determined to be medically necessary and ordered by a physician) {LC2687/1} 03/29/2007 Introduced, referred to House Corporations**House Bill No. 6221** (by request)**BY** Rice, Gallison, Loughlin**ENTITLED**, AN ACT RELATING TO TAXATION -- REVALUATION IN THE TOWN OF PORTSMOUTH (extend the town of Portsmouth's revaluation from 2007 to 2010) {LC2692/1}

03/29/2007 Introduced, referred to House Finance

**House Bill No. 6222** (Transportation)**BY** McManus**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS (exclude any property obtained by eminent domain or condemnation from acquisition by the general treasurer/allow for each acquiring authority to examine each title) {LC1803/1}

03/29/2007 Introduced, referred to House Finance

**House Bill No. 6223****BY** Malik, Gablinske**ENTITLED**, AN ACT RELATING TO TAXATION - HISTORIC RESIDENCE - TAX CREDIT (allow owners of historic commercial structures in Warren to apply for tax credits even if the owner is depreciating the structure in accordance with federal law) {LC2759/1}

03/29/2007 Introduced, referred to House Finance

**House Bill No. 6224****BY** Gablinske**ENTITLED**, AN ACT RELATING TO ELECTIONS ( extend the distance within which political literature could not be distributed from 50 feet to 200 feet from a building in which voting is being conducted in a primary or election) {LC985/1}

03/29/2007 Introduced, referred to House Judiciary

**House Bill No. 6225****BY** Gallison**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Mia E. Colarusso and Andrew Smith) {LC2725/1}

03/29/2007 Introduced, referred to House Judiciary

**House Bill No. 6226****BY** Gallison**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Elizabeth Goulart and David Pacheco) {LC2732/1}

03/29/2007 Introduced, referred to House Judiciary

**House Bill No. 6227** (Secretary of State)**BY** Lewiss, Pacheco, Gallison**ENTITLED**, AN ACT RELATING TO ELECTIONS -- STATE BOARD OF ELECTIONS (amend the term length to seven (7) years for members of the state board of elections appointed after January 1, 2008) {LC2783/1}

03/29/2007 Introduced, referred to House Judiciary

**House Bill No. 6228** (Secretary of State)**BY** Lewiss, Pacheco, Gallison**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF STATE (repeal the state central registration registry) {LC2784/1}

03/29/2007 Introduced, referred to House Judiciary

**House Bill No. 6229** (Secretary of State)**BY** Lewiss, Pacheco, Gallison**ENTITLED**, AN ACT RELATING TO ELECTIONS -- PRIMARIES FOR ELECTION OF DELEGATES TO NATIONAL CONVENTIONS AND FOR PRESIDENTIAL PREFERENCE {LC2782/1}

03/29/2007 Introduced, referred to House Judiciary

**House Resolution No. 6230****BY** Ginaitt, Fox, Walsh, Williamson, Handy**ENTITLED**, HOUSE RESOLUTION HONORING COLONEL STEVEN M. PARE ON THE OCCASION OF HIS RETIREMENT FROM THE RHODE ISLAND STATE POLICE {LC1292/1}

Representative Ginaitt requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Ginaitt seconded by Representatives Williamson, Kilmartin, Menard, Trillo, Savage, Long, Singleton, Loughlin, Ehrhardt, Story, Moffitt, McManus, Ajello, Fellela, Melo, Serpa, Walsh, San Bento Coderre, DeSimone, Lally, Shanley, Lewiss, O'Neill, Sullivan, Carter, Kennedy, Fox, Costantino and Williams by unanimous consent, on a voice vote.

**House Resolution No. 6231****BY** Pacheco, Church, Slater, Caprio D, Coderre E**ENTITLED**, HOUSE RESOLUTION CONGRATULATING THE ELEANOR SLATER HOSPITAL/ZAMBARANO UNIT ON THE RECOGNITION OF ZAMBARANO DAY {LC2749/1}

Representative Pacheco requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Pacheco seconded by Representatives Church, Naughton, Diaz, Slater, Shanley, Fox, Ajello, Gallison, Williamson, Caprio and Winfield by unanimous consent, on a voice vote.

**House Resolution No. 6232****BY** Murphy, Fox, Mumford**ENTITLED**, JOINT RESOLUTION INVITING HIS HONOR, THE PRESIDENT OF THE SENATE, AND THE HONORABLE SENATE TO JOIN THE HOUSE OF REPRESENTATIVES IN JOINT SESSION FOR THE PURPOSE OF HONORING MR. BERTIE AHERN, TD, PRIME MINISTER OF THE REPUBLIC OF IRELAND {LC2781/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Fox seconded by Representatives Mumford, Singleton, O'Neill, Sullivan, Kilmartin and Naughton 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.

**House Resolution No. 6233****BY** Gemma, Ucci**ENTITLED**, HOUSE RESOLUTION CONGRATULATING KYLE NEUMANN BROOKS ON ATTAINING THE RANK OF EAGLE SCOUT {LC2764/1}

Representative Gemma requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Gemma seconded by Representatives Menard, Naughton, Ucci, Diaz, Loughlin, Moffitt, Kilmartin and many other members of the House by unanimous consent, on a voice vote.

**RULE 17****The following bills were received pursuant to Rule 17:**

Representative McManus-An Act relating to Public Property

Representative Gablinske-An Act relating to Elections

Representative DeSimone-An Act relating to Insurance

Representative Rice-An Act relating to Taxation

Representative Gallison-An Act relating to Solemnization of Marriages

Representative Gallison-An Act relating to Solemnization of Marriages

Representative Malik-An Act relating to Taxation

Representative Lewiss-An Act relating to Elections

Representative Lewiss-An Act relating to State Affairs and Government

Representative Lewiss-An Act relating to Elections

### COMMUNICATION FROM THE SENATE

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

**Senate Bill No. 481**

**BY** McBurney

**ENTITLED**, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE - LIMITED GUARDIANSHIP AND GUARDIANSHIP OF ADULTS (establish additional criteria when a guardian ad litem appointed by the court is not an attorney and would make other changes to the guardianship statutes) {LC1982/1}

03/29/2007 Referred to House Judiciary

**Senate Bill No. 732**

**BY** Jabour, Connors, McBurney

**ENTITLED**, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE (create the Access to Decedents' Electronic Mail Accounts Act, in order to require e-mail service providers to give estate executors and administrators access to, or copies of, a decedents' email account) {LC1978/1}

03/29/2007 Referred to House Judiciary

**Senate Bill No. 764**

**BY** Jabour, Connors, McBurney

**ENTITLED**, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE -- JUDICIAL REVIEW (outline various procedures regarding maintaining and obtaining the stenographic record of proceedings before the probate court) {LC1980/1}

03/29/2007 Referred to House Judiciary

**Senate Bill No. 305 (National Guard)**

**BY** Algiere, Tassoni, Pichardo

**ENTITLED**, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -- DECORATIONS (add an additional period of service to give the adjutant general the authority to award the RI defense service medal for service from September 11, 2001 to a date to be determined) {LC1435/1}

03/29/2007 Referred to House Veterans Affairs

**CALENDAR**

From the Calendar are taken:

**IN ORDER FOR THURSDAY, MARCH 29, 2007:****1 2007-S 896****BY Gallo****ENTITLED, AN ACT RELATING TO EDUCATION -- EDUCATION EQUITY  
AND PROPERTY TAX RELIEF ACT**

Ordered on the Calendar

Representative Ajello moves passage of the act, seconded by Representatives Handy, Pacheco, Story, Savage, Shanley Williamson and Diaz.

Read and passed, in concurrence, on a roll call vote, 58 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 58: The Honorable Speaker Murphy and Representatives Ajello, Amaral, Caprio, Carter, Church, Coderre, Corvese, Costantino, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Kennedy, Kilmartin, Lally, Long, Loughlin, Malik, Mattiello, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rose, Savage, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williamson, Winfield.

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.

**ANNOUNCEMENTS**

Representative Handy announces that the Committee on Constituent Services will meet at the rise of the House, in Room 135 of the State House.

Representative Costantino announces that the Committee on Finance will meet at the rise of the House, in Room 35 of the State House.

Representative Church announces that the Committee on Municipal Government will meet at the rise of the House, in Room 203 of the State House

Representative DeSimone announces that the Committee on Separation of Powers will meet at the rise of the House, in Room 205 of the State House.

Representative Kennedy wishes Representative San Bento's mother Celeste San Bento a Happy 85<sup>th</sup> Birthday.

Representative Williamson wishes his Dad a Happy 69<sup>th</sup> Birthday.

The Honorable Speaker Murphy wishes Representative Al Gemma good luck tomorrow on his surgery and tells him everyone's thoughts and prayers are with him.

### GUESTS

Representative Pacheco welcomes to the House Chamber as guests the patients and staff from Zambarano Hospital:

Patients:      Frank Beazley  
                    Cheryl McLaughlin  
                    Debbie Bradshaw  
                    Bill Feole  
                    Roy Shovelton  
                    Jim Valvo

Staff:            Dr. Nelson- Director M.H.R.H.  
                    Paul Despres-Hospital Administator  
                    Bill McMahon & Bob Perrault-Therapeutic Recreation  
                    Debby Stockwell-Maintenance Office  
                    Barbara Waterman-Professional Services Coordinator  
                    Irene Nichols-Secretary to the Hospital Administrator

At 4:35 o'clock P.M. the Honorable Speaker yields the rostrum to Colonel Steven M. Pare.

By unanimous consent, Colonel Pare addresses the members of the House.

At 4:37 o'clock P.M. the Honorable Speaker returns to the rostrum.

The Honorable Speaker Murphy along with Representatives Ginaitt, Williamson, Kilmartin and Giannini wish the Colonel well in his retirement.

### ADJOURNMENT

At 5:00 o'clock P.M. on motion of Representative Costantino, and as a further mark of respect to the memory of Stephen Tarro; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising 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, APRIL 3, 2007:

**1 2007-S 135**

**BY Algieri**

**ENTITLED,** AN ACT AUTHORIZING THE TOWN OF CHARLESTOWN TO FINANCE AFFORDABLE HOUSING INITIATIVES IN THE TOWN CONSISTENT WITH THE APPROVED CHARLESTOWN AFFORDABLE HOUSING PLAN BY THE ISSUANCE OF NOT MORE THAN \$1,000,000 BONDS AND/OR NOTES THEREFOR

Committee on Municipal Government recommends passage in concurrence.

**2 2007-S 55 SUB A**

**BY Walaska**

**ENTITLED,** AN ACT RELATING TO FINANCIAL INSTITUTIONS -- UNIFORM DEBT-MANAGEMENT SERVICES ACT

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

**Francis P. McCabe**  
**Clerk of the House**

Thursday, March 29, 2007

**TRANSMITTED TO THE GOVERNOR**

**Senate Bill No. 850**

**BY** Revens

**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF APPONAUG AREA IMPROVEMENT ASSOCIATION {LC2601/1}

**Senate Bill No. 896**

**BY** Gallo, Connors, Fogarty P, Levesque C, Felag

**ENTITLED**, AN ACT RELATING TO EDUCATION -- EDUCATION EQUITY AND PROPERTY TAX RELIEF ACT (would extend the date by which the joint committee would issue a report outlining its findings and recommendations from March 15, 2007 to May 15, 2007) {LC2595/1}