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. 66 Tuesday, October 30, 2007 Sixty-sixth Day

The House of Representatives meets at the State House in Providence, Tuesday, October 30, 2007 and is called to order at 4:40 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 6 members absent as follows:

PRESENT - 67: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, San Bento, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT - 6: Representatives Lewiss, Lima, Palumbo, Rice, Savage, Singleton.

INVOCATION

The Honorable Speaker presents Representative Loughlin 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 Journals of Thursday, June 21 and Friday, June 22, 2007 are approved as printed.

ANNOUNCEMENTS

Representative Charlene Lima is unable to attend session Tuesday, October 30, 2007 due to minor surgery.

Representative Peter Palumbo is unable to attend session Tuesday, October 30, 2007 due to the passing of his father Michael Gordon Palumbo.

Representative Amy Rice is out of state and will be unable to attend session Tuesday, October 30, 2007.

Representative John Savage is out of the country and will be unable to attend session Tuesday, October 30, 2007.

APPOINTMENTS

I hereby appoint the Honorable Amy Rice to serve as Secretary of the House Committee on Environment and Natural Resources.

William J. Murphy
Speaker

I hereby appoint the Honorable Jam Malik to serve as Chairman of the House Committee on Environment and Natural Resources.

William J. Murphy
Speaker

TRIBUTE TO THE LATE REPRESENTATIVE PAUL CROWLEY

Representative Shanley pays tribute to the late Representative Crowley. (see appendix of this Journal for his remarks).

The Honorable Speaker Murphy welcomes to the House Chamber Representative Crowley's wife, Mrs. Diana Crowley, his brothers-Peter and Michael Crowley, his sister-in-law Judy Crowley and his sister Sheila Hayes.

Representatives Watson, Costantino and Fox honor the late Representative Crowley.

REPORTS OF COMMITTEES

COMMITTEE ON FINANCE

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

Senate Resolution No. 1123
BY Algiere, Breene, Sosnowski
ENTITLED, JOINT RESOLUTION RESPECTFULLY REQUESTING GOVERNOR DONALD CARCIERI TO PRESERVE CAMP PASTORE AND PURSUE THE SALE OF STATE LANDS TO THE UNITED STATES DEPARTMENT OF THE INTERIOR FOR THE PURPOSE OF EXPANDING THE JOHN H. CHAFEE NATIONAL WILDLIFE REFUGE {LC3386/1}

Representative Costantino moves passage of the resolution seconded by Representatives Scott, Naughton Walsh and Amaral.

Representative Mumford discusses the resolution.

The resolution prevails, in concurrence, on a roll call vote, 50 members voting in the affirmative and 8 members voting in the negative as follows:

YEAS - 50: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Malik, Mattiello, McCauley, Melo, Menard, Moffitt, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, San Bento, Schadone, Scott, Serpa, Silva, Slater, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Williams, Williamson.

NAYS - 8: Representatives Ehrhardt, Gorham, Long, Loughlin, McManus, Mumford, Story, Trillo.

Senate Bill No. 1051 SUB A
BY Fogarty P, Sosnowski, Blais, Breene, Gallo
ENTITLED, AN ACT RELATING TO FOOD AND DRUGS -- SANITATION IN FOOD ESTABLISHMENTS {LC3146/2/A}

Representative Costantino moves passage of the act seconded by Representatives Pacheco and Fox.

The act prevails, in concurrence, on a roll call vote, 48 members voting in the affirmative and 10 members voting in the negative as follows:

YEAS - 48: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, San Bento, Schadone, Scott, Serpa, Silva, Slater, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Williams, Winfield.

NAYS - 10: Representatives Amaral, Ehrhardt, Gorham, Long, Loughlin, McManus, Moffitt, Mumford, Story, Trillo.

Senate Bill No. 1141 SUB B
BY Alves, Paiva-Weed
ENTITLED, AN ACT RELATING TO FAMILY COURT -- JURISDICTION {LC3442/2/B}

Representative Costantino moves passage of the act seconded by Representatives Carter, Ajello, Pacheco, Melo, Handy, Almeida, Lally, Naughton, Church, Moffitt, Gablinske, Scott, Diaz, Shanley, McNamara, Walsh, Williams, Giannini, Segal, Picard, Coderre, Slater and Gemma.

The act prevails, in concurrence, on a roll call vote, 59 members voting in the affirmative and 3 members voting in the negative as follows:

YEAS - 59: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Kennedy, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, San Bento, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Williams.

NAYS - 3: Representatives Jacquard, Menard, Winfield.

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.

NEW BUSINESS

House Resolution No. 6581
BY Murphy, Fox, Costantino, Kilmartin, Jackson
ENTITLED, HOUSE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF THE HONORABLE PAUL W. CROWLEY {LC3472/1}
10/30/2007 House read and passed

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 and the entire House of Representatives by unanimous consent, on a voice vote.

House Resolution No. 6582
BY Murphy, Fox, Kilmartin, Coderre E, Williamson
ENTITLED, HOUSE RESOLUTION HONORING WILLIAM R. GUGLIETTA FOR HIS YEARS OF SERVICE TO THE RHODE ISLAND GENERAL ASSEMBLY {LC3475/1}
10/30/2007 House read and passed

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 and the entire House of Representatives by unanimous consent, on a voice vote.

House Resolution No. 6583
BY Kilmartin, Fox, Murphy, Watson, Costantino
ENTITLED, JOINT RESOLUTION CONGRATULATING THE BOSTON RED SOX ON WINNING THE 2007 WORLD SERIES {LC3480/1}

Representative Kilmartin requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Kilmartin seconded by Representatives Trillo, Amaral, Picard, Melo, Moffitt and many other members of the House by unanimous consent, on a voice vote.

House Resolution No. 6584
BY Costantino
ENTITLED, JOINT RESOLUTION APPROVING THE ISSUANCE OF LEASE PARTICIPATION REFUNDING CERTIFICATES AND RELATED FINANCING LEASES **BY** THE STATE OF RHODE ISLAND {LC3455/1}

Representative Costantino requests unanimous consent for immediate consideration.

There is no objection.

Representative Costantino discusses the act.

Read and passed, on a motion of Representative Costantino seconded by Representative Carter, Kilmartin, Scott and Malik on a roll call vote, 57 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 57: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Ehrhardt, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, San Bento, Schadone, Serpa, Silva, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Williams, Williamson.

NAYS - 0.

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.

House Resolution No. 6585
BY Murphy, Fox, Kilmartin, Caprio D, Kennedy

ENTITLED, HOUSE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF MICHAEL GORDON PALUMBO {LC3469/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Fox seconded by Representatives Watson, Menard, Giannini, Ucci, McNamara, Kennedy and the entire House of Representatives by unanimous consent, on a voice vote.

House Resolution No. 6586
BY Fox, Murphy
ENTITLED, JOINT RESOLUTION DECLARING AND CONSENTING TO A RECESS OF THE GENERAL ASSEMBLY {LC3466/1}

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. 6587
BY Ucci, Fellela, Petrarca, Smith
ENTITLED, JOINT RESOLUTION APPROVING PROJECT STATUS FOR A. DUIE PYLE INC. {LC3459/1}
10/30/2007 Introduced, referred to House Finance

COMMUNICATION FROM THE SENATE

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

Senate Bill No. 1150 SUB A
BY Alves
ENTITLED, AN ACT RELATING TO INSURANCE -- HEALTH INSURANCE – COPAYMENTS {LC3473/1/A}
10/30/2007 Referred to House Finance

Senate Bill No. 29 SUB A
BY Tassoni, Goodwin, Ruggerio, Lanzi, Ciccone
ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - - HEALTH CARE FACILITIES STAFFING (establish a maximum workday for certain hourly wage employees and provide penalties for violations. {LC1/2/A}

(For veto message, see Appendix, this Journal House duplicate (07-H 5099).

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representative Gallison and many other members of the House.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 56 members voting in the affirmative and 7 members voting in the negative as follows:

YEAS - 56: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Kennedy, Kilmartin, Lally, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Naughton, O'Neill, Pacheco, Picard, Rose, San Bento, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Williams, Williamson, Winfield.

NAYS - 7: Representatives Amaral, Ehrhardt, Gorham, Mumford, Story, Trillo, Watson.

TRANSMITTAL

By unanimous consent, (07-S 0029 SUB A), on the clerk's desk is ordered to be transmitted to the Honorable Secretary of State, forthwith.

Senate Bill No. 197 SUB A
BY McCaffrey
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) {LC678/1/A}

(For veto message, see Appendix, this Journal House duplicate (07-H 5385).

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representatives Williamson, McNamara, Gemma and many other members of the House.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 51 members voting in the affirmative and 12 members voting in the negative as follows:

YEAS - 51: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Kennedy, Kilmartin, Malik, Mattiello, McCauley, McNamara, Melo, Naughton, O'Neill, Petrarca, Picard, Rose, San Bento, Schadone, Segal, Serpa, Shanley, Silva, Slater, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson, Winfield.

NAYS - 12: Representatives Ehrhardt, Gorham, Long, Loughlin, McManus, Menard, Moffitt, Mumford, Scott, Story, Trillo, Watson.

TRANSMITTAL

By unanimous consent, (07-S 0197 SUB A), on the clerk's desk is ordered to be transmitted to the Honorable Secretary of State, forthwith.

Senate Bill No. 335 as amended
BY Revens
ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLES REPARATIONS ACT (require law enforcement agencies who issue tickets for lack of evidence of financial responsibility to withhold traffic citation to the traffic tribunal for one business day to allow the motorist opportunity to submit evidence of financial responsibility {LC173/1}

(For veto message, see Appendix, this Journal House duplicate (07-H 5023).

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representative Gemma.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 54 members voting in the affirmative and 10 members voting in the negative as follows:

YEAS - 54: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Kennedy, Kilmartin, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, O'Neill, Petrarca, Picard, Rose, San Bento, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson, Winfield.

NAYS - 10: Representatives Ehrhardt, Gorham, Long, Loughlin, McManus, Moffitt, Mumford, Story, Trillo, Watson.

TRANSMITTAL

By unanimous consent, (07-S 0335aa), on the clerk's desk is ordered to be transmitted to the Honorable Secretary of State, forthwith.

STATE OF RHODE ISLANDAND PROVIDENCE PLANTATIONS
HOUSE OF REPRESENTATIVES

STATEMENT OF CONFLICT OF INTEREST PURSUANT TO RIGL 36-14-6

I, Roger Picard, State Representative, District 51, hereby under oath depose and say:

1. (Matter requiring action) I expect to be called upon, in my capacity as State Representative, to participate in the consideration of, and to vote upon: (07-S 593SUB A)

2. (Nature of the potential conflict) I have the following interest in the matter:
Family member works for an entity dealing with this subject matter.

3. (Complete and (A.) or (B.) and cross out whichever does not apply
B. In compliance with Section 36-14-6(1) & (2)A of the General laws, I hereby request the Speaker of the House of Representatives to excuse me from voting on or participating in the consideration of the matter described in paragraph 1 above.

ROGER PICARD
REPRESENTATIVE

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

Subscribed and sworn to under the penalties for perjury before me this 30th day of October, 2007.

DAVID W. DUMAS
NOTARY PUBLIC

Representative Picard is excused from voting on or participating in the consideration of the matter described in paragraph 1, above.

WILLIAM J. MURPHY
SPEAKER OF THE HOUSE OF REPRESENTATIVES

STATE OF RHODE ISLANDAND PROVIDENCE PLANTATIONS
HOUSE OF REPRESENTATIVES

STATEMENT OF CONFLICT OF INTEREST PURSUANT TO RIGL 36-14-6

I, William McManus, State Representative, District 46, hereby under oath depose and say:

1. (Matter requiring action) I expect to be called upon, in my capacity as State Representative, to participate in the consideration of, and to vote upon: (07-H 6529) & (07-S 593)

2. (Nature of the potential conflict) I have the following interest in the matter:
I am employed by CVS Pharmacy.

3. (Complete and (A.) or (B.) and cross out whichever does not apply

B. In compliance with Section 36-14-6(1) & (2)A of the General laws, I hereby request the Speaker of the House of Representatives to excuse me from voting on or participating in the consideration of the matter described in paragraph 1 above.

WILLIAM MCMANUS
REPRESENTATIVE

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

Subscribed and sworn to under the penalties for perjury before me this 30th day of October, 2007.

FRANCIS P. MCCABE
NOTARY PUBLIC

Representative McManus is excused from voting on or participating in the consideration of the matter described in paragraph 1, above.

WILLIAM J. MURPHY
SPEAKER OF THE HOUSE OF REPRESENTATIVES

Senate Bill No. 593 SUB A
BY Moura, Perry, Paiva-Weed, Maselli
ENTITLED, AN ACT RELATING TO INSURANCE - THE RHODE ISLAND BEST RX PROGRAM (create the Rhode Island Best Rx Program to provide prescription drug assistance to the uninsured) {LC2106/1/A}

(For veto message, see Appendix, this Journal House duplicate (07-H 6529).

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representative Serpa and many other members of the House..

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 52 members voting in the affirmative and 7 members voting in the negative as follows:

YEAS - 52: The Honorable Speaker Murphy and Representatives Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Flaherty, Fox, Gablinske, Gallison, Handy, Jackson, Kennedy, Kilmartin, Long, Loughlin, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, O'Neill, Petrarca, Rose, San Bento, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson, Winfield.

NAYS - 7: Representatives Ehrhardt, Gorham, Moffitt, Mumford, Story, Trillo, Watson.

TRANSMITTAL

By unanimous consent, (07-S 0593 SUB A), on the clerk's desk is ordered to be transmitted to the Honorable Secretary of State, forthwith.

Senate Bill No. 648 SUB A as amended
BY Levesque C
ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- RHODE ISLAND COORDINATED HEALTH PLANNING ACT OF 2006 (make changes to the Rhode Island Coordinated Health Planning Act of 2006 by establishing a health care planning council, including its powers and funding) {LC1528/1/A}

(For veto message, see Appendix, this Journal House duplicate (07-H 6125).

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representative Coderre.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 50 members voting in the affirmative and 10 members voting in the negative as follows:

YEAS - 50: The Honorable Speaker Murphy and Representatives Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Kennedy, Kilmartin, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, O'Neill, Rose, San Bento, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson, Winfield.

NAYS - 10: Representatives Ehrhardt, Gorham, Long, Loughlin, McManus, Moffitt, Mumford, Story, Trillo, Watson.

TRANSMITTAL

By unanimous consent, (07-S 0648 SUB A aa), on the clerk's desk is ordered to be transmitted to the Honorable Secretary of State, forthwith.

Senate Bill No. 919
BY Jabour, Ciccone, Perry, Pichardo, Ruggerio
ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- NOTICE AND HEARING ON LICENSES (would eliminate the requirement that an advertisement or notice be given when an applicant or license holder applies for a temporary seasonal expansion of their liquor license) {LC2775/1}

(For veto message, see Appendix, this Journal House duplicate (07-H 6191).

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representative Williamson.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 50 members voting in the affirmative and 10 members voting in the negative as follows:

YEAS - 50: The Honorable Speaker Murphy and Representatives Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Dennigan, Diaz, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Kennedy, Kilmartin, Loughlin, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, O'Neill, Petrarca, Picard, Rose, San Bento, Schadone, Segal, Serpa, Shanley, Silva, Slater, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson, Winfield.

NAYS - 10: Representatives Amaral, Ehrhardt, Gorham, Long, McManus, Moffitt, Mumford, Story, Trillo, Watson.

TRANSMITTAL

By unanimous consent, (07-S 0919), on the clerk's desk is ordered to be transmitted to the Honorable Secretary of State, forthwith.

Senate Bill No. 971 as amended
BY McCaffrey, Maselli, Ciccone, Gallo, Ruggerio
ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- WEAPONS (exempt the Rhode Island state fire marshal, deputy state fire marshals, deputy state fire marshals assigned to the bomb squad, and those assigned to the investigation unit from weapon restrictions) {LC2735/1}

(For veto message, see Appendix, this Journal House duplicate (07-H 5964).

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representative McCauley.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 51 members voting in the affirmative and 11 members voting in the negative as follows:

YEAS - 51: The Honorable Speaker Murphy and Representatives Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Kennedy, Kilmartin, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, O'Neill, Petrarca, Picard, Rose, San Bento, Schadone, Scott, Segal, Serpa, Shanley, Silva, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson, Winfield.

NAYS - 11: Representatives Amaral, Ehrhardt, Gorham, Long, Loughlin, McManus, Moffitt, Mumford, Story, Trillo, Watson.

TRANSMITTAL

By unanimous consent, (07-S 0971aa), on the clerk's desk is ordered to be transmitted to the Honorable Secretary of State, forthwith.

Senate Bill No. 1014 as amended
BY Pichardo, Issa, Paiva-Weed, Connors
ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION (require that recommendations made by the RIAAP be addressed when minorities are considered for appointment by the governor and general assembly and that a utilization analysis of appointments occur annually) {LC2976/1}

(For veto message, see Appendix, this Journal House duplicate (07-H 5904).

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representative Almeida.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 52 members voting in the affirmative and 10 members voting in the negative as follows:

YEAS - 52: The Honorable Speaker Murphy and Representatives Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Kennedy, Kilmartin, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, O'Neill, Petrarca, Picard, Rose, San Bento, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson, Winfield.

NAYS - 10: Representatives Amaral, Ehrhardt, Gorham, Long, McManus, Moffitt, Mumford, Story, Trillo, Watson.

TRANSMITTAL

By unanimous consent, (07-S 1014aa), on the clerk's desk is ordered to be transmitted to the Honorable Secretary of State, forthwith.

Senate Bill No. 1060
BY Connors, Paiva-Weed, Goodwin, Pichardo, Miller
ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- PUBLIC TRANSIT AUTHORITY (refine the powers and duties of the Rhode Island public transit authority) {LC3175/1}

(For veto message, see Appendix, this Journal House duplicate (07-H 6471).

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representative Kilmartin.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 50 members voting in the affirmative and 11 members voting in the negative as follows:

YEAS - 50: The Honorable Speaker Murphy and Representatives Almeida, Amaral, Baldelli-Hunt, Brien, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Flaherty, Fox, Gallison, Gemma, Giannini, Handy, Jackson, Kennedy, Kilmartin, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, O'Neill, Petrarca, Picard, Rose, San Bento, Schadone, Scott, Segal, Serpa, Shanley, Silva, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson, Winfield.

NAYS - 11: Representatives Ehrhardt, Gablinske, Gorham, Long, Loughlin, McManus, Moffitt, Mumford, Story, Trillo, Watson.

TRANSMITTAL

By unanimous consent, (07-S 1060), on the clerk's desk is ordered to be transmitted to the Honorable Secretary of State, forthwith.

Senate Bill No. 500
BY Ruggerio, Alves, Maselli, McBurney, DaPonte
ENTITLED, AN ACT RELATING TO CAUSES OF ACTION {LC123/1}

The act is accompanied by a communication.

The message is read and ordered to be placed on file.

(For message, see Appendix, this Journal.)

NOW PRESIDING

At 8:33 o'clock P.M. the Honorable Speaker Murphy yields the rostrum to the Honorable Deputy Speaker Henry Rose.

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representative Kilmartin.

Representatives Watson and Gorham discuss the motion to override the veto.

NOW PRESIDING

At 8:36 o'clock P.M. the Honorable Deputy Speaker Henry Rose yields the rostrum to the Honorable Speaker Murphy

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 48 members voting in the affirmative and 11 members voting in the negative as follows:

YEAS - 48: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Flaherty, Fox, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, O'Neill, Petrarca, Picard, Rose, San Bento, Schadone, Segal, Serpa, Shanley, Silva, Slater, Smith, Sullivan, Vaudreuil, Walsh, Williams, Winfield.

NAYS - 11: Representatives Ehrhardt, Gablinske, Gorham, Loughlin, McManus, Moffitt, Mumford, Scott, Story, Trillo, Watson.

REQUEST

Representative Caprio requests the journal to reflect that if he had voted on (07-S 0500), he would have voted in the negative.

TRANSMITTAL

By unanimous consent, (07-S 0500), on the clerk's desk is ordered to be transmitted to the Honorable Secretary of State, forthwith.

Senate Bill No. 507
BY Ruggerio, McCaffrey, Connors, Badeau, Moura
ENTITLED, AN ACT RELATING TO LABOR -- HOISTING ENGINEERS (better balance the membership of the board of examiners of hoisting engineers by including qualified individuals familiar with the hoisting trade. It would also clarify the qualifications necessary for the application for hoisting licenses) {LC414/1}

The act is accompanied by a communication.

The message is read and ordered to be placed on file.

(For message, see Appendix, this Journal.)

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representative Kilmartin.

Representatives Watson and Gorham discuss the motion to override the veto.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 50 members voting in the affirmative and 11 members voting in the negative as follows:

YEAS - 50: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Carter, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Flaherty, Fox, Gallison, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, O'Neill, Petrarca, Picard, Rose, San Bento, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Williams, Williamson, Winfield.

NAYS - 11: Representatives Amaral, Caprio, Ehrhardt, Gablinske, Gorham, Long, McManus, Moffitt, Mumford, Story, Watson.

TRANSMITTAL

By unanimous consent, (07-S 0507), on the clerk's desk is ordered to be transmitted to the Honorable Secretary of State, forthwith.

Senate Bill No. 514 SUB A
BY Ruggerio, McBurney, Maselli, McCaffrey, Ciccone
ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS - WELDING (would require the division of professional regulation to issue picture ID's to welders and to monitor and ensure they are updated) {LC1684/1/A}

The act is accompanied by a communication.

The message is read and ordered to be placed on file.

(For message, see Appendix, this Journal.)

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representative Kilmartin, Menard and Picard.

Representatives Watson and Gorham discuss the motion to override the veto.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 53 members voting in the affirmative and 11 members voting in the negative as follows:

YEAS - 53: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Flaherty, Fox, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, San Bento, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Sullivan, Ucci, Vaudreuil, Wasylyk, Williams, Williamson, Winfield.

NAYS - 11: Representatives Amaral, Ehrhardt, Gablinske, Gorham, Long, Loughlin, McManus, Moffitt, Mumford, Story, Watson.

TRANSMITTAL

By unanimous consent, (07-S 0514 SUB A), on the clerk's desk is ordered to be transmitted to the Honorable Secretary of State, forthwith.

Senate Bill No. 575 SUB A (Secretary of State)
BY Issa
ENTITLED, AN ACT STATE AFFAIRS AND GOVERNMENT - STATE ARCHIVES (increase the assessment from $2.00 to $6.00 for every document filed with the state archives) {LC2286/1/A}

The act is accompanied by a communication.

The message is read and ordered to be placed on file.

(For message, see Appendix, this Journal.)

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representative Kilmartin.

Representatives Watson and Gorham discuss the motion to override the veto.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 48 members voting in the affirmative and 16 members voting in the negative as follows:

YEAS - 48: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Malik, Mattiello, McCauley, McNamara, Melo, Naughton, O'Neill, Pacheco, Petrarca, Rose, San Bento, Schadone, Segal, Serpa, Silva, Slater, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Williams, Williamson.

NAYS - 16: Representatives Amaral, Ehrhardt, Flaherty, Gorham, Long, Loughlin, McManus, Menard, Moffitt, Mumford, Picard, Scott, Shanley, Story, Watson, Winfield.

TRANSMITTAL

By unanimous consent, (07-S 0575 SUB A), on the clerk's desk is ordered to be transmitted to the Honorable Secretary of State, forthwith.

Senate Bill No. 1103 as amended
BY Badeau
ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS {LC3333/1}

The act is accompanied by a communication.

The message is read and ordered to be placed on file.

(For message, see Appendix, this Journal.)

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representative Kilmartin and Almeida.

Representatives Watson, Gorham and Fox discuss the motion to override the veto.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 51 members voting in the affirmative and 14 members voting in the negative as follows:

YEAS - 51: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Flaherty, Fox, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Malik, Mattiello, McNamara, Melo, Menard, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, San Bento, Schadone, Scott, Segal, Serpa, Silva, Slater, Smith, Sullivan, Ucci, Vaudreuil, Wasylyk, Williams, Williamson.

NAYS - 14: Representatives Amaral, Ehrhardt, Gablinske, Gorham, Long, Loughlin, McManus, Moffitt, Mumford, Shanley, Story, Walsh, Watson, Winfield.

TRANSMITTAL

By unanimous consent, (07-S 1103aa), on the clerk's desk is ordered to be transmitted to the Honorable Secretary of State, forthwith.

Senate Bill No. 619
BY Connors, Montalbano J, Paiva-Weed, Perry, Levesque C
ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - PENSIONS AND BENEFITS -- DOMESTIC PARTNERS (provide to domestic partners of certain state and municipal employees pension, death and other retirement benefits) {LC2036/1}

The act is accompanied by a communication.

The message is read and ordered to be placed on file.

(For message, see Appendix, this Journal.)

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representative Kilmartin and many other members of the House.

Representatives Watson and Gorham discuss the motion to override the veto.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 43 members voting in the affirmative and 22 members voting in the negative as follows:

YEAS - 43: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Caprio, Carter, Church, Coderre, Costantino, DeSimone, Diaz, Fellela, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Malik, McCauley, McManus, McNamara, Naughton, O'Neill, Pacheco, Petrarca, Rose, San Bento, Segal, Serpa, Shanley, Silva, Slater, Smith, Sullivan, Vaudreuil, Walsh, Williams, Williamson.

NAYS - 22: Representatives Amaral, Baldelli-Hunt, Brien, Corvese, Ehrhardt, Flaherty, Gorham, Long, Loughlin, Mattiello, Melo, Menard, Moffitt, Mumford, Picard, Schadone, Scott, Story, Trillo, Ucci, Watson, Winfield.

TRANSMITTAL

By unanimous consent, (07-S 0619), on the clerk's desk is ordered to be transmitted to the Honorable Secretary of State, forthwith.

Senate Bill No. 1152
BY Raptakis
ENTITLED, AN ACT RELATING TO ELECTIONS -- PRIMARY ELECTIONS {LC3478/1}

Representative Lally moves passage of the act seconded by Representatives Kilmartin, Caprio and Fox.

Representatives Gemma, Watson, Ehrhardt, Loughlin, Trillo, Williamson, Ucci, Kilmartin, Gorham and Caprio discuss the act.

The act prevails, in concurrence, on a roll call vote, 38 members voting in the affirmative and 25 members voting in the negative as follows:

YEAS - 38: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Caprio, Church, Coderre, Corvese, Dennigan, DeSimone, Diaz, Fellela, Fox, Gablinske, Gallison, Handy, Jackson, Kennedy, Kilmartin, Lally, Malik, Mattiello, McNamara, Melo, Naughton, Pacheco, Petrarca, Rose, Schadone, Segal, Serpa, Shanley, Silva, Slater, Ucci, Vaudreuil, Wasylyk, Williams, Williamson.

NAYS - 25: Representatives Amaral, Baldelli-Hunt, Brien, Carter, Costantino, Ehrhardt, Gemma, Giannini, Gorham, Jacquard, Long, Loughlin, McManus, Menard, Moffitt, Mumford, O'Neill, Picard, Scott, Smith, Story, Trillo, Walsh, Watson, Winfield.

TRANSMITTAL

By unanimous consent, (07-S 1152), on the clerk's desk is ordered to be transmitted to the His Excellency, the Governor, forthwith.

Senate Resolution No. 1149
BY Paiva-Weed
ENTITLED, JOINT RESOLUTION APPROVING THE ISSUANCE OF LEASE PARTICIPATION REFUNDING CERTIFICATES AND RELATED FINANCING LEASES BY THE STATE OF RHODE ISLAND {LC3456/1}

Representative Costantino moves passage of the act seconded by Representatives Menard and Fox.

The resolution prevails, in concurrence, on a roll call vote, 37 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 37: The Honorable Speaker Murphy and Representatives Ajello, Baldelli-Hunt, Brien, Carter, Church, Corvese, Costantino, Dennigan, Diaz, Fox, Gallison, Gemma, Gorham, Handy, Jackson, Kennedy, Kilmartin, Malik, Mattiello, McManus, McNamara, Menard, Moffitt, Naughton, O'Neill, Pacheco, Picard, Rose, Scott, Serpa, Slater, Story, Ucci, Vaudreuil, Wasylyk, Watson.

NAYS - 0.

Senate Resolution No. 1155
BY McBurney, Walaska, Bates, Blais, Connors
ENTITLED, JOINT RESOLUTION CONGRATULATING THE BOSTON RED SOX ON WINNING THE 2007 WORLD SERIES {LC3479/1}

Representative Fox moves passage of the act seconded by Representative Kilmartin.

The resolution prevails, in concurrence, by unanimous consent on a voice vote.

CALENDAR

From the Calendar are taken:

IN ORDER FOR TUESDAY, OCTOBER 30, 2007:

Minority Leader Watson and the Honorable Speaker Murphy discuss override procedure.

1 . 2007-H 5941 as amended
BY Jackson
ENTITLED, AN ACT RELATING TO PROPERTY - RHODE ISLAND REAL ESTATE TIME-SHARE ACT

Ordered on the Calendar

VETO BY THE GOVERNOR

The Honorable Speaker announces the receipt of the following act from His Excellency the Governor, with his disapproval recorded thereon:

The act is accompanied by a communication.

The message is read and ordered to be placed on file.

(For message, see Appendix, this Journal.)

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representatives Kilmartin and Jackson..

Representatives Jackson, Watson, Gorham and Fox discuss the motion to override the veto.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 50 members voting in the affirmative and 12 members voting in the negative as follows:

YEAS - 50: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kilmartin, Lally, Malik, Mattiello, McCauley, McNamara, Melo, Naughton, O'Neill, Rose, San Bento, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Williams, Williamson, Winfield.

NAYS - 12: Representatives Ehrhardt, Fellela, Gorham, Loughlin, McManus, Menard, Moffitt, Mumford, Petrarca, Story, Trillo, Watson.

REQUEST

Representative Picard requests the journal to reflect that if he had been in the chamber on (07-H 5941aa), he would have voted in the negative.

TRANSMITTAL

By unanimous consent, (07-H 5941aa), on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

2 **2007-H 6032**
BY Ajello
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT--TRADE

Ordered on the Calendar

The Honorable Speaker announces the receipt of the following act from His Excellency the Governor, with his disapproval recorded thereon:

The act is accompanied by a communication.

The message is read and ordered to be placed on file.

(For message, see Appendix, this Journal.)

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representatives Ajello, Handy, Dennigan, Kilmartin and many other members of the House.

Representatives Ajello, Watson, Gorham and Fox discuss the motion to override the veto.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 53 members voting in the affirmative and 12 members voting in the negative as follows:

YEAS - 53: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Malik, Mattiello, McCauley, McNamara, Melo, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, San Bento, Schadone, Segal, Serpa, Shanley, Silva, Slater, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Williams, Williamson, Winfield.

NAYS - 12: Representatives Amaral, Ehrhardt, Gorham, Loughlin, McManus, Menard, Moffitt, Mumford, Scott, Story, Trillo, Watson.

TRANSMITTAL

By unanimous consent, (07-H 6032), on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

STATE OF RHODE ISLANDAND PROVIDENCE PLANTATIONS
HOUSE OF REPRESENTATIVES

STATEMENT OF CONFLICT OF INTEREST PURSUANT TO RIGL 36-14-6

I, Peter Petrarca, State Representative, District 44, hereby under oath depose and say:

1. (Matter requiring action) I expect to be called upon, in my capacity as State Representative, to participate in the consideration of, and to vote upon: (07-H 5547 SUB Aaa)

2. (Nature of the potential conflict) I have the following interest in the matter:

Legal Council to Auto body Repair Facility

3. (Complete and (A.) or (B.) and cross out whichever does not apply

B. In compliance with Section 36-14-6(1) & (2)A of the General laws, I hereby request the Speaker of the House of Representatives to excuse me from voting on or participating in the consideration of the matter described in paragraph 1 above.

PETER PETRARCA
REPRESENTATIVE

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

Subscribed and sworn to under the penalties for perjury before me this 30th day of October, 2007.

DAVID W. DUMAS
NOTARY PUBLIC

Representative Petrarca is excused from voting on or participating in the consideration of the matter described in paragraph 1, above.

WILLIAM J. MURPHY
SPEAKER OF THE HOUSE OF REPRESENTATIVES

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3 2007-H 5547 SUB A as amended
BY Corvese
ENTITLED, AN ACT RELATING TO INSURANCE - UNFAIR CLAIMS SETTLEMENT PRACTICES ACT - MOTOR VEHICLE REPARATIONS

Ordered on the Calendar

The Honorable Speaker announces the receipt of the following act from His Excellency the Governor, with his disapproval recorded thereon:

The act is accompanied by a communication.

The message is read and ordered to be placed on file.

(For message, see Appendix, this Journal.)

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representative Kilmartin.

Representatives Corvese, Watson and Gorham, discuss the motion to override the veto.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 55 members voting in the affirmative and 8 members voting in the negative as follows:

YEAS - 55: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, O'Neill, Pacheco, Picard, Rose, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson, Winfield.

NAYS - 8: Representatives Ehrhardt, Gorham, Loughlin, McManus, Moffitt, Mumford, Story, Watson.

TRANSMITTAL

By unanimous consent, (07-H 5547 SUB Aaa), on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

STATE OF RHODE ISLANDAND PROVIDENCE PLANTATIONS
HOUSE OF REPRESENTATIVES

STATEMENT OF CONFLICT OF INTEREST PURSUANT TO RIGL 36-14-6

I, Peter Petrarca, State Representative, District 44, hereby under oath depose and say:

1. (Matter requiring action) I expect to be called upon, in my capacity as State Representative, to participate in the consideration of, and to vote upon: (07-H 5549 SUB A)

2. (Nature of the potential conflict) I have the following interest in the matter:
Legal Council to Auto body Repair Facility

3. (Complete and (A.) or (B.) and cross out whichever does not apply

B. In compliance with Section 36-14-6(1) & (2)A of the General laws, I hereby request the Speaker of the House of Representatives to excuse me from voting on or participating in the consideration of the matter described in paragraph 1 above.

PETER PETRARCA
REPRESENTATIVE

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

Subscribed and sworn to under the penalties for perjury before me this 30th day of October, 2007.

DAVID W. DUMAS
NOTARY PUBLIC

Representative Petrarca is excused from voting on or participating in the consideration of the matter described in paragraph 1, above.

WILLIAM J. MURPHY
SPEAKER OF THE HOUSE OF REPRESENTATIVES

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4 2007-H 5549 SUB A
BY Corvese
ENTITLED, AN ACT RELATING TO INSURANCE - UNFAIR CLAIMS SETTLEMENT PRACTICES ACT

Ordered on the Calendar

The Honorable Speaker announces the receipt of the following act from His Excellency the Governor, with his disapproval recorded thereon:

The act is accompanied by a communication.

The message is read and ordered to be placed on file.

(For message, see Appendix, this Journal.)

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representative Kilmartin.

Representatives Corvese, Watson and Gorham, discuss the motion to override the veto.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 54 members voting in the affirmative and 8 members voting in the negative as follows:

YEAS - 54: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, O'Neill, Pacheco, Picard, Rose, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson, Winfield.

NAYS - 8: Representatives Ehrhardt, Gorham, Loughlin, McManus, Moffitt, Mumford, Story, Watson.

TRANSMITTAL

By unanimous consent, (07-H 5549 SUB A), on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

5 2007-H 5307 SUB A
BY Dennigan
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT

Ordered on the Calendar

The Honorable Speaker announces the receipt of the following act from His Excellency the Governor, with his disapproval recorded thereon:

The act is accompanied by a communication.

The message is read and ordered to be placed on file.

(For message, see Appendix, this Journal.)

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representatives Ajello and Dennigan.

Representatives Dennigan, Watson, Gorham and Fox discuss the motion to override the veto.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 57 members voting in the affirmative and 9 members voting in the negative as follows:

YEAS - 57: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Moffitt, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, San Bento, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson, Winfield.

NAYS - 9: Representatives Amaral, Ehrhardt, Gorham, Long, Loughlin, McManus, Mumford, Story, Watson.

REQUEST

Representative Trillo requests the journal to reflect that if he had been in the chamber on (07-H 5307 SUBA), he would have voted in the negative.

TRANSMITTAL

By unanimous consent, (07-H 5307 SUB A), on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

6 2007-H 6379 SUB A
BY Slater
ENTITLED, AN ACT RELATING TO RHODE ISLAND CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORTING

Ordered on the Calendar

The Honorable Speaker announces the receipt of the following act from His Excellency the Governor, with his disapproval recorded thereon:

The act is accompanied by a communication.

The message is read and ordered to be placed on file.

(For message, see Appendix, this Journal.)

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representative Kilmartin.

Representatives Slater, Watson and Gorham, discuss the motion to override the veto.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 53 members voting in the affirmative and 12 members voting in the negative as follows:

YEAS - 53: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Malik, Mattiello, McCauley, McNamara, Melo, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, San Bento, Schadone, Segal, Serpa, Shanley, Silva, Slater, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson, Winfield.

NAYS - 12: Representatives Church, Ehrhardt, Gorham, Long, Loughlin, McManus, Menard, Moffitt, Mumford, Scott, Story, Watson.

REQUEST

Representative Trillo requests the journal to reflect that if he had been in the chamber on (07-H 6379 SUBA), he would have voted in the negative.

TRANSMITTAL

By unanimous consent, (07-H 6379 SUB A), on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

7 2007-H 5904 SUB A as amended
BY Almeida
ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

Ordered on the Calendar

The Honorable Speaker announces the receipt of the following act from His Excellency the Governor, with his disapproval recorded thereon:

The act is accompanied by a communication.

The message is read and ordered to be placed on file.

(For message, see Appendix, this Journal.)

Representative Kilmartin moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representative Almeida, Dennigan and Ajello.

Representatives Almeida, Watson and Gorham, discuss the motion to override the veto.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 56 members voting in the affirmative and 9 members voting in the negative as follows:

YEAS - 56: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, San Bento, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson, Winfield.

NAYS - 9: Representatives Ehrhardt, Gorham, Long, Loughlin, McManus, Moffitt, Mumford, Story, Watson.

REQUEST

Representative Trillo requests the journal to reflect that if he had been in the chamber on (07-H 5904 SUBAaa), he would have voted in the negative.

TRANSMITTAL

By unanimous consent, (07-H 5904 SUB Aaa), on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

8 2007-H 5099 SUB A
BY Gallison
ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - - HEALTH CARE FACILITIES STAFFING

Ordered on the Calendar

The Honorable Speaker announces the receipt of the following act from His Excellency the Governor, with his disapproval recorded thereon:

The act is accompanied by a communication.

The message is read and ordered to be placed on file.

(For message, see Appendix, this Journal.)

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representative Gallison and many other members of the House.

Representatives Gallison, Watson and Gorham, discuss the motion to override the veto.

Representative Kilmartin rises on a point of order for Representative Gorham to speak germane to the veto override.

The Honorable Speaker Murphy rules for Representative Gorham to speak germane to the veto override.

Representatives Gorham and Fox continue discussion.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 60 members voting in the affirmative and 6 members voting in the negative as follows:

YEAS - 60: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, San Bento, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson, Winfield.

NAYS - 6: Representatives Amaral, Ehrhardt, Gorham, Mumford, Story, Watson.

TRANSMITTAL

By unanimous consent, (07-H 5099 SUB A), on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

9 2007-H 6125 SUB A
BY Coderre E
ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- RHODE ISLAND COORDINATED HEALTH PLANNING ACT OF 2006

Ordered on the Calendar

The Honorable Speaker announces the receipt of the following act from His Excellency the Governor, with his disapproval recorded thereon:

The act is accompanied by a communication.

The message is read and ordered to be placed on file.

(For message, see Appendix, this Journal.)

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representatives Coderre, Naughton and Handy.

Representatives Coderre, Watson and Gorham discuss the motion to override the veto.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 57 members voting in the affirmative and 9 members voting in the negative as follows:

YEAS - 57: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, San Bento, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson, Winfield.

NAYS - 9: Representatives Ehrhardt, Gorham, Long, Loughlin, McManus, Moffitt, Mumford, Story, Watson.

REQUEST

Representative Trillo requests the journal to reflect that if he had been in the chamber on (07-H 6125 SUBA), he would have voted in the negative.

TRANSMITTAL

By unanimous consent, (07-H 6125 SUB A), on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

10 2007-H 6191
BY Williamson
ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- NOTICE AND HEARING ON LICENSES

Ordered on the Calendar

The Honorable Speaker announces the receipt of the following act from His Excellency the Governor, with his disapproval recorded thereon:

The act is accompanied by a communication.

The message is read and ordered to be placed on file.

(For message, see Appendix, this Journal.)

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representative Williamson.

Representatives Williamson, Watson and Gorham discuss the motion to override the veto.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 52 members voting in the affirmative and 9 members voting in the negative as follows:

YEAS - 52: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Church, Corvese, Dennigan, Diaz, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Loughlin, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, San Bento, Schadone, Segal, Serpa, Shanley, Silva, Slater, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Williams, Williamson, Winfield.

NAYS - 9: Representatives Amaral, Ehrhardt, Gorham, Long, McManus, Moffitt, Mumford, Story, Watson.

REQUEST

Representative Trillo requests the journal to reflect that if he had been in the chamber on (07-H 6191), he would have voted in the negative.

TRANSMITTAL

By unanimous consent, (07-H 6191), on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

11 2007-H 5023 as amended
BY Gemma
ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLES REPARATIONS ACT

Ordered on the Calendar

The Honorable Speaker announces the receipt of the following act from His Excellency the Governor, with his disapproval recorded thereon:

The act is accompanied by a communication.

The message is read and ordered to be placed on file.

(For message, see Appendix, this Journal.)

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representatives Gemma, Handy and many other members of the House..

Representatives Watson, Gorham and Gemma discuss the motion to override the veto.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 57 members voting in the affirmative and 8 members voting in the negative as follows:

YEAS - 57: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, San Bento, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson, Winfield.

NAYS - 8: Representatives Ehrhardt, Gorham, Long, McManus, Moffitt, Mumford, Story, Watson.

REQUEST

Representative Trillo requests the journal to reflect that if he had been in the chamber on (07-H 5023aa), he would have voted in the negative.

TRANSMITTAL

By unanimous consent, (07-H 5023aa), on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

STATE OF RHODE ISLANDAND PROVIDENCE PLANTATIONS
HOUSE OF REPRESENTATIVES

STATEMENT OF CONFLICT OF INTEREST PURSUANT TO RIGL 36-14-6

I, Roger Picard, State Representative, District 51, hereby under oath depose and say:

1. (Matter requiring action) I expect to be called upon, in my capacity as State Representative, to participate in the consideration of, and to vote upon: (07-H 6529)

2. (Nature of the potential conflict) I have the following interest in the matter:
Wife works for a company dealing with pharmaceuticals.

3. (Complete and (A.) or (B.) and cross out whichever does not apply
B. In compliance with Section 36-14-6(1) & (2)A of the General laws, I hereby request the Speaker of the House of Representatives to excuse me from voting on or participating in the consideration of the matter described in paragraph 1 above.

ROGER PICARD
REPRESENTATIVE

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

Subscribed and sworn to under the penalties for perjury before me this 30th day of October, 2007.

DAVID W. DUMAS
NOTARY PUBLIC

Representative Picard is excused from voting on or participating in the consideration of the matter described in paragraph 1, above.

WILLIAM J. MURPHY
SPEAKER OF THE HOUSE OF REPRESENTATIVES

STATE OF RHODE ISLANDAND PROVIDENCE PLANTATIONS
HOUSE OF REPRESENTATIVES

STATEMENT OF CONFLICT OF INTEREST PURSUANT TO RIGL 36-14-6

I, William McManus, State Representative, District 46, hereby under oath depose and say:

1. (Matter requiring action) I expect to be called upon, in my capacity as State Representative, to participate in the consideration of, and to vote upon: (07-H 6529) & (07-S 593)

2. (Nature of the potential conflict) I have the following interest in the matter:
I am employed by CVS Pharmacy.

3. (Complete and (A.) or (B.) and cross out whichever does not apply

B. In compliance with Section 36-14-6(1) & (2)A of the General laws, I hereby request the Speaker of the House of Representatives to excuse me from voting on or participating in the consideration of the matter described in paragraph 1 above.

WILLIAM MCMANUS
REPRESENTATIVE

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

Subscribed and sworn to under the penalties for perjury before me this 30th day of October, 2007.

FRANCIS P. MCCABE
NOTARY PUBLIC

Representative McManus is excused from voting on or participating in the consideration of the matter described in paragraph 1, above.

WILLIAM J. MURPHY
SPEAKER OF THE HOUSE OF REPRESENTATIVES

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12 **2007-H 6529**
BY Serpa
ENTITLED, AN ACT RELATING TO INSURANCE - THE RHODE ISLAND BEST RX PROGRAM

Ordered on the Calendar

The Honorable Speaker announces the receipt of the following act from His Excellency the Governor, with his disapproval recorded thereon:

The act is accompanied by a communication.

The message is read and ordered to be placed on file.

(For message, see Appendix, this Journal.)

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representatives Serpa and Kilmartin.

Representatives Serpa, Watson and Gorham discuss the motion to override the veto.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 58 members voting in the affirmative and 5 members voting in the negative as follows:

YEAS - 58: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Long, Loughlin, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, O'Neill, Pacheco, Petrarca, Rose, San Bento, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson, Winfield.

NAYS - 5: Representatives Ehrhardt, Gorham, Moffitt, Mumford, Story.

REQUEST

Representative Trillo requests the journal to reflect that if he had been in the chamber on (07-H 6529), he would have voted in the negative.

TRANSMITTAL

By unanimous consent, (07-H 6529), on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

13 <u>2007-H 5090 SUB A</u>
BY San Bento
ENTITLED, AN ACT RELATING TO LABOR -- ARBITRATION

Ordered on the Calendar

The Honorable Speaker announces the receipt of the following act from His Excellency the Governor, with his disapproval recorded thereon:

The act is accompanied by a communication.

The message is read and ordered to be placed on file.

(For message, see Appendix, this Journal.)

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representative San Bento.

Representatives San Bento, Watson, Gorham and Fox discuss the motion to override the veto.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 52 members voting in the affirmative and 12 members voting in the negative as follows:

YEAS - 52: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Carter, Church, Coderre, Corvese, Costantino, DeSimone, Diaz, Fellela, Flaherty, Fox, Gallison, Gemma, Giannini, Handy, Jackson, Kennedy, Kilmartin, Lally, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, San Bento, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson, Winfield.

NAYS - 12: Representatives Amaral, Caprio, Ehrhardt, Gablinske, Gorham, Long, Loughlin, McManus, Moffitt, Mumford, Story, Watson.

REQUEST

Representative Trillo requests the journal to reflect that if he had been in the chamber on (07-H 5090 SUB A), he would have voted in the negative.

TRANSMITTAL

By unanimous consent, (07-H 5090 SUB A), on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

14 2007-H 6471
BY Pacheco
ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- PUBLIC TRANSIT AUTHORITY

Ordered on the Calendar

The Honorable Speaker announces the receipt of the following act from His Excellency the Governor, with his disapproval recorded thereon:

The act is accompanied by a communication.

The message is read and ordered to be placed on file.

(For message, see Appendix, this Journal.)

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representative Pacheco and many other members of the House.

Representatives Pacheco, Watson, Gorham and Fox discuss the motion to override the veto.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 57 members voting in the affirmative and 9 members voting in the negative as follows:

YEAS - 57: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, San Bento, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson, Winfield.

NAYS - 9: Representatives Ehrhardt, Gorham, Long, Loughlin, McManus, Moffitt, Mumford, Story, Watson.

REQUEST

Representative Trillo requests the journal to reflect that if he had been in the chamber on (07-H 6471), he would have voted in the negative.

TRANSMITTAL

By unanimous consent, (07-H 6471), on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

15 <u>2007-H 5964</u>
BY McCauley
ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- WEAPONS

Ordered on the Calendar

The Honorable Speaker announces the receipt of the following act from His Excellency the Governor, with his disapproval recorded thereon:

The act is accompanied by a communication.

This message is read and ordered to be placed on file.

(For message, see Appendix, this Journal.)

Representative Kilmartin moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representative McCauley.

Representatives McCauley, Watson and Gorham, discuss the motion to override the veto.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 54 members voting in the affirmative and 11 members voting in the negative as follows:

YEAS - 54: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, DeSimone, Diaz, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Malik, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rose, San Bento, Schadone, Scott, Segal, Serpa, Shanley, Silva, Smith, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Williamson, Winfield.

NAYS - 11: Representatives Amaral, Ehrhardt, Gorham, Long, Loughlin, McManus, Moffitt, Mumford, Story, Trillo, Watson.

TRANSMITTAL

By unanimous consent, (07-H 5964), on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

16 <u>2007-H 5385 as amended</u>
BY Jacquard
ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - POLICE OFFICERS

Ordered on the Calendar

The Honorable Speaker announces the receipt of the following act from His Excellency the Governor, with his disapproval recorded thereon:

The act is accompanied by a communication.

The message is read and ordered to be placed on file.

(For message, see Appendix, this Journal.)

Representative Jacquard moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representative Fox.

Representatives Jacquard, Watson and Gorham discuss the motion to override the veto.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 48 members voting in the affirmative and 14 members voting in the negative as follows:

YEAS - 48: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, Diaz, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Malik, Mattiello, McNamara, Melo, Naughton, O'Neill, Pacheco, Picard, Rose, San Bento, Schadone, Segal, Serpa, Silva, Slater, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Winfield.

NAYS - 14: Representatives Amaral, Ehrhardt, Gorham, Long, Loughlin, McManus, Menard, Moffitt, Mumford, Scott, Shanley, Story, Trillo, Watson.

TRANSMITTAL

By unanimous consent, (07-H 5385aa), on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

17 2007-H 5785
BY Lally
ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- LABOR AND PAYMENT OF DEBTS BY CONTRACTORS

Ordered on the Calendar

The Honorable Speaker announces the receipt of the following act from His Excellency the Governor, with his disapproval recorded thereon:

The act is accompanied by a communication.

The message is read and ordered to be placed on file.

(For message, see Appendix, this Journal.)

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representative Lally.

Representatives Lally, Watson and Gorham discuss the motion to override the veto.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 46 members voting in the affirmative and 13 members voting in the negative as follows:

YEAS - 46: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, Diaz, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Kennedy, Kilmartin, Lally, Malik, Mattiello, McNamara, Melo, Menard, Naughton, O'Neill, Pacheco, Picard, Rose, San Bento, Schadone, Segal, Serpa, Shanley, Silva, Slater, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams.

NAYS - 13: Representatives Amaral, Baldelli-Hunt, Ehrhardt, Gorham, Long, Loughlin, McManus, Moffitt, Mumford, Scott, Story, Trillo, Watson.

TRANSMITTAL

By unanimous consent, (07-H 5785), on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

18 2007-H 6227 SUB A
BY Lewiss
ENTITLED, AN ACT RELATING TO ELECTIONS -- STATE BOARD OF ELECTIONS

Ordered on the Calendar

The Honorable Speaker announces the receipt of the following act from His Excellency the Governor, with his disapproval recorded thereon:

The act is accompanied by a communication.

The message is read and ordered to be placed on file.

(For message, see Appendix, this Journal.)

Representative Fox moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representative Costantino.

Representatives Watson, Gorham and Fox discuss the motion to override the veto.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 48 members voting in the affirmative and 11 members voting in the negative as follows:

YEAS - 48: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Carter, Church, Coderre, Corvese, Costantino, Dennigan, Diaz, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Handy, Jackson, Kennedy, Kilmartin, Lally, Malik, Mattiello, McNamara, Melo, Naughton, O'Neill, Pacheco, Picard, Rose, San Bento, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams.

NAYS - 11: Representatives Ehrhardt, Gorham, Long, Loughlin, McManus, Menard, Moffitt, Mumford, Story, Trillo, Watson.

TRANSMITTAL

By unanimous consent, (07-H 6227 SUB A), on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

19 2007-H 6280
BY McNamara
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - CORRECTIONS DEPARTMENT

Ordered on the Calendar

The Honorable Speaker announces the receipt of the following act from His Excellency the Governor, with his disapproval recorded thereon:

The act is accompanied by a communication.

The message is read and ordered to be placed on file.

(For message, see Appendix, this Journal.)

Representative McNamara moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Representatives Menard, Corvese, Ucci and Fox.

Representatives McNamara, Watson and Gorham, discuss the motion to override the veto.

The motion to override the veto of His Excellency, the Governor prevails, needing a 3/5 vote to override, on a roll call vote, 48 members voting in the affirmative and 11 members voting in the negative as follows:

YEAS - 48: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Carter, Church, Corvese, Costantino, Dennigan, Diaz, Fellela, Flaherty, Fox, Gallison, Gemma, Giannini, Handy, Jackson, Kennedy, Kilmartin, Lally, Malik, Mattiello, McNamara, Melo, Menard, Moffitt, Naughton, O'Neill, Pacheco, Picard, Rose, San Bento, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Williams.

NAYS - 11: Representatives Amaral, Ehrhardt, Gablinske, Gorham, Long, Loughlin, McManus, Mumford, Story, Trillo, Watson.

REQUESTS

Representatives DeSimone and Smith request the journal to reflect that if they had been in the chamber on (07-H 6280), they would have voted in the affirmative.

TRANSMITTAL

By unanimous consent, (07-H 6280), on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

ANNOUNCEMENTS

Majority Leader Fox informs the members of the passing of Representative Peter Palumbo's father, Michael Gordan Palumbo and of the funeral arrangements.

Representative Malik thanks the leadership and staff for all the cards, gifts and prayers during his recent illness.

GUESTS

The Honorable Speaker Murphy welcomes to the House from the Senate, Majority Leader Paiva Weed and Minority Leader Algiere.

The Honorable Speaker Murphy introduces to the House the newly appointed Chief Magistrate of the Traffic Tribunal, William Guglietta.

At 7:10 o'clock P.M. the Honorable Speaker yields the rostrum to Chief Magistrate William Guglietta.

By unanimous consent, Chief Magistrate Guglietta addresses the members of the House and introduces his family - his wife, Judy Kearns; his brother, Lt. Lareto Guglietta; his sister-in-law, Donna Guglietta; his father-in-law, Richard Kearns; his mother-in-law, Gladys Kearns; and his sister-in-law Diane Banville.

At 7:19 o'clock P.M. the Honorable Speaker returns to the rostrum.

Majority Leader Fox and Minority Leader Watson extend special thanks and good luck.

PERSONAL PRIVILEGE

Representative Trillo rises on a point of personal privilege in regards to a newspaper article in the Warwick Beacon.

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.

ADJOURNMENT

At 10:05 o'clock P.M. on motion of Representative Mattiello, and as a further mark of respect to the memory of Lareto "Ray" Guglietta; on motion of Representative Menard, and as a further mark of respect to the memories of Alphonse F. Auclair, Peter N. Ezovski, Joseph A. Papa; on motion of Representatives Watson and Walsh and as a further mark of respect to the memory of Teresa S. Boezi; on motion of Representative Corvese, and as a further mark of respect to the memory of Jeffrey Robert Boisselle; on motion of Representatives Gemma, Kilmartin and Naughton, and as a further mark of respect to the memory of M. Frances Campbell; on motion of Representative Amaral, and as a further mark of respect to the memory of Randy Dias; on motion of Representative Story, and as a further mark of respect to the memory of Patrick Murphy; on motion of Representative Giannini, and as a further mark of respect to the memory of Elenor Leonelli on motion of Representatives Church and Naughton, and as a further mark of respect to the memory of Philip Couture; on motion of Representative Gallison, and as a further mark of respect to the memory of Raymond W. Green, Jr. seconded by Representatives Fox and Gorham the House adjourns, pursuant to the Joint Resolution of recess of the General Assembly on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE JOHN J. LOUGHLIN II

Lord, we ask you to bless us all, but more especially those in our society who are afflicted in any way. Please watch over them and keep them in your loving care. Amen

APPENDIX
REPRESENTATIVE SHANLEY'S REMARKS

Thoughts about My Friend Paul Crowley

By John Patrick Shanley

A summary of Paul Crowley's career in the General Assembly can be summed in the apt words of James Joyce's Ulysses. The young artist Stephen Dedalus says:

"A man of genius makes no mistakes.

His errors are volitional and are the portals of discovery"

The operative verb here is "volitional" as Paul focused on the process of choices in his decisions on issues and policy as they transitioned through a dynamic twenty-six year representation to his district, city, region, and the state. As he weathered the seemingly endless catastrophes of budgetary shortfalls, depositor's crisis's, the calamity of a failed workmen's compensation system, and the upheavals in the urban public education system, he persevered and survived. He became known as the seeker of solutions to complex problems.

As Paul's career progressed, his primary interest of educating the state's children emerged. He served on the Board of Regents. He focused on the needs of public higher education. He worked through the challenges of balancing the needs of all of Rhode Island's children, never losing sight of the needs of his district.

As his legislative career blossomed, Paul reached the conclusion that the traditional process of educating Rhode Island's children was flawed. The composite goal of twelve years of schooling followed by a four year college experience excluded a substantial number of children. Paul became increasingly interested in alternative methodologies for instruction and as a consequence, concluded that that experiments such as Providence's Met School, offered opportunities for these students. His legislative influence had a great deal to do with the campus of Rhode Island Community College opening on Aquidneck Island.

Paul further concluded that vocational education had become woefully neglected in America and especially in Rhode Island. His epiphany came when he realized that the manual arts had been universally relegated to a secondary status behind the liberal and fine arts. Science and engineering had become far more portentous than the skills to implement their results. He once remarked that masons and carpenters built the structure before it became the site for Michelangelo to paint the ceiling that is the Sistine Chapel. Paul saw a need to incorporate the requirements set by an industry within a curriculum. As a result, Paul became a strong advocate for secondary education programs such as Davies High School that trained students to meet industry needs.

"Think of where man's glory most begins and ends, and say my glory was I had such friends"

William Butler Yates

"The Municipal Gallery"

Paul can be remembered as thoroughly and eminently Irish. His listings in official publications which were autobiographically selected as personal affiliations prominently cited his membership in the Ancient Order of Hibernians. Paul was most proud of his Irish American heritage. He was a pretentiously Irish American. He was a student of Irish History and Literature. He promoted events linking Newport with Ireland's sister city of Kinsale. He promoted Irish-American festivals.

A notable Paul Crowley trait was his love of singing, especially Irish songs. He seemed to have an unlimited repertoire, capable of delivering many obscure pieces through all of its verses. People would remark that he knew all the words, even if he had difficulty reaching the notes in the higher tenor's octaves. He was notorious for spontaneous bursts of song. He frequently sang Irish melodies as an unscheduled and unannounced performer at weddings and parties. His rendition of "Danny Boy" was a regular feature at the St. Patrick's Day festivities at the House of Representatives. He often entertained the patrons at his restaurant, La Forge

Casino. After all, as a comedian whose identity escapes me once noted, "They can't kick you out of your own joint!"

One last quote for Paul from another Irish writer:

"There is only one thing in the world, worse than being talked about, and that is not being talked about."

Oscar Wilde

The Picture of Dorian Gray

Don't worry Paul you will be talked about for a long, long time! As for me, you will be my model for thinking through the elements that become political issue and upon reaching a decision what is right and just following through on it.

APPENDIX
TRANSMITTED TO THE GOVERNOR

Senate Bill No. 1051 SUB A
BY Fogarty P, Sosnowski, Blais, Breene, Gallo
ENTITLED, AN ACT RELATING TO FOOD AND DRUGS -- SANITATION IN FOOD ESTABLISHMENTS {LC3146/2/A}

Senate Bill No. 1152
BY Raptakis
ENTITLED, AN ACT RELATING TO ELECTIONS -- PRIMARY ELECTIONS {LC3478/1}

Senate Resolution No. 1149
BY Paiva-Weed
ENTITLED, JOINT RESOLUTION APPROVING THE ISSUANCE OF LEASE PARTICIPATION REFUNDING CERTIFICATES AND RELATED FINANCING LEASES **BY** THE STATE OF RHODE ISLAND {LC3456/1}

APPENDIX
VETOES OF THE GOVERNOR

State of Rhode Island and Providence Plantations
State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

June 23, 2007

TO THE HONORABLE, THE SPEAKER OF THE HOUSE OF REPPRESENTATIVES:

In accordance with the provisions of Section 14, Article IX of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit, with my disapproval, 2007 H 5941 As Amended, "An Act Relating to Property – Rhode Island Real Estate Time Share Act."

I have vetoed substantially the same legislation twice before. Section 34-41-1.03 presently provides that assessments of time-shares can be made only on the real property value of a time-share development. This bill would allow also for the assessment and taxation of "interval time-share estates". It permits the tax assessor to use "any identifiable and commonly accepted method of appraisal as a basis for arriving at value . . . including, but not limited to, . . . comparable sales of time-share interval estates, similarly configured hotels, and/or real estate developments, ..."

While certain aspects of this bill differ from similar legislation I vetoed last year, the result is the same: a tax hike in disguise. Time-share developments are now taxed like all other real estate properties. This bill would allow assessors to create special and so-far undisclosed new schemes to tax these properties based on attributes, including intangible attributes, of interval time-share "estates" that properly may not be considered a part of a real estate appraisal. The result will be higher taxes for the owners, higher fees for consumers, and a weaker tourism economy in Rhode Island. Rhode Island should be looking for ways to lower taxes, not raise them.

The issue of tax assessment of time-share developments has previously resulted in at least two decisions by our Supreme Court. While enactment of the legislation might overturn those decisions, I am concerned that additional legal challenges would occur. These challenges would result from the fact that time-share units inherently possess certain intangible aspects, such as the services that allow for

2007 H 5941 As Amended
June 23, 2007
Page 2

the exchange of weeks in other time-share developments. Because Rhode Island cites and towns may properly tax tangible property, but are not constitutionally authorized to tax intangible property, enactment of this legislation would likely result in additional litigation.

While the issues raised by the assessment and taxation of time-share units are complex, I firmly believe the General Assembly should not be passing legislation that has the effect of raising real estate taxes for a segment of property owners who are vital to the tourist economy in Rhode Island.

For these reasons, I disapprove of this legislation and respectfully urge your support of this veto.

Sincerely,

Donald L. Carcieri

State of Rhode Island and Providence Plantations
State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

July 3, 2007

TO THE HONORABLE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In accordance with the Provisions of Section 14, Article IX of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit, with my disapproval, 2007-H 6032, "An Act Relating to State Affairs and Government – Trade."

This bill ostensibly prohibits the Governor, or any other state official, from binding the State or giving consent to bind the State to an international trade agreement, without the express consent of the General Assembly.

However, this bill is nearly identical to legislation that I vetoed last year, which was subsequently overridden by the General Assembly and enacted in chapter 37-2 of the Rhode Island General Laws. Accordingly, this bill is duplicative and serves no other purpose than to put forth a policy statement on the federal government's "Trade Promotion Authority" (TPA), a.k.a., "Fast-Track." TPA is Congress' grant to the Executive Branch the authority to negotiate a trade agreement with another country and bringing that agreement to Congress for its approval. The Constitution clearly provides Congress with the authority to regulate commerce, and the Executive Branch the authority to conduct foreign relations. While I am fully supportive of efforts to bring states into the negotiating process, I do not believe that the federal government and all fifty states should each be given a seat at the negotiating table.

Let me be clear: while I support Rhode Island companies in securing economic and competitive equality with respect to contracts and procurements outside the United States, as well as more open international markets, I do not support the erosion of our state sovereignty at the hands of a trade agreement. This is why I continue to believe that the Governor's ability to participate with the federal government as it seeks out new markets should not have been so quickly discarded by the General Assembly last year.

If the General Assembly is interested in making a policy statement on the federal government's international trade policies, redundant legislation is not the means to accomplish that objective.

For these reasons, I disapprove of this legislation and respectfully urge your support of this veto.

Sincerely,

Donald L. Carcieri
Governor

State of Rhode Island and Providence Plantations
State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

July 3, 2007

TO THE HONORABLE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In accordance with the provisions of Section 14, Article IX of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit, with my disapproval, 2007-H 5547, Substitute A, As Amended, "An Act Relating to Insurance – Unfair Claims Settlement Practices Act – Motor Vehicle Reparations."

Over the last several years, the Rhode Island General Assembly has mandated that notices regarding a consumer's right to choose auto body repair facility of their choice be made on any number of different forms and in different locations, including on insurance financial responsibility cards. Because the Rhode Island requirement that such a notice be placed on the financial responsibility cards is unique, the insurance industry had to modify its Rhode Island cards to include the mandated statement. The current language on the cards is a result of a bill proposed by the auto body shops and already passed by the General Assembly. Here, they are seeking to revise it yet again.

After making this single state change, insurers are now faced with a new mandated notice that says again, in different words, that a consumer may select the shop of their choice. Customers are aware that the choice of shop is theirs alone. The new language of the notice will have no impact other than to raise administrative costs, and the costs passed along to consumers, by yet again reprinting thousands of financial responsibility cards with a new notice that may be changed again next year.

For these reasons, I disapprove of this legislation and respectfully urge your support of this veto.

Sincerely,

Donald L. Carcieri
Governor

State of Rhode Island and Providence Plantations
State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

July 3, 2007

TO THE HONORABLE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In accordance with the provisions of Section 14, Article IX of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit, with my disapproval, 2007-H 5549, Substitute A, "An Act Relating to Insurance – Unfair Claims Settlement Practices Act."

This legislation adds three new subsections dealing with repair manuals to the list of "unfair claims practices" applicable to insurance companies, including a provision for "failing use a manual or system in its entirety in the appraisal of a motor vehicle." In addition, it prohibits customization of those manuals, effectively requires an insurer to pay any amount demanded by the auto body shop for paint and materials, and limits an insurer's ability to negotiate repair costs.

This piece of legislation would not only restrict insurer automobile damage appraisal practices, it will give auto body shops virtual control over how an insurer uses published manuals. Published manuals that are used with estimating sources are intended to be used as guides for the estimate preparer; they do not cover each and every collision repair issue. In many situations the estimate preparer is required to use their knowledge and expertise to make allowances or adjustments in labor operation hours to address specific damage situations.

Mandating that manuals be used without deviation would go against the very guidance that those manuals provide – namely that the manuals are guides and cannot be used literally for every individual situation. This is an anti-business bill that restricts the free market and forces the insurance industry and consumers alike to face exorbitant costs that auto body shops will charge in the course of repairing an automobile.

For these reasons, I disapprove of this legislation and respectfully urge your support of this veto.

Sincerely,

Donald L. Carcieri
Governor

State of Rhode Island and Providence Plantations
State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

July 3, 2007

TO THE HONORABLE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In accordance with the provisions of Section 14, Article IX of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit, with my disapproval, 2007-H 5307, Substitute A, "An Act Relating to State Affairs and Government."

This bill would require all state departments to submit quarterly reports of all non-state employee expenditures for legal and financial services, temporary workers and all other non state employee personnel costs. Included in the reporting requirement would be a description of efforts made to identify qualified individuals within state government who could have performed the service, factors used in choosing the non-state employee or firm and the results of requests for proposals for services or bids for services.

This bill adds yet another reporting hoop through which state managers must jump in order to procure the services of private companies. Right now, state departments make a concerted effort to find in-house options to provide required services. They seek non-state employee assistance only when necessary or, under limited circumstances, where non-state employees could provide the service at substantial savings to the State. For example, when services are required only for a limited duration or a specialist is needed for a particular project, it makes no sense to hire a permanent state employee who could be removed only for cause, even after the project had been completed.

Given our current budgetary constraints, the General Assembly should be making it easier to procure the services of private, cost effective firms, not more difficult. Departments who retain the services of private firms are already required to comply with onerous reporting requirements which duplicate the requirements of this bill, including Chapter 172 of the Public Laws of 2006 (Government Oversight and Fiscal Accountability Review Act) and Chapter 42-148 (Privatization of State Services) enacted in Article 42 of the FY 2008 Appropriation Act.

Moreover, the bill's provisions regarding the reporting of RFPs and bids for legal services is both duplicative of and inconsistent with existing purchasing law on the subject. Current law does not require RFPs or bids in connection with the procurement of legal services,

so this bill's requirement that a report be made of "results of requests for proposals or bids" is nonsensical. In addition, existing law governing the retention of outside legal services already requires agencies to demonstrate the need for such services, that no lawyer employed by the state could perform those services and requires the procuring agency to demonstrate that funding is available.

For these reasons, I disapprove this bill and respectfully urge your support of this veto.

Sincerely,

Donald L. Carcieri
Governor

State of Rhode Island and Providence Plantations
State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

July 3, 2007

TO THE HONORABLE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In accordance with the Provisions of Section 14, Article IX of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit, with my disapproval, 2007-H 6379, Substitute A, "An Act Relating to Rhode Island Campaign Contributions and Expenditures Reporting."

This bill eliminates electronic reporting requirements for campaign finance reports for candidates for public office who raise or spend $10,000 or less or whose campaign fund is less than $25,000. This represents a substantial departure from current law which requires anyone who raises more than $5,000 or has $5,000 on deposit in a campaign fund to file electronically.

I believe that the system of electronic reporting should cover all candidates for public office, regardless of the amount of money they have raised. The public should have the right to inspect, in easily accessible electronic form, campaign contributions of candidates in even the smallest races. By substantially increasing the threshold for reporting, this bill deprives the public of the ability to readily search campaign records in some of the less well-funded local races – races which, nevertheless, may be of great importance to local taxpayers. Moreover, the goals of transparency and public accountability are best served when *all* candidates are required to submit electronically searchable campaign finance reports. This bill is a substantial departure from those goals.

For this reason, I disapprove of this legislation and respectfully urge your support of this veto.

Sincerely,

Donald L. Carcieri
Governor

State of Rhode Island and Providence Plantations
State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

June 27, 2007

TO THE HONORABLE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In accordance with the provisions of Section 14, Article IX of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit, with my disapproval, 2007-H 5904, Substitute A, as amended, "An Act Relating to Labor and Labor Relations – Equal Opportunity and Affirmative Action."

This legislation makes several changes to Fair Employment Practices chapter of the Labor and Labor Relations title of the Rhode Island General Laws, specifically the section which deals with appointments made to state boards, commissions, public authorities, and quasi-public corporations. Among other changes, this law would require an annual utilization analysis of these appointments which then would be given to the commission for human rights as a public record to determine if any violation of the equal employment opportunity and affirmative action law has occurred.

I am cognizant of, and fully in support of, the public policy of this state which is declared in Section 28-5-3 of the General Laws to be "to foster the employment of all individuals in this state in accordance with their fullest capacities, regardless of their race or color, religion, sex, sexual orientation, gender identity or expression, disability, age, or country of ancestral origin, and to safeguard their right to obtain and hold employment without such discrimination."

In addition, I am fully supportive of the law in Section 28-5.1-3.1 which presently requires that "each person responsible for appointing one or more individuals to serve on any board or commission or to the governing body of any public authority or board shall endeavor to assure that, to the fullest extent possible, the composition of the board, commission, or governing body reflects the diversity of Rhode Island's population."

Unfortunately, however, this legislation confuses two areas of law and attempts to apply legal requirements that are appropriate to employment practices and job discrimination to public service appointments, which are most often unpaid, part-time volunteer citizen positions. This legislation further suggests that the commission for human rights could judge an executive appointment, made under Article 9, Section 5 of the Rhode Island Constitution, with the advice and consent of the Senate, by the same standards applicable to employment decisions made by private parties.

2007-H 5904, Substitute A, as amended
June 27, 2007
Page Two

In other words, this legislation would give the human rights commission the power to review – and presumably reject – any and all appointments to executive boards and commissions. It would subject appointments of members to public bodies – positions which clearly do not constitute "employment" – to the restrictions included in employment law. Because public service positions are very different from paid jobs, it makes little sense to apply the requirements of one to the other.

Furthermore, many of these appointments already require the advice and consent of the Senate. The Senate can reject appointments that fail to reflect the diversity of our state. However, no provision of the constitution empowers the General Assembly to place additional restrictions on the executive branch's appointment authority. That is the heart of the recently adopted separation of powers constitutional amendments.

Finally, the human rights commission's only recourse, if they find a violation of employment law in the appointment of a member to a public body, is to bring legal action against the appointing authority.

While I am willing to review alternative methods of ensuring diversity on Rhode Island's executive boards and commissions, I cannot approve of legislation that would place unconstitutional restrictions on the executive's appointment authority or that would result in additional litigation against the executive branch.

Regrettably, therefore, this legislation, while well intentioned, is defective and must be rejected. I re-affirm my commitments – both to equal employment in Rhode Island and to making appointments that reflect the diversity of Rhode Island's population, which I have actively sought to do.

Finally, I welcome the proposal contained in this legislation to encourage recommendations from representatives of Rhode Island's minority community based organizations. I urge, and will give due consideration to, any such recommendations for appointments where the Governor is the appointing authority.

However, for the reasons stated above, I disapprove of this legislation and respectfully request your support of this veto.

Sincerely,

Donald L. Carcieri
Governor

State of Rhode Island and Providence Plantations
State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

June 27, 2007

TO THE HONORABLE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In accordance with the provisions of Section 14, Article IX of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit, with my disapproval, 2007-H 5099, Substitute A, "An Act Relating to Health and Safety – Health Care Facilities Staffing."

This bill seeks to limit a hospital's ability to mandate overtime to certain health care workers, specifically licensed nurses as defined in RIGL 5-34 and certified nurse assistants as defined in RIGL 23-17.9. House bill 5099 Substitute A, prohibits hospitals from requiring employees work in beyond their regularly scheduled shift except in an unforeseeable emergent circumstance. Furthermore, this bill would require that no regularly scheduled shift exceed twelve hours. Any hospital found violating this provision would be assessed a fine of $300 per incident, made payable to the center for health professions, as defined in RIGL 23-17.20.2.

I am cognizant of the demands that are sometimes placed on our health professionals and am appreciative particularly of the fine work performed by nurses throughout the state.

Fundamentally, however, this bill addresses issues that should be negotiated through the collective bargaining process. In fact, 23-17.20-5 explicitly states that provisions of this act do not negate any employee right negotiated in a collective bargaining agreement. This would allow those representing the aforementioned professionals to choose which provision, those negotiated through the collective bargaining process or those found in this act, they wish to follow. This will create an unmanageable dilemma for hospitals wishing to comply with this act and result in unwarranted and unnecessary fines as required in 23-17.20-4.

Proponents of this bill have argued it will protect the safety and welfare of patients. Should this bill pass the exact opposite may be true. The current nursing shortage in Rhode Island will be exacerbated by the hospital's limitations on managing staff. Furthermore, this bill addresses only the risks to patients when health professionals are mandated to work overtime, while remaining silent to the length of voluntary overtime shifts. Section 23-17.20-3(b) restricts a health care facility's ability to require an employee to work in excess of twelve consecutive

2007-H 5099, Substitute A
June 27, 2007
Page Two

hours, but is silent to an employee volunteering to work beyond the regularly scheduled shift. Section 23-17.20-3(c) explicitly states that nothing in this chapter shall be construed to limit voluntary overtime in excess of a predetermined work schedule. If patient safety is the overriding concern, these medical professionals should be limited to a total number of authorized hours in a work day, regardless of the type of overtime. Since the representatives of these medical professionals find no harm to patients when volunteering to work beyond their regularly scheduled shifts, it is difficult to understand the logic that a mandated shift will result in imminent patient harm.

Finally, accompanying this bill was an unaddressed fiscal note from the Department of Mental Health, Retardation, and Hospitals. Choosing to act on this bill, in a time of extreme fiscal difficulty, without addressing the costs to the State is irresponsible and in direct conflict with the House of Representative's constitutional duty to present a balanced budget, as required by Article XI, Section 16 of the Constitution of the State of Rhode Island and Providence Plantations.

For these reasons, I disapprove of this legislation and respectfully urge your support of this veto.

Sincerely,

Donald L. Carcieri
Governor

State of Rhode Island and Providence Plantations
State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

June 23, 2007

TO THE HONORABLE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In accordance with the provisions of Section 14, Article IX of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit, with my disapproval, 2007 H-6125, Substitute A, "An Act Relating to Health and Safety – Rhode Island Coordinated Health Planning Act of 2006."

This bill establishes a Health Care Planning and Accountability Advisory Council which would develop studies, issue opinions and develop a unified health plan on the state's health care delivery and financing system. The Council's broad mandate would include "ongoing assessments of the state's health care needs and health care system capacity," establishing Rhode Island's "long range health care goals and values" and "promoting the role of appropriate technology in improving the availability of health information across the health care system." The Council would consist of at least twenty (20) members, including members of the General Assembly and Directors of various state agencies, and would be required to meet at least every sixty (60) days. The bill authorizes the formation of as many subcommittees as needed and requires state agencies, every year, to describe what steps they have taken to implement the Council's "unified health care plan."

In a time when the State should be streamlining its delivery of health services to consumers, this Council adds yet another layer of bureaucracy to an already crowded field. The Council is large and unwieldy and its mission is broad and ill-defined. Worse, it duplicates functions already being performed by Executive branch agencies. For example, the Council is charged with developing appropriate health information sharing technologies. The Department of Health is already performing this exact function with a broad and qualified stakeholder group. Moreover, to the extent that the bill seeks to require coordination among the State's health and human services agencies, such coordination is being achieved by Health and Human Services Secretariat created by statute in 2006. Finally, I note that the Council's existence is completely contingent on funding and yet the General Assembly has not seen fit to include any funding for the Council in the Budget.

For these reasons, I disapprove of this legislation and respectfully urge your support of this veto.

Sincerely,

Donald L. Carcieri
Governor

State of Rhode Island and Providence Plantations
State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

June 27, 2007

TO THE HONORABLE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In accordance with the provisions of Section 14, Article IX of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit, with my disapproval, 2007-H 6191, "An Act Relating to Alcoholic Beverages – Notice and Hearing on Licenses."

This bill eliminates the notice requirements applicable to the issuance of temporary seasonal expansions of existing liquor licenses. Such licenses presently may be issued by the Department of Business Regulation for specified periods at any time during the months of May through September.

Notices, however, serve an important public purpose, for neighbors, neighboring businesses and the public at large. And eliminating those notices – whether on site or published in newspapers – effectively robs those affected parties of an opportunity to be heard and to object. Accordingly, I cannot agree with legislation that limits appropriate process in the application and issuance of liquor licenses.

For these reasons, I disapprove of this legislation and respectfully urge your support of this veto.

Sincerely,

Donald L. Carcieri
Governor

State of Rhode Island and Providence Plantations
State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor
June 23, 2007

TO THE HONORABLE, THE SPEAKER OF THE HOUSE:

In accordance with the provisions of Section 14, Article IX of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit, with my disapproval, 2007-H 5023 As Amended, "An Act Relating to Motor and Other Vehicles – Motor Vehicles Reparations Act."

This legislation requires that law enforcement officers who issue citations for failing to provide evidence of financial security hold those citations for one business day before submitting them to the traffic tribunal. The purpose is to allow the motorist to provide proof of insurance within that timeframe. If that proof is provided, the law enforcement officer must withdraw the ticket.

This year, like last year, the Rhode Island State Police have requested a veto on the basis that the legislation will produce a substantial burden on law enforcement agencies. Currently, law enforcement officers log citations into a computer at the end of their shifts. Once a week, those hard copy citations are sent to the Traffic Tribunal. To conform to the provisions of this bill, law enforcement officers will face an unnecessary and burdensome increase in administrative paperwork. Law enforcement officers will need to write reports to provide accountability. They will also need approval from a superior. In addition, since the citations are sent at a scheduled time each week, a citation issued the day before the schedules pickup would need to either be held aside in case the motorist delivers proof of insurance or be retrieved from the Traffic Tribunal.

More importantly, this legislation impedes efforts by the Rhode Island State Police to modernize its citation system with technology. Currently, some troopers are participating in a pilot program in which tickets are issued electronically and sent directly to the Traffic Tribunal. In addition, a proposed paperless system is scheduled to take effect within the next year by which troopers may ascertain financial responsibility from electronic terminals within their vehicles. Under both the pilot program and the planned paperless system of the future, the requirements of this bill could not easily be achieved.

Based on the foregoing, I vetoed last year, and will again veto this year, the legislation forwarded. However, I will look closely at this issue again if presented next year in light of progress made in the modernization of systems.

For these reasons, I disprove of this legislation and respectfully urge your support of this veto.

Sincerely,

Donald L. Carcieri
Governor

State of Rhode Island and Providence Plantations
State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

July 3, 2007

TO THE HONORABLE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In accordance with the provisions of Section 14, Article IX of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit, with my disapproval, 2007-H 6529, "An Act Relating to Insurance – The Rhode Island Best RX Program."

This bill amends the State's existing prescription drug discount program for the uninsured to create a new program with expanded eligibility and new procedures for modifying third-party contracts after they have been awarded by the State. Additionally, this bill describes the process by which administrative fees will be assessed and develops an advisory council, responsible for the marketing, education, and promotion of the Rhode Island Best RX Discount Program.

At a minimum, this bill must be rejected because it assigns executive responsibility for setting administrative fees under the Pharmaceutical Assistance to the Elderly Act to a new "advisory commission" that is made up of a variety of non-state and non-executive officials in violation of Article IX, Section 5 of the Rhode Island Constitution. The list of commission members even includes members of the general assembly who are also expressly prohibited from serving on executive boards by Article III, Section 6 of the Rhode Island Constitution.

In addition, I have reservations regarding several of the new provisions relating to state purchases, which seem to run contrary to cleaning up issues related to third party contracts.

For these reasons, I disapprove of this legislation and respectfully urge your support of this veto.

Sincerely,

Donald L. Carcieri
Governor

State of Rhode Island and Providence Plantations
State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

July 2, 2007

TO THE HONORABLE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In accordance with the provisions of Section 14, Article IX of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit, with my disapproval, 2007-H 5090, Substitute A, "An Act Relating to Labor – Arbitration."

Current law enables an arbitrator to consider past practice in two instances: first, when the collective bargaining agreement does not contain an express provision that is the subject of the grievance, and second, when the provision that is contained in the agreement is unclear and ambiguous. This act adds a new provision that would allow an arbitrator to consider past practice for the duration of the collective bargaining agreement.

As stated in my veto messages of nearly identical legislation passed the last two years, the problem lies in the automatic continuation of past practices for the life of the contract. This ignores the reality of the workplace. There are past practices in every work environment that may have been followed for many years. The benefits of such practices may accrue to either labor or management, depending on the case.

Past practice clauses traditionally recognize and make enforceable past practices that, under normal principles of labor law, are enforceable although the practice itself is not part of the written contract. However, once the underlying circumstances which led to a past practice either cease to be present or have been fundamentally changed by subsequent events, that practice is deemed to have terminated.

The problem with this bill is that it treats such practices as if they were a condition of employment that was negotiated by the parties, as is the case with wages and benefits. Whereas now the practices in question are not part of a written contract, this bill effectively makes them as such for the life of the contract.

2007-H 5090, Substitute A
July 2, 2007
Page Two

Employers and unions often agree on such clauses when either party requests it. However, I am concerned that this law, which establishes a new principle that is unrecognized in traditional labor law, will affect the many labor contracts already negotiated in good faith by the parties and those contracts that already have such a clause included in the agreement. I doubt that either party to such a contract ever negotiated this clause and anticipated this law. Yet, should this bill become law, it would bind both management and labor to obsolete practices that, under traditional labor principles, would no longer be in effect.

I believe that Rhode Islanders, whether employers or employees, will be better served by following the long-established and universally-recognized labor relations principle that when the underlying conditions which led to the past practice are no longer present then the past practices terminate.

For these reasons, I disapprove of this legislation and respectfully urge your support of this veto.

Sincerely,

Donald L. Carcieri
Governor

State of Rhode Island and Providence Plantations
State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

July 3, 2007

TO THE HONORABLE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In accordance with the provisions of Section 14, Article IX of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit, with my disapproval, 2007-H 6471, "An Act Relating to Public Utilities and Carriers – Public Transit Authority."

This bill places the responsibility to manage, coordinate, and perform vehicle maintenance for a state paratransit system with the Rhode Island Public Transit Authority (RIPTA). Additionally, this bill requires RIPTA to participate in planning initiatives with stakeholders with the goal of providing a seamless network of mobility options and provides legislative findings as to the vision of public transportation in Rhode Island.

Currently, the State provider of paratransit services is determined through a competitive bidding process. This process allows for the flexibility and accountability that users of this service deserve. The Paratransit Task Force was recently reinstituted through Executive Order 06-09. This Executive Order puts the planning, coordination, and monitoring in the hands of the executive departments currently purchasing these services and the consumers served by the paratransit system.

This structure of accountability to both the purchaser of services and the consumer of those services is the most effective mechanism to ensure a high quality, cost effectiveness paratransit system.

For these reasons, I disapprove of this legislation and respectfully urge your support of this veto.

Sincerely,

Donald L. Carcieri
Governor

State of Rhode Island and Providence Plantations
State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

June 15, 2007

TO THE HONORABLE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

In accordance with the Provisions of Section 14, Article IX of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit herewith, with my disapproval, 2007 H-5964, "An Act Relating to Criminal Offenses – Weapons."

This bill exempts members of the State Fire Marshal's Office from statutory restrictions relating to weapons and allows them the unfettered right to carry concealed firearms everywhere in the state.

This bill is identical to the bill I vetoed last year, and I do so again this year for the same reasons. It is not necessary for members of the Fire Marshal's Office to carry concealed weapons throughout the state as either the State Police or local law enforcement agencies can assist them with necessary security simply by accompanying them.

As was the case last year, this bill does not require training or provide funding for training even though the proper use of force is an essential component of our law enforcement academies. Finally, the expansion of the use of deadly force potentially exposes the state to greater liability should that force be used inappropriately.

For these reasons, I disapprove of this legislation and respectfully urge your support of this veto.

Sincerely,

Donald L. Carcieri
Governor

State of Rhode Island and Providence Plantations
State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

July 3, 2007

TO THE HONORABLE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In accordance with the provisions of Section 14, Article IX of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit, with my disapproval, 2007-H 5385, As Amended, "An Act Relating to Criminal Offenses – Police Officers."

This bill makes several changes to provisions of law that affect police officers hired by the Rhode Island Airport Corporation (RIAC). First, it requires the Department of Environmental Management to issue concealed weapon permits to RIAC police officers. Second, it includes RIAC police officers under the coverage of the Law Enforcement Officer's Bill of Rights, including provisions relating to dispute resolution. And finally, it affords "injured on duty" benefits to RIAC police officers pursuant to provisions of the Rhode Island General Laws relating to relief of injured and deceased fire fighters and police officers.

RIAC police officers are unionized employees of the Airport Corporation, represented by Council 94, AFSCME, AFL-CIO. Within the collective bargaining agreement with this union is a comprehensive grievance procedure for the resolution of disputes with the individual bargaining members, including police officers. I believe that inclusion of the RIAC police under the statutory policemen's Bill of Rights would add duplicative or potentially conflicting procedures above those which already exist by agreement. Such duplication of investigation and grievance procedures may lead to increased costs, forum shopping, delay and inconsistent resolutions.

I am also advised that RIAC and Council 94 recently concluded negotiations of a new three year agreement during which no request was made to amend or modify the grievance procedure. It is difficult to support the statutory imposition of a new process (including the imposition of attorneys' fees) when it was not requested at the bargaining table, a step that would allow RIAC the opportunity to financially evaluate the costs associated with these procedure relative to other bargaining proposals and negotiating trade-offs.

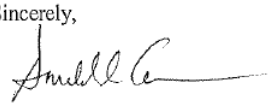
2007-H 5385, As Amended
July 3, 2007
Page Two

With respect to injured on duty (IOD) benefits, both RIAC and I fully support having sufficient protections in place to cover all its employees, including law enforcement officers, in the event of a workplace injury. In addition, both RIAC and I also believe that such protections already exist in the form of workers' compensation benefits.

Unlike municipalities and the State, however, which have the power to tax, in order to generate the funds necessary to cover their respective liabilities under the IOD Statute, RIAC is funded solely by the revenues generated by the airports. Further, unlike the municipalities and the State, RIAC has a defined contribution retirement plan, not a defined benefit plan. As such, in the event RIAC police were included in the IOD Statute, there does not appear to be a mechanism for RIAC to retire a disabled officer to a pension, thereby potentially exposing RIAC to uninsured lifetime payments. On the other hand, workers' compensation insurance includes benefits for permanently disabled employees. Accordingly, I believe the benefits provided by RIAC under the workers' compensation system for RIAC police officers are reasonable, appropriate and sufficient.

For these reasons, I disapprove of this legislation and respectfully urge your support of this veto.

Sincerely,



Donald L. Carcieri
Governor

State of Rhode Island and Providence Plantations
State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

July 2, 2007

TO THE HONORABLE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In accordance with the provisions of Section 14, Article IX of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit, with my disapproval, 2007-H 5785, "An Act Relating to Public Property and Works – Labor and Payment of Debts by Contractors."

This bill would require any contractor who is awarded a public works contract after July 1, 2007 to make automatic annual increases in the prevailing wage paid by the contractor.

I vetoed this legislation last year and do so again for the same reasons. The automatic increases in the prevailing wage rate during ongoing construction projects would be detrimental to small businesses throughout the state by injecting uncertainty into the bidding process. This bill will cause contractors and subcontractors to increase their bids in an effort to prevent losses due to unpredictable future costs. The result will be an increase in cost for public projects which, of course, will ultimately be paid by the Rhode Island taxpayer. Contractors with long-term projects will be the most adversely affected by this legislation.

For these reasons, I disapprove of this legislation and respectfully urge your support of this veto.

Sincerely,

Donald L. Carcieri
Governor

State of Rhode Island and Providence Plantations
State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

June 15, 2007

TO THE HONORABLE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In accordance with the provisions of Section 14, Article IX of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit, with my disapproval, 2007 H-6227, Substitute A, "An Act Relating to Elections – State Board of Elections."

This bill amends the term length from fourteen (14) years to nine (9) years for members of the State Board of Elections appointed after January 1, 2008. The bill also eliminates the Governor's ability to appoint the chair and vice chairperson of the Board.

As part of the Executive branch of government, the State Board of Elections fulfills its statutory mandate by performing executive branch functions, i.e., upholding and enforcing those laws. As the Chief Executive Officer of the State of Rhode Island, the Governor is responsible for the actions of the Executive Branch, and, as such, must maintain the ability to appoint those heads who will perform those functions. Therefore, while I support the shortening of the term length for the State Board of Elections appointed after January 1, 2008, I do not support the provisions that will eliminate the Governor's appointment of the chair and vice chair.

For these reasons, I disapprove of this legislation and respectfully urge your support of this veto.

Sincerely,

Donald L. Carcieri
Governor

State of Rhode Island and Providence Plantations
State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

July 3, 2007

TO THE HONORABLE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In accordance with the provisions of Section 14, Article IX of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit, with my disapproval, 2007-H 6280, "An Act Relating to State Affairs and Government – Corrections Department."

This bill will amend the statutory powers of the director of the Department of Corrections to provide that "notwithstanding the enumeration of [these powers], the validity and enforcement of a collective bargaining agreement could not be contested, affected, or diminished, nor an arbitration award vacated or remanded on the basis of a conflict with [the powers of the director], or any other provision of the general laws."

This bill contravenes a long line of decisions from the Rhode Island Supreme Court, and would also lead to the creation of illegal contracts. The courts of Rhode Island have noted that this Legislature has granted to the director of the Department of Corrections significant authority, commensurate with the awesome responsibilities entailed in operating the jail and prison system for the state. They have noted in their decisions that such authority and responsibility should not be abdicated to the caprice of an arbitrator.

Longstanding precedent from our state Supreme Court holds that "contracts entered into in contravention to a state statute are illegal." *Birkett v. Chatteron*, 13 R.I. 299, 302 (1881), as cited in *Vose v. RIBCO*, 587 A.2d 913 (RI 1991). This bill would elevate collective bargaining provisions over the general laws, and public policy. For example, under this bill a contractual provision that would otherwise violate provisions of state law enacted by this Assembly (e.g., educational incentive benefits, retirement provisions, etc.) will stand.

The bill also puts arbitrators in charge of discipline of correctional employees despite the impact on the security of the correctional institutions over which the director has ultimate responsibility to the citizens of Rhode Island. Under this bill, for example, an arbitrator's decision that a correctional officer convicted of criminal offenses, or engaged in an illicit relationship with a prison inmate, should not be terminated, but rather permitted to continue to

2007 H 6280
July 3, 2007
Page Two

supervise criminal offenders, even when the director or corrections has deemed termination to be justified.

Prior to the General Assembly designing the statutory framework for the existence of the Department of Corrections, Rhode Island's prison facilities were characterized by turmoil, frequent inmate escapes, violence and disorder. By enacting Chapter 56, Title 42, the General Assembly declared that it is the policy of the state that the director of corrections have broad responsibilities and power to ensure public safety concerning the custody and rehabilitation of criminal offenders. Under this bill, the director's responsibility to ensure public safety remains, but his ability to meet those responsibilities will be severely compromised, subject to the whim or an arbitrator with no responsibility or accountability to the citizens of the state.

For these reasons, I disapprove of this legislation and respectfully urge your support of this veto.

Sincerely,

Donald L. Carcieri
Governor

State of Rhode Island and Providence Plantations
State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

July 3, 2007

TO THE HONORABLE, THE PRESIDENT OF THE SENATE:

In accordance with the provisions of Section 14, Article IX of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit, with my disapproval, 2007-S 0500, "An Act Relating to Causes of Action."

This bill creates a new legal cause of action against vendors who misclassify employees as independent contractors when bidding for state work. The cause of action would be available to actual bidders and anyone else who claims that they would have submitted a bid given different circumstances. There is an existing legal authority for the Division of Purchases to debar a vendor who knowingly makes a misrepresentation in a bid. Currently, a vendor or a potential vendor already posses the ability to file a complaint for a competitor's misdeeds.

Additionally, the bill will discourage entities from participating in the bidding process. If there is a fear – real or perceived – that successful bidders might incur defense costs and possibly pay damages under this statute, they will be less likely to submit bids.

Finally, the Rhode Island Purchasing Law is based on the Uniform Purchasing Act, which is used in 39 other states. The Uniform Purchasing Act does not contain this language or cause of action. This cause of action cannot be found among the purchasing statutes of any other states.

For these reasons, I disapprove of this legislation and respectfully urge your support of this veto.

Sincerely,

Donald L. Carcieri
Governor

State of Rhode Island and Providence Plantations
State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

July 3, 2007

TO THE HONORABLE, THE PRESIDENT OF THE SENATE:

In accordance with the provisions of Section 14, Article IX of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit, with my disapproval, 2007-S 0507, "An Act Relating to Labor – Hoisting Engineers."

This legislation changes the membership of the Board of Examiners of Hoisting Engineers. It does so by eliminating seats currently assigned to the state administrator of Occupational Safety and Health Administration (OSHA), the state's chief boiler inspector and the director of the Department of Labor and Training (DLT) and replaces them with two general seats, appointed by the Governor, that require a hoisting engineer license.

While I am in accord with the need for the board to have strong representation from the trade, as well as with the obsolescence of maintaining the OSHA administrator and chief boiler inspector seats, I am opposed to the removal of the director of DLT. The director currently serves as an ex officio member on all of the trade licensing boards and all actions by the board are ultimately referred to her for final decision. The enactment of this legislation therefore is irresponsible and would create an inconsistency among boards. It is my position that the director's role on the trade licensing boards is instrumental in maintaining the department's policies and standards.

For these reasons, I disapprove of this legislation and respectfully urge your support of this veto.

Sincerely,

Donald L. Carcieri
Governor

State of Rhode Island and Providence Plantations
State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

July 3, 2007

TO THE HONORABLE, THE PRESIDENT OF THE SENATE:

In accordance with the provisions of Section 14, Article IX of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit, with my disapproval, 2007-S 0514, Substitute A, "An Act Relating to Labor and Labor Relations – Welding."

This legislation seeks to create a new regulatory framework governing structural and ornamental steel welders, historically an unlicensed trade. In doing so, the bill establishes a seven (7) member "professional regulation board" to serve in an advisory capacity in "promulgating policy that is necessary to improve the operation" of the Division of Professional Regulation. This jurisdiction is alarmingly broad, potentially going beyond the scope of the welding trade. More importantly, the creation of this entity represents an unnecessary proliferation of governmental boards.

Furthermore, even if this unwarranted expansion of government was to move forward, the act fails to provide for due process procedures under the penalty structure. Hearings and appeals are a necessary component of regulation and are not addressed by this legislation. Without a clearer understanding of the regulatory need, accompanied by a better articulation of regulatory authority, I cannot support this legislation and respectfully urge your support of this veto.

Sincerely,

Donald L. Carcieri
Governor

State of Rhode Island and Providence Plantations
State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

July 3, 2007

TO THE HONORABLE, THE PRESIDENT OF THE SENATE:

In accordance with the Provisions of Section 14, Article IX of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit, with my disapproval, 2007-S, 0575, Substitute A, "An Act Relating to State Affairs and Government – State Archives."

This bill increases fees for a variety of recorded instruments, the proceeds of which would go to the Secretary of State's restricted receipt account known as the Historical Records Trust fund.

A fee increase for this restricted receipt account, as well as many other fee increases across the board, was proposed and passed as part of the budget. This bill represents a circumvention of the budget process through special legislation passed after the budget. Specifically, the House passed this bill on June 23rd, four days after the budget was transmitted to me on June 19th. Fee increases belong in the budget and eleventh hour deals made behind closed doors do not serve the best interest of our citizens.

For these reasons, I disapprove of this legislation and respectfully urge your support of this veto.

Sincerely,

Donald L. Carcieri
Governor

State of Rhode Island and Providence Plantations
State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

July 3, 2007

TO THE HONORABLE, THE PRESIDENT OF THE SENATE:

In accordance with the provisions of Section 14, Article IX of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit, with my disapproval, 2007-S 1103, As Amended, "An Act Relating to Labor and Labor Relations."

The ostensible goal of this legislation is to establish a state Uninsured Employers Fund for the purposes of ensuring that individuals injured on a job, while working for an employer who does not carry workers' compensation insurance, would nonetheless have recourse to benefits.

The design and proposed administration of this account, however, would have the alarming effect of undermining the state's nationally recognized workers' compensation system, encouraging, ironically, the reduction of workers' compensation coverage in the state, and ultimately jeopardizing the welfare of Rhode Island workers.

This result is unacceptable. A sound system of workers' compensation is not only critical to working Rhode Islanders but is also a fundamental component of the state's economic stability and buttresses the state's health insurance reforms. This was well-understood by the General Assembly when they stabilized the workers' compensation market with the reforms enacted in the 1990's. Those initial measures included a rational and sustainable mix of employer incentives and penalties that, combined with improvements made since that time, have led to higher levels of workers' compensation coverage than at any other time in the past.

Nonetheless, it is true that there remains an intractable group of unscrupulous employers illegally refusing to provide for their workers security. This legislation unfortunately provides these scofflaws with an "uninsured employer option" that de facto shifts the role and expense of providing compensation coverage off of them and places it with the state. This is a profound incentive for these businesses to continue avoiding their responsibility and indeed could lead to an erosion of overall coverage.

2007 S-1103, As Amended
July 3, 2007
Page Two

Exacerbating this is the proposed method of capitalizing the fund. Among the sources tapped will be general revenue beginning in FY 2009. When significant structural problems in the state's budget remain, and many programs face deep cuts, it is frustrating that new out-year spending such as this has been proposed. Because the number and nature of workers' compensation cases are difficult to predict and can be costly over long periods of time, committing general revenue in this manner and at this time is inappropriate. It is notable that architects of this legislation not only failed to obtain the endorsement of the state's workers' compensation advisory council, a body established by the legislature to safeguard the viability of the workers' comp system, but bypassed it altogether. This, combined with the bill's extremely late introduction and the truncated debate it received in the waning days of the legislative session, suggests a lack of transparency and ability to achieve consensus around a flawed measure.

The best way to mitigate the risk faced by employees working for uninsured employers is clear. Aggressive enforcement of the existing laws must be coupled with a system that consistently delivers affordable and readily available coverage. Among other things this means preserving a viable and competitive workers' compensation insurance market that is comprised of well-managed and transparent institutions.

This bill is premature and unwise at this time.

For these reasons, I disapprove of this legislation and respectfully urge your support of this veto.

Sincerely,

Donald L. Carcieri
Governor

State of Rhode Island and Providence Plantations
State House
Providence, Rhode Island 02903-1196
401-222-2080

Donald L. Carcieri
Governor

July 4, 2007

TO THE HONORABLE, THE PRESIDENT OF THE SENATE:

In accordance with the provisions of Section 14, Article IX of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit, with my disapproval, 2007-S 0619, "An Act Relating to Courts and Civil Procedure - Courts - Pensions and Benefits -- Domestic Partners."

This act would provide to domestic partners of certain state and municipal employees, including judges, pension, death and other retirement benefits. For purposes of this chapter, the definition of "domestic partner" includes persons who have resided together for one year and who are "financially interdependent" as evidenced by satisfying two of the following criteria: (a) domestic partnership agreement or relationship contract; (b) joint mortgage or joint ownership of primary residence; (c) the domestic partner had been designated as a beneficiary for the decedent's will, retirement contract or life insurance; or (d) two of the following four financial relationships: joint ownership of motor vehicle; joint checking account; joint credit account; or joint lease.

While the State currently offers a variety of benefits to domestic partners under current law, I believe this bill represents an ill-thought-out expansion of employee benefits that will cost the State significant dollars over a long period of time.

As indicated by the definition of domestic partners, described above, a State employee and his or her domestic partner could satisfy the test with as little documented commitment as a joint checking and credit account and the designation of the partner as beneficiary on a life insurance policy. If this relationship existed between a fifty year old judge making $120,000, who is pension eligible and has served as a judge for as little as seven years, and his or her forty year old domestic partner, as defined, who also resided with the judge for as little as one year, then the domestic partner would be eligible upon the judge's death to receive 1/3 of the judge's salary ($40,000) for the remainder of his or her life. That benefit could easily last another forty years for a total cost to the State of $1.6 million.

I believe the public is now demanding that their State leaders be ever more vigilant in protecting their tax dollars from unwarranted and unnecessary expansions of state employee benefits.

For these reasons, I disapprove of this legislation and respectfully urge your support of this veto.

Sincerely,

Donald L. Carcieri
Governor