

# State of Rhode Island and Providence Plantations

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# JOURNAL

-OF THE-

# HOUSE OF REPRESENTATIVES

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**JANUARY SESSION** of the General Assembly begun and held at the State House in the City of Providence on Tuesday, the sixth day of January in the year of Our Lord two thousand and nine.

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Volume 136, No. 3

Thursday, January 8, 2009

Third Day

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The House of Representatives meets at the State House in Providence, Thursday, January 8, 2009 and is called to order at 4:17 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 71 members present and 4 members absent as follows:

**PRESENT - 71:** The Honorable Speaker Murphy and Representatives Ajello, Almeida, Azzinaro, Baldelli-Hunt, Brien, Caprio, Carnevale, Carter, Coderre, Corvese, Costantino, DaSilva, Dennigan, DeSimone, Diaz, Driver, Edwards, Ehrhardt, Fellela, Ferri, Fierro, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Guthrie, Handy, Hearn, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lima, MacBeth, Malik, Marcello, Martin, Mattiello, McCauley, Melo, Menard, Naughton, Newberry, O'Neill, Petrarca, Pollard, A. Rice, M. Rice, Ruggiero, San Bento, Savage, Schadone, Segal, Serpa, Shallcross Smith, Silva, Slater, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

**ABSENT - 4:** Representatives Loughlin, McNamara, Pacheco, Palumbo.

## INVOCATION

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

(For Invocation, see Appendix, this Journal.)

## APPROVAL OF RECORD

By unanimous consent, the House Journal of Wednesday, January 7, 2009 is approved as printed.

**ANNOUNCEMENTS**

Representative Edwin R. Pacheco is not feeling well and will be unable to attend session Thursday, January 8, 2009.

Representative Joseph M. McNamara is out of state and will be unable to attend session Thursday, January 8, 2009.

**APPOINTMENTS**

January 8, 2009

**I hereby appoint the following to serve on the House Committee on Constituent Services.**

Representative Joanne Giannini      Chair

Representative Patricia Serpa      Vice chair

Representative Deborah Fellela      Secretary

Representative Robert Jacquard

Representative Arthur Handy

Representative Arthur Corvese

Representative Maryann Shallcross Smith

Representative Joy Hearn

Representative Deborah Ruggiero

William J. Murphy  
SPEAKER

Received and placed on file.

January 8, 2009

**I hereby appoint the following to serve on the House Committee on Rules.**

Representative Eileen Naughton      Chair

Representative Raymond Sullivan      Vice chair

Representative Grace Diaz      Secretary

Representative Peter Kilmartin

Representative Nicholas Mattiello

Representative Jan Malik

Representative Timothy Williamson

Representative J. Patrick O'Neill

Representative Brian Kennedy

Representative J. Russell Jackson

Representative John Savage

William J. Murphy  
SPEAKER

Received and placed on file.

#### NEW BUSINESS

**House Bill No. 5020**

**BY** Rice A, Segal, Handy, Ajello, Gallison

**ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --

ELECTRONIC TELECOMMUNICATION OPEN INFRASTRUCTURE ACT ( would create an innovation center within the RI economic development corporation to help support and improve education, health care, public safety and economic security by increasing access to the internet and other new technologies.) {LC76/1}

01/08/2009 Introduced, referred to House Corporations

**House Bill No. 5021**

**BY** McNamara, Giannini, Wasylyk

**ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES -

MISCELLANEOUS RULES (would prohibit text messaging while driving, with certain exceptions.) {LC200/1}

01/08/2009 Introduced, referred to House Corporations

**House Bill No. 5022**

**BY** Giannini, McNamara, Coderre E, Ferri, Gemma

**ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOBILE

TELEPHONE USE ( would make unlawful the use of a non-hands-free mobile telephone and/or text messaging while operating a motor vehicle except for public safety personnel.) {LC48/1}

01/08/2009 Introduced, referred to House Corporations

**House Bill No. 5023****BY** Rice A, Gallison, Jackson**ENTITLED**, AN ACT RELATING TO RENAMING THE NEW SAKONNET BRIDGE, AQUIDNECK ISLAND ( would name the new Sakonnet Bridge as the "Anne Hutchinson Sakonnet Bridge.") {LC82/1}

01/08/2009 Introduced, referred to House Constituent Services

**House Bill No. 5024****BY** Rice A, Rice M, Segal, Gallison, Ajello**ENTITLED**, AN ACT RELATING TO HIGHWAYS -- THE RHODE ISLAND TURNPIKE AND BRIDGE AUTHORITY ( would change the definition of ôturnpikeö under the Rhode Island Turnpike and Bridge Authority and provide the authority to construct and maintain tollbooths on routes 95 and 295 and collect tolls.) {LC81/1}

01/08/2009 Introduced, referred to House Constituent Services

**House Resolution No. 5025****BY** Rice A, Gallison, Jackson, Ruggiero REP, Martin**ENTITLED**, HOUSE RESOLUTION RESPECTFULLY REQUESTING THE DEPARTMENT OF TRANSPORTATION TO PRIORITIZE BUILDING THE NEW SAKONNET BRIDGE {LC139/1}

01/08/2009 Introduced, referred to House Constituent Services

**House Bill No. 5026****BY** Malik, Gablinske, Winfield, Gallison, Rice A**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES (would allow firefighter motor vehicle registration plates to be issued to certain trucks) {LC231/1}

01/08/2009 Introduced, referred to House Constituent Services

**House Bill No. 5027****BY** Rice M, Rice A, Kennedy**ENTITLED**, AN ACT RELATING TO THE STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF ENVIRONMENTAL MANAGEMENT -- DIVISIONS ( would allow the department of environmental management agriculture division to work in conjunction with the department of health or other state agencies pursuant to a memorandum of agreement on farm and farm facility issues.) {LC226/1}

01/08/2009 Introduced, referred to House Environment and Natural Resources

**House Bill No. 5028****BY** Rice M, Walsh, San Bento**ENTITLED**, AN ACT RELATING TO TAXATION -- SALES AND USE TAXES ( would exempt from the sales and use tax feed for animals (horses) used in commercial farming.) {LC227/1}

01/08/2009 Introduced, referred to House Finance

**House Bill No. 5029****BY** Corvese, Schadone, San Bento, Wasylyk**ENTITLED**, AN ACT RELATING TO TAXATION - PROPERTY SUBJECT TO TAXATION ( would increase property exemptions in North Providence from ten thousand dollars (\$10,000) to twelve thousand dollars (\$12,000) for residents over the age of sixty-five (65).) {LC21/1}

01/08/2009 Introduced, referred to House Finance

**House Bill No. 5030****BY** Rice M, Rice A, Gallison**ENTITLED**, AN ACT RELATING TO TAXATION -- ESTATE AND TRANSFER TAXES -- LIABILITY AND COMPUTATION ( would limit the valuation of farmland and other real and tangible property associated with the agricultural operations on such farmlands to \$2,500,000 for purposes of imposition of taxes by the state upon transfer of the estates of decedent farmers.) {LC228/1}

01/08/2009 Introduced, referred to House Finance

**House Bill No. 5031****BY** Rice M, Rice A, Walsh, San Bento**ENTITLED**, AN ACT RELATING TO TAXATION -- THE PERSONAL INCOME TAX ( would add to Rhode Island personal income tax return forms a refund deduction for a contribution to the Rhode Island Agricultural Lands Preservation Commission.) {LC229/1}

01/08/2009 Introduced, referred to House Finance

**House Bill No. 5032****BY** Rice A, Segal, Gallison, Malik, Giannini**ENTITLED**, AN ACT RELATING TO TAXATION -- ENERGY ASSISTANCE -- TAX HOLIDAY ( would provide a tax holiday period for the sale of energy efficient heating, glazing, and weatherization products purchased between November 25, 2009 and April 1, 2010.) {LC80/1}

01/08/2009 Introduced, referred to House Finance

**House Resolution No. 5033****BY** Rice A, Rice M, Segal, Gallison, Savage**ENTITLED**, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (STATE BUDGET) {LC79/1}

01/08/2009 Introduced, referred to House Finance

**House Bill No. 5034****BY** Rice A, Gallison, Savage, Trillo**ENTITLED**, AN ACT RELATING TO TAXATION -- BUSINESS CORPORATION TAX (would reduce the state's corporate income tax rates from 9.0% to 7.4%.) {LC156/1}

01/08/2009 Introduced, referred to House Finance

**House Bill No. 5035****BY** Rice A, Gallison, Watson, Savage, Ruggiero REP**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY -- JOINT COMMITTEE ON LEGISLATIVE SERVICES ( would require senators and representatives to pay a share for their health insurance benefits equal to ten percent (10%) of the cost of benefits and would prohibit any payment for waiving health insurance benefits.) {LC78/1}

01/08/2009 Introduced, referred to House Finance

**House Bill No. 5036****BY** San Bento, Gemma, Carter, Lima, Gallison**ENTITLED**, AN ACT RELATING TO LOTTERIES ( would modify the master video lottery contract with UTGR, Inc. and Newport Grand Jai Alai, LLC.) {LC91/1}

01/08/2009 Introduced, referred to House Finance

**House Bill No. 5037****BY** Rice A, Gallison, Walsh**ENTITLED**, AN ACT RELATING TO EDUCATION -- BOARD OF GOVERNORS FOR HIGHER EDUCATION ( would dissolve the board of governors for higher education effective January 1,2010. Powers & duty of oversight would revert to the general assembly. Colleges and universities would become more autonomous in regard to their day-to-day operations.) {LC83/1}

01/08/2009 Introduced, referred to House H.E.W.

**House Bill No. 5038****BY** Rice A, Segal, Malik, Giannini, McNamara**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - CHILDREN'S PRODUCT SAFETY ACT (would prohibit the manufacturing, sale or distribution of certain toys or child care articles containing bisphenol-A or certain phtalates) {LC77/1}

01/08/2009 Introduced, referred to House H.E.W.

**House Bill No. 5039 (Attorney General)****BY** Gablinske, Brien**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- SEARCH WARRANTS -- MOTOR VEHICLE OFFENSES ( would allow a peace officer to request a search warrant which would allow the taking of blood, breath or urine, or perform a chemical test if probable cause exists to believe that an individual has been DUI of intoxicating liquor or narcotics.) {LC30/1}

01/08/2009 Introduced, referred to House Judiciary

**House Bill No. 5040****BY** Segal, Rice A, O'Neill REP, Ajello, Schadone**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE - - SENTENCE AND EXECUTION {LC242/1}

01/08/2009 Introduced, referred to House Judiciary

**House Bill No. 5041****BY** Lally**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Kevin H. Michael to join Elizabeth Webster Coffin and Matthew Sprague Turco in marriage) {LC249/1}

01/08/2009 Introduced, referred to House Judiciary

**House Bill No. 5042****BY** Segal**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow Charles C. Vail to join Valerie Maine and Jordan Rosenblum in marriage) {LC224/1}

01/08/2009 Introduced, referred to House Judiciary

**House Bill No. 5043****BY** Walsh, Rice M**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow David Piper to join Rachel Mir and Christopher Piper in marriage) {LC188/1}

01/08/2009 Introduced, referred to House Judiciary

**House Bill No. 5044****BY** Giannini, Coderre E, Melo, Gemma, Fellela**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - PROSTITUTION AND LEWDNESS (would define the crime of prostitution to include any location, would create punishments for individuals who would attempt to procure the services of a prostitute, and would define the crime of permitting prostitution within a premise) {LC32/1}

01/08/2009 Introduced, referred to House Judiciary

**House Bill No. 5045****BY** Rice M, Lally, Carter**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- EXPUNGEMENT OF CRIMINAL RECORDS (would allow persons to file a motion for the expungement of records relating to misdemeanor convictions after 5 years from the date of the completion of his or her sentence) {LC225/1}

01/08/2009 Introduced, referred to House Judiciary

**House Bill No. 5046****BY** Corvese, Schadone, San Bento, DeSimone, Wasylyk**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - TRESPASS AND VANDALISM (would amend the penalties for willful trespass within school buildings by mandating a fine of not more than \$1,000 or imprisonment for one year, or both) {LC44/1}

01/08/2009 Introduced, referred to House Judiciary

**House Bill No. 5047****BY** Corvese, Schadone**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - PUBLIC UTILITIES (would make it a felony to trespass upon the property of a utility, and would set forth

punishments of a term of imprisonment of not more than 3 years, by a fine not exceeding \$1,500, or both) {LC87/1}

01/08/2009 Introduced, referred to House Judiciary

**House Bill No. 5048**

**BY** Corvese, Schadone

**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS -- UNIFORM CONTROLLED SUBSTANCES ACT (would add the hallucinogenic drugs Salvia Divinorum and Datura stramonium to the RI Controlled Substances Act Schedule I, the misuse of which may result in the requisite criminal penalties for abuse) {LC62/1}

01/08/2009 Introduced, referred to House Judiciary

**House Bill No. 5049**

**BY** Corvese, Schadone, San Bento, DeSimone, Melo

**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - GENERALLY - MISCLASSIFICATION OF EMPLOYEES - CAUSES OF ACTION (would create a definition of employees and a penalty for a violation hereof) {LC54/1}

01/08/2009 Introduced, referred to House Judiciary

**House Bill No. 5050**

**BY** Gemma, Serpa, Giannini, Fox, Kilmartin

**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS - UNIFORM CONTROLLED SUBSTANCES ACT (would provide for up to ten (10) years in prison for persons convicted of distributing a controlled substance to someone without their knowledge with the intent to commit a crime of violence against that other person) {LC3/1}

01/08/2009 Introduced, referred to House Judiciary

**House Bill No. 5051**

**BY** Gemma, Serpa, Giannini, Kilmartin, Schadone

**ENTITLED**, AN ACT RELATING TO ELECTIONS (would require all voters to provide proof of identification with their photograph issued by the state or federal government before voting) {LC1/1}

01/08/2009 Introduced, referred to House Judiciary

**House Bill No. 5052**

**BY** Gemma, Petrarca, DeSimone, Ehrhardt, Brien

**ENTITLED**, AN ACT RELATING TO ELECTIONS -- CONDUCT OF ELECTION AND VOTING EQUIPMENT AND SUPPLIES (would submit to the electors of the state a non-binding referendum question concerning the removal of "straight party master levers" and "straight party computer ballot marks" from all voting equipment.) {LC146/1}

01/08/2009 Introduced, referred to House Judiciary

**House Bill No. 5053**

**BY** Corvese, Schadone, San Bento, Wasyluk

**ENTITLED**, AN ACT TO AUTHORIZE THE TOWN OF NORTH PROVIDENCE TO TAKE LAND BY EMINENT DOMAIN {LC23/1}

01/08/2009 Introduced, referred to House Municipal Government



**House Bill No. 5054****BY** Corvese, Schadone, San Bento, Wasylyk**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - NORTH PROVIDENCE JUVENILE HEARING BOARD (allow the town of North Providence to establish a juvenile hearing board) {LC28/1}

01/08/2009 Introduced, referred to House Municipal Government

**House Bill No. 5055****BY** Corvese, Schadone, San Bento, Wasylyk**ENTITLED**, AN ACT RELATING TO THE TOWN OF NORTH PROVIDENCE (would change the date of inauguration from the first Sunday in January to the first Saturday at a time set by the town council) {LC149/1}

01/08/2009 Introduced, referred to House Municipal Government

**House Bill No. 5056****BY** Gemma, Serpa, Fox, Kilmartin, Schadone**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- REGULATORY POWERS OF ADMINISTRATION (would transfer the costs associated with fire hydrants from property taxpayers to ratepayers by allowing municipalities that pass an appropriate ordinance to avoid payment of hydrant rental fees) {LC4/1}

01/08/2009 Introduced, referred to House Municipal Government

**House Bill No. 5057****BY** Corvese**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- GENERAL POWERS (would increase the registration fee for businesses in the town of North Providence) {LC46/1}

01/08/2009 Introduced, referred to House Municipal Government

**House Resolution No. 5058****BY** Corvese**ENTITLED**, HOUSE RESOLUTION RESPECTFULLY REQUESTING THAT THE RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT KEEP LINCOLN WOODS STATE PARK OPEN YEAR ROUND ( requests that the Department of Environmental Management keep Lincoln Woods State Park open year round) {LC45/1}

01/08/2009 Introduced, referred to House Environment and Natural Resources

**ANNOUNCEMENTS**

Representative Kennedy announces that the Committee on Corporations will meet at 5:00 o'clock P.M., in Room 203 of the State House

Representative Williamson announces that the Committee on Judiciary will meet at the rise of the House, in Room 205 of the State House.

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

Representative Costantino announces that the Committee on Finance will meet at the rise of the House today; tomorrow at 10 o'clock A.M.; if necessary-Monday, January 12<sup>th</sup> at one o'clock P.M. and Tuesday, January 13<sup>th</sup> at the rise of the House.

Representative Gallison announces that the Committee on Municipal Government will meet at the rise of the House, in Room 201 of the State House.

Representative Handy announces that the Committee on Environment and Natural Resources will meet at the rise of the House, in Room 207 of the State House.

The Honorable Speaker Murphy announces Representative Williamson will be in the House Lounge at the rise of the House with the seating assignments for 2009-2010 session.

### GUESTS

Representative Petrarca welcomes to the House Chamber as guests Antonello DiCunto and Christopher Petrarca.

### ADJOURNMENT

At 4:29 o'clock P.M. on motion of Representative Azzinaro, and as a further mark of respect to the memory of Sylvia T. Lewiss; on motion of Representative Gallison, and as a further mark of respect to the memory of Wayne D. Brown, Bristol Firefighter; on motion of Representative Caprio and as a further mark of respect to the memory of William Goodrich; on motion of Representative Diaz, and as a further mark of respect to the memory of Luis A. Diaz; on motion of Representative Gemma, and as a further mark of respect to the memory of Gerald T. Gibbons; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

**Linda M. McElroy**  
**Recording Clerk**

**APPENDIX**

**INVOCATION**

**REPRESENTATIVE DEBORAH A. FELLELA**

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