

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. 35

Thursday, April 5, 2007

Thirty-fifth Day

The House of Representatives meets at the State House in Providence, Thursday, April 5, 2007 and is called to order at 4:09 o'clock P.M., by the Honorable Charlene M. Lima, Speaker Pro Tempore.

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 Pro Tempore Lima and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gablinske, Gallison, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Mumford, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Winfield.

ABSENT - 8: The Honorable Speaker Murphy and Representatives Crowley, Gemma, Moffitt, Naughton, San Bento, Williams, Williamson.

INVOCATION

The Honorable Speaker Pro Tempore presents Representative Fellela 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, April 4, 2007 is approved as printed.

REPORTS OF COMMITTEES**COMMITTEE ON HEALTH, EDUCATION AND WELFARE**

Representative McNamara, for the Committee on Health, Education and Welfare, reports back the following measures, with recommendation of passage:

House Bill No. 5286 SUB A

BY Silva, Lewiss, Vaudreuil, Melo, Shanley

ENTITLED, AN ACT RELATING TO EDUCATION (add labor and labor relations, negotiating collective bargaining agreements, and employee contract analysis to the professional development program offered by RI College and the RI Association of School Committees) {LC205/2/A}

04/05/2007 Placed on House Calendar

House Bill No. 5050 SUB A

BY McNamara, Naughton, Singleton, Ginaitt, Gablinske

ENTITLED, AN ACT RELATING TO EDUCATION - HEALTH AND SAFETY OF PUPILS (require all RI senior high schools that sell or distribute beverages/snacks, including sold through vending machines, to offer healthier beverages and snacks effective 1/1/08) {LC356/1/A}

04/05/2007 Placed on House Calendar

House Bill No. 5351 SUB A

BY McNamara, Diaz, Crowley, Lewiss, Savage

ENTITLED, AN ACT RELATING TO EDUCATION (create the "Rhode Island High School Dropout Prevention Act of 2007.") {LC1053/1/A}

04/05/2007 Placed on House Calendar

COMMITTEE ON MUNICIPAL GOVERNMENT

Representative Gallison, for the Committee on Municipal Government, reports back the following measures, with recommendation of passage:

House Resolution No. 6183

BY Gablinske, Gallison

ENTITLED, HOUSE RESOLUTION RESPECTFULLY REQUESTING THE DEPARTMENT OF TRANSPORTATION TO INSTITUTE IMMEDIATE CORRECTIVE MEASURES TO ALLEVIATE THE FLOODING OF HOPE STREET IN THE SILVER CREEK AREA IN THE TOWN OF BRISTOL {LC2657/1}

04/05/2007 Placed on House Calendar

NEW BUSINESS**House Bill No. 6254****BY** Singleton, Ehrhardt, Petrarca, Gorham, Savage**ENTITLED**, AN ACT RELATING TO HOLIDAYS AND DAYS OF SPECIAL OBSERVANCE - HOLIDAY SYMBOLS {LC2760/1}

04/05/2007 Introduced, referred to House Constituent Services

House Bill No. 6255**BY** Fox**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ENERGY FACILITY SITING ACT {LC1810/1}

04/05/2007 Introduced, referred to House Corporations

House Bill No. 6256**BY** Fox**ENTITLED**, AN ACT TO INCORPORATE NATIONAL GRID GAS COMPANY {LC2431/1}

04/05/2007 Introduced, referred to House Corporations

House Bill No. 6257**BY** Ucci, Fellela, Menard, McManus, Petrarca**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - SCHOOL SPRINKLERS {LC2768/1}

04/05/2007 Introduced, referred to House H.E.W.

House Bill No. 6258**BY** Silva, Sullivan, Vaudreuil, O'Neill, Jackson**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- MUNICIPAL DETENTION FACILITY CORPORATIONS {LC2727/1}

04/05/2007 Introduced, referred to House Municipal Government

House Resolution No. 6259**BY** Dennigan, Ginaitt, Rose**ENTITLED**, HOUSE RESOLUTION CELEBRATING THE WEEK OF APRIL 2-8, 2007 AS NATIONAL PUBLIC HEALTH WEEK {LC2853/1}

Representative Dennigan requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Dennigan seconded by Representatives Coderre, Rose, Scott, McManus and Carter by unanimous consent, on a voice vote.

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

Representative Fox-An Act relating to Energy Facility.

Representative Fox-An Act relating to National Grid

Representative Ucci-An Act relating to School Sprinklers

Representative Silva-An Act relating to Municipal Detention Facility

Representative Singleton-An Act relating to Holiday Symbols

CALENDAR

From the Calendar are taken:

IN ORDER FOR THURSDAY, APRIL 5, 2007:**1 2007-H 6149****BY Brien**

ENTITLED, AN ACT AUTHORIZING THE CITY OF WOONSOCKET TO FINANCE THE ACQUISITION OF LAND FOR SCHOOL FACILITIES, INCLUDING THE DEMOLITION OF EXISTING BUILDINGS AND SITE PREPARATION, AND THE CONSTRUCTION, FURNISHING AND EQUIPPING OF TWO NEW MIDDLE SCHOOLS AND RELATED SCHOOL FACILITIES AND THE REHABILITATION OF APPURTENANT HISTORIC BUILDINGS, IF ANY, IN THE CITY AND TO ISSUE NOT MORE THAN \$80,000,000 BONDS AND/OR NOTES THEREFOR INCLUDING, BUT NOT LIMITED TO, ANY BONDS OR NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION

Committee on Finance recommends passage.

Read, and by unanimous consent, ordered to be placed on the Calendar for Tuesday, April 10, 2007.

2 2007-H 5142**BY Almeida**

ENTITLED, AN ACT RELATING TO PUBLIC FINANCE -- STATE INVESTMENT COMMISSION -- INVESTMENTS IN SUDAN

Committee on Finance recommends passage.

Representative Almeida moves passage of the act, seconded by Representatives Church, Ajello, Handy, Gallison, Pacheco, Fox, Costantino, Giannini, Rice, Segal, Walsh, Dennigan, Slater, Coderre, Vaudreuil, Singleton, Story, Savage, Lewiss, Ucci, Wasylyk, Ginaitt, Flaherty and Kennedy.

Read and passed, on a roll call vote, 53 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 53: Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gablinske, Gallison, Giannini, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Loughlin, Mattiello, McManus, McNamara, Melo, Menard, Mumford, O'Neill, Petrarca, Picard, Rice, Rose, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk.

NAYS - 0.

REQUESTS

Representatives Savage, Story, Malik and Pacheco request the journal to reflect that if they had voted on (07-H 5142), they would have voted in the affirmative.

TRANSMITTAL

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

ANNOUNCEMENTS

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

Representative DeSimone announces that the Committee on Separation of Powers will meet at the rise of the House, in Room 203 of the State House.

Representative Carter wishes his son Matthew a Happy Birthday.

Representative Carter gives an update on Representative Gemma.

Representative Slater wishes Representative J. Patrick Shanley and his wife Elaine a Happy Anniversary.

ADJOURNMENT

At 4:25 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 DEBORAH A. FELLELA

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 TUESDAY, APRIL 10, 2007:

1 2007-H 6149**BY Brien**

ENTITLED, AN ACT AUTHORIZING THE CITY OF WOONSOCKET TO FINANCE THE ACQUISITION OF LAND FOR SCHOOL FACILITIES, INCLUDING THE DEMOLITION OF EXISTING BUILDINGS AND SITE PREPARATION, AND THE CONSTRUCTION, FURNISHING AND EQUIPPING OF TWO NEW MIDDLE SCHOOLS AND RELATED SCHOOL FACILITIES AND THE REHABILITATION OF APPURTENANT HISTORIC BUILDINGS, IF ANY, IN THE CITY AND TO ISSUE NOT MORE THAN \$80,000,000 BONDS AND/OR NOTES THEREFOR INCLUDING, BUT NOT LIMITED TO, ANY BONDS OR NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION

Committee on Finance recommends passage.

2 2007-H 5964**BY McCauley**

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- WEAPONS

Committee on Judiciary recommends passage.

3 2007-H 5525**BY Lally**

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - SUPREME COURT

Committee on Judiciary recommends passage.

4 2007-H 5524 SUB A**BY Lally**

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS

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

5 2007-H 5387**BY Lally****ENTITLED,** AN ACT RELATING TO CRIMINAL OFFENSES - LAW PRACTICE

Committee on Judiciary recommends passage.

6 2007-H 5357 SUB A**BY Kilmartin****ENTITLED,** AN ACT RELATING TO STATUTES AND STATUTORY
CONSTRUCTION

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

7 2007-H 6200**BY Kilmartin****ENTITLED,** HOUSE RESOLUTION CONGRATULATING FRANCIS R. DIETZ
ON BEING THE RECIPIENT OF THE 2007 PAWTUCKET
FOUNDATION HERITAGE AWARD

Committee on Constituent Services recommends passage.

8 2007-H 6201**BY Kilmartin****ENTITLED,** HOUSE RESOLUTION CONGRATULATING PATRICIA S. ZACKS
ON BEING SELECTED AS A 2007 PAWTUCKET FOUNDATION
PERSON OF THE YEAR

Committee on Constituent Services recommends passage.

9 2007-H 6202**BY Kilmartin****ENTITLED,** HOUSE RESOLUTION CONGRATULATING CONSUELO SHERBA
ON BEING SELECTED AS A 2007 PAWTUCKET FOUNDATION
PERSON OF THE YEAR

Committee on Constituent Services recommends passage.

IN ORDER FOR WEDNESDAY, APRIL 11, 2007:**1 2007-H 5286 SUB A****BY Silva****ENTITLED, AN ACT RELATING TO EDUCATION**

Committee on Health, Education & Welfare recommends indefinite postponement of the original bill and passage of Substitute A.

2 2007-H 5351 SUB A**BY McNamara****ENTITLED, AN ACT RELATING TO EDUCATION**

Committee on Health, Education & Welfare recommends indefinite postponement of the original bill and passage of Substitute A.

3 2007-H 5050 SUB A**BY McNamara****ENTITLED, AN ACT RELATING TO EDUCATION - HEALTH AND SAFETY OF PUPILS**

Committee on Health, Education & Welfare recommends indefinite postponement of the original bill and passage of Substitute A.

4 2007-H 6183**BY Gablinske****ENTITLED, HOUSE RESOLUTION RESPECTFULLY REQUESTING THE DEPARTMENT OF TRANSPORTATION TO INSTITUTE IMMEDIATE CORRECTIVE MEASURES TO ALLEVIATE THE FLOODING OF HOPE STREET IN THE SILVER CREEK AREA IN THE TOWN OF BRISTOL**

Committee on Municipal Government recommends passage.

Francis P. McCabe
Clerk of the House

Thursday, April 5, 2007

TRANSMITTED TO THE GOVERNOR

Senate Bill No. 55 SUB A

BY Walaska

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- UNIFORM DEBT-MANAGEMENT SERVICES ACT (clarify definition for affiliates) {LC486/1/A}