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. 29 Thursday, March 22, 2007 Twenty-ninth Day

The House of Representatives meets at the State House in Providence, Thursday, March 22, 2007 and is called to order at 4:25 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 65 members present and 10 members absent as follows:

PRESENT - 65: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, Melo, Menard, Moffitt, Naughton, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Winfield.

ABSENT - 10: Representatives Brien, Crowley, DeSimone, McNamara, Mumford, O'Neill, San Bento, Singleton, Watson, Williamson.

INVOCATION

The Honorable Speaker presents Representative Ginaitt who delivers the Invocation and leads the membership in the Pledge of Allegiance to the Flag.

(For Invocation, see Appendix, this Journal.)

APPROVAL OF RECORD

By unanimous consent, the House Journal of Wednesday, March 21, 2007 is approved as printed.

ANNOUNCEMENTS

Representative Joseph M. McNamara is out of town and will be unable to attend session Thursday, March 22, 2007.

Representative William San Bento will be unable to attend session Thursday, March 22, 2007.

Representative Richard W. Singleton is out of state and will be unable to attend session Thursday, March 22, 2007.

REPORTS OF COMMITTEES

COMMITTEE ON JUDICIARY

Representative Lally, for the Committee on Judiciary, reports back the following measures, with recommendation of passage:

House Bill No. 6147
BY Walsh, Serpa, Silva
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Sarah Tass and Aaron Hiatt) {LC2586/1}
03/22/2007 Placed on House Calendar

COMMITTEE ON MUNICIPAL GOVERNMENT

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

House Bill No. 6149
BY Brien, Baldelli-Hunt, Picard
ENTITLED, AN ACT AUTHORIZING THE CITY OF WOONSOCKET TO FINANCE THE ACQUISITION OF LAND FOR SCHOOL FACILITIES, INCLUDING THE DEMOLITION OF EXISTING BUILDINGS AND SITE PREPARATION, AND THE CONSTRUCTION, FURNISHING AND EQUIPPING OF TWO NEW MIDDLE SCHOOLS AND RELATED SCHOOL FACILITIES AND THE REHABILITATION OF APPURTENANT HISTORIC BUILDINGS, IF ANY, IN THE CITY AND TO ISSUE NOT MORE THAN $80,000,000 BONDS AND/OR NOTES THEREFOR INCLUDING, BUT NOT LIMITED TO, ANY BONDS OR NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION {LC2600/1}
03/22/2007 Placed on House Calendar

NEW BUSINESS

House Bill No. 6190
BY Segal, Rice, Caprio D, Williamson, Pacheco
ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- ESTABLISHING A JUNK MAIL OPT-OUT LIST {LC2665/1}
03/22/2007 Introduced, referred to House Constituent Services

House Bill No. 6191
BY Williamson, Ucci, Flaherty, Kilmartin, Menard
ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- NOTICE AND HEARING ON LICENSES {LC2602/1}
03/22/2007 Introduced, referred to House Corporations

House Bill No. 6192
BY Gallison, Malik, Shanley, Melo, Ehrhardt
ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION-HARBORS AND HARBOR LINES {LC2590/1}
03/22/2007 Introduced, referred to House Environment and Natural Resources

House Bill No. 6193
BY Gallison, Pacheco, San Bento, Carter, Shanley
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ECONOMIC DEVELOPMENT CORPORATION {LC2637/1}
03/22/2007 Introduced, referred to House Finance

House Bill No. 6194
BY Segal, Pacheco
ENTITLED, AN ACT RELATING TO ELECTIONS {LC2421/1}
03/22/2007 Introduced, referred to House Judiciary

House Resolution No. 6195
BY Slater, Diaz, Lewiss, Williams, Almeida
ENTITLED, HOUSE RESOLUTION EXPRESSING PROFOUND SYMPATHY ON THE PASSING OF SAMDECH PREAH MAHA GHOSANANDA {LC2661/1}

Representative Slater requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Slater seconded by Representatives Diaz, Williams and many other members of the House by unanimous consent, on a voice vote.

RULE 17

The following bills were received pursuant to Rule 17:

Representative Gallison-An Act relating to Economic Development Corporation

Representative Gallison-An Act relating to Waters and Navigation

Representative Segal-An Act relating to Businesses and Professions

Representative Segal-An Act relating to Elections

Representative Williamson-An Act relating to Alcoholic Beverages

CALENDAR

From the Calendar are taken:

IN ORDER FOR THURSDAY, MARCH 22, 2007:

1 2007-H 5189
BY Walsh
ENTITLED, AN ACT AUTHORIZING THE TOWN OF CHARLESTOWN TO FINANCE AFFORDABLE HOUSING INITIATIVES IN THE TOWN CONSISTENT WITH THE APPROVED CHARLESTOWN AFFORDABLE HOUSING PLAN BY THE ISSUANCE OF NOT MORE THAN $1,000,000 BONDS AND/OR NOTES THEREFOR

Committee on Municipal Government recommends passage.

Representative Walsh moves passage of the act, seconded by Representatives Scott, Kennedy, Caprio, Ginaitt, Picard, Gorham, Gemma and many other members of the House.

Read and passed, on a roll call vote, 52 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 52: The Honorable Speaker Murphy and Representatives Ajello, Baldelli-Hunt, Caprio, Carter, Church, Corvese, Costantino, Dennigan, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Lewiss, Long, Loughlin, Malik, Mattiello, McManus, Melo, Menard, Moffitt, Naughton, Palumbo, Petrarca, Picard, Rose, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Story, Sullivan, Vaudreuil, Walsh, Wasylyk, Winfield.

NAYS - 0.

2 2007-H 5728 as amended
BY Lima
ENTITLED, AN ACT RELATING TO CITIES AND TOWNS -- ZONING BOARDS

Committee on Municipal Government recommends passage as amended.

Representative Lima moves passage of the act, seconded by Representatives Palumbo and Mattiello.

By unanimous consent, Representative Lima, seconded by Representatives Handy, Gemma, Mattiello, Palumbo and Ucci offers a written motion to amend.

F L O O R A M E N D M E N T
TO
2007 -- H 5728

AN ACT RELATING TO CITIES AND TOWNS -- ZONING BOARDS

Mr. Speaker:

I hereby move to amend 2007 -- H 5728, entitled "AN ACT RELATING TO CITIES AND TOWNS -- ZONING BOARDS", as follows:

(1) On page 4, line 16, by deleting the language, "their method of appointment to be set by ordinance", and inserting in place thereof the language, "to be appointed for a term of one year".

Respectfully submitted,

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REPRESENTATIVE GALLISON

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LC02164/2
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The motion to amend prevails on a roll call vote 61 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 61: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McManus, Melo, Menard, Moffitt, Naughton, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Winfield.

NAYS - 0.

Read and passed, as amended, on a roll call vote, 61 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 61: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McManus, Melo, Menard, Moffitt, Naughton, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Winfield.

NAYS - 0.

3 2007-S 16
BY Ciccone
ENTITLED, JOINT RESOLUTION MAKING AN APPROPRIATION TO PAY CERTAIN CLAIMS

Committee on Finance recommends passage in concurrence.

Representative Naughton moves passage of the resolution, seconded by Representatives Moffitt, Carter, Petrarca, Rose and Gemma.

Read and passed, in concurrence, on a roll call vote, 60 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 60: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McManus, Melo, Menard, Moffitt, Naughton, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Story, Sullivan, Trillo, Vaudreuil, Walsh, Wasylyk, Winfield.

NAYS - 0.

4 2007-S 9
BY Paiva-Weed
ENTITLED, AN ACT RELATING TO TAXATION

Committee on Finance recommends passage in concurrence.

Representative Costantino moves passage of the act, seconded by Representatives Naughton, Savage, Moffitt, Church, Schadone, Gemma and Kilmartin.

Read and passed, in concurrence, on a roll call vote, 56 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 56: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Lewiss, Long, Loughlin, Malik, Mattiello, McManus, Melo, Menard, Moffitt, Naughton, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Story, Sullivan, Vaudreuil, Walsh, Wasylyk, Winfield.

NAYS - 0.

REQUESTS

Representatives Trillo and Amaral requests the journal to reflect that if they had voted on (07S 9), they would have voted in the affirmative.

5 2007-S 92
BY Sosnowski
ENTITLED, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF SOUTH KINGSTOWN

Committee on Municipal Government recommends passage in concurrence.

Representative Shanley moves passage of the act, seconded by Representatives Lally, Scott, Walsh, Caprio and Gemma.

Representatives Gorham, Kennedy and Shanley discuss the act.

Read and passed, in concurrence, on a roll call vote, 60 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 60: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Caprio, Carter, Church, Coderre, Corvese, Costantino, Dennigan, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McManus, Melo, Menard, Moffitt, Naughton, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Slater, Story, Sullivan, Trillo, Vaudreuil, Walsh, Wasylyk, Winfield.

NAYS - 0.

REQUEST

Representative Williams requests the journal to reflect that if she had voted on Calendar items 1-5, she would have voted in the affirmative.

TRANSMITTAL

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

ANNOUNCEMENTS

Representative Raymond Gallison is celebrating a birthday on Friday, March 23, 2007.

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

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

Representative Slater announces that the Sub-Committee on Human Services will meet after the budget hearing.

COMMITTEE PROCEDURE

Representative Menard and Majority Leader Fox discuss committee procedure.

GUESTS

The Honorable Speaker Murphy welcomes to the House as guests Saint Joseph School Student Council as follows: Janelle Rondeau-President; Amanda LaCroix-Vice President; Taylor Holihen-Secretary; Katey Santilli-Treasurer; Christopher Ricci; Nicholas Senra; Kaitlin Boyer; Alexa LeVesque; Michelle Ricci-Student Council Advisor and Carl Santilli-Father of Katie Santilli

At 4:27 o'clock P.M. the Honorable Speaker yields the rostrum to Representative Giannini.

By unanimous consent, Representative Giannini addresses the members of the House and welcomes to the House the Mount Pleasant High School Girl's Basketball Team 06-07, Division III League Champions and Division III State Champions.

By unanimous consent, Representative Giannini congratulates the team and presents them with citations as follows: Andrea Deschamps; Ayesha Griffin; Stephanie Rodriguez; Ebony Briggs; Jocelyn Echeverria; Gislen Frias; Sharae Hall; Ayceah Ives; along with their Head Coach-Linda Paolozzi; Assistant Coach- Christina Gibbons; Assistant Coach-Carmen Marshall; Principal-Mrs. Maureen Crisafulli and Athletic Director-Dennis A. Votto

At 4:29 o'clock P.M. the Honorable Speaker returns to the rostrum and congratulates the team and coaches.

Representative McManus welcomes to the House Chamber as a guest Jim Sheil, here for RI Catholic School Day.

ADJOURNMENT

At 5:00 o'clock P.M. on motion of Representative Ginaitt, and as a further mark of respect to the memory of Corrina Cole; on motion of Representative Lewiss, and as a further mark of respect to the memory of Daniel Celico; seconded by Representatives Fox and Trillo the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE PETER T. GINAITT

Heavenly Father, look with favor on our deliberation and assist us by your grace to do what is just and wise. Amen.

APPENDIX

CALENDAR

IN ORDER FOR TUESDAY, MARCH 27, 2007:

1 2007-H 6092
BY Crowley
ENTITLED, HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO STUDY THE EFFECTS NATURAL DISASTERS HAVE ON PROPERTY INSURANCE COSTS AND REQUIREMENTS IN THE STATE OF RHODE ISLAND

Committee on Corporations recommends passage.

2 2007-H 6158
BY Trillo
ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF APPONAUG AREA IMPROVEMENT ASSOCIATION

Committee on Corporations recommends passage.

3 2007-S 848
BY Levesque C
ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF RICHMOND EQUIPMENT CO., INC.

Committee on Corporations recommends passage in concurrence.

4 2007-S 849
BY Levesque C
ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF HOME CREDIT CORPORATION OF RHODE ISLAND

Committee on Corporations recommends passage in concurrence.

5 2007-S 850
BY Revens
ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF APPONAUG AREA IMPROVEMENT ASSOCIATION

Committee on Corporations recommends passage in concurrence.

6 2007-S 851
BY Fogarty P
ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF SAND DAM RESERVOIR ASSOCIATION

Committee on Corporations recommends passage in concurrence.

7 2007-S 135
BY Algiere
ENTITLED, AN ACT AUTHORIZING THE TOWN OF CHARLESTOWN TO FINANCE AFFORDABLE HOUSING INITIATIVES IN THE TOWN CONSISTENT WITH THE APPROVED CHARLESTOWN AFFORDABLE HOUSING PLAN BY THE ISSUANCE OF NOT MORE THAN $1,000,000 BONDS AND/OR NOTES THEREFOR

Committee on Municipal Government recommends passage in concurrence.

IN ORDER FOR WEDNESDAY, MARCH 28, 2007:

1 2007-H 6149
BY Brien
ENTITLED, AN ACT AUTHORIZING THE CITY OF WOONSOCKET TO FINANCE THE ACQUISITION OF LAND FOR SCHOOL FACILITIES, INCLUDING THE DEMOLITION OF EXISTING BUILDINGS AND SITE PREPARATION, AND THE CONSTRUCTION, FURNISHING AND EQUIPPING OF TWO NEW MIDDLE SCHOOLS AND RELATED SCHOOL FACILITIES AND THE REHABILITATION OF APPURTENANT HISTORIC BUILDINGS, IF ANY, IN THE CITY AND TO ISSUE NOT MORE THAN $80,000,000 BONDS AND/OR NOTES THEREFOR INCLUDING, BUT NOT LIMITED TO, ANY BONDS OR NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION

Committee on Municipal Government recommends passage.

2 2007-H 6147
BY Walsh
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

Francis P. McCabe
Clerk of the House

Thursday, March 22, 2007

TRANSMITTED TO THE GOVERNOR

Senate Bill No. 9
BY Paiva-Weed, Jabour, Alves, Goodwin, Perry
ENTITLED, AN ACT RELATING TO TAXATION (codify the present policy of the division of taxation that in determining the domicile of a taxpayer, charitable contributions to Rhode Island organizations shall not be considered) {LC229/1}

Senate Resolution No. 16
BY Ciccone, Maselli, Algiere, Levesque C, Bates
ENTITLED, JOINT RESOLUTION MAKING AN APPROPRIATION TO PAY CERTAIN CLAIMS (Tomas E. Ramirez) {LC276/1}

Senate Bill No. 92
BY Sosnowski
ENTITLED, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF SOUTH KINGSTOWN {LC361/1}