

# 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. 4

Tuesday, January 13, 2009

Fourth Day

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The House of Representatives meets at the State House in Providence, Tuesday, January 13, 2009 and is called to order at 4:20 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 72 members present and 3 members absent as follows:

**PRESENT - 72:** 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, Loughlin, MacBeth, Malik, Marcello, Martin, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, Newberry, O'Neill, Pacheco, Palumbo, Petrarca, Pollard, A. Rice, M. Rice, Ruggiero, San Bento, Savage, Schadone, Segal, Serpa, Shallcross Smith, Silva, Slater, Sullivan, Trillo, Ucci, Vaudreuil, Wasylyk, Williams, Williamson, Winfield.

**ABSENT - 3:** Representatives Lima, Walsh, Watson.

### **INVOCATION**

The Honorable Speaker presents Representative Gallison 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 Thursday, January 8, 2009 is approved as printed.

**ANNOUNCEMENT**

Representative Donna Walsh will be unable to attend session Tuesday, January 13, through Thursday, January 15, 2009 due to a family commitment.

**APPOINTMENTS**

January 13, 2009

**I hereby appoint the following to serve as Deputy Majority Leaders for the 2009-2010 Legislative Session:**

Representative Edith Ajello  
Representative Joseph Almeida  
Representative Raymond Gallison  
Representative Al Gemma  
Representative Robert Jacquard  
Representative Peter Palumbo  
Representative William San Bento  
Representative Thomas Slater  
Representative Raymond Sullivan  
Representative Peter Wasyluk  
Representative Anastasia Williams

William J. Murphy  
SPEAKER

Received and placed on file.

January 13, 2009

**I hereby appoint Representative Timothy Williamson to serve as Senior Deputy Majority Leader for the 2009-2010 Legislative Session.**

William J. Murphy  
SPEAKER

Received and placed on file.

January 13, 2009

**I hereby appoint Representative J. Patrick O'Neill to serve as Deputy Speaker for the 2009-2010 Legislative Session.**

William J. Murphy  
SPEAKER

Received and placed on file.

**REPORTS OF COMMITTEES****COMMITTEE ON CONSTITUENT SERVICES**

Representative Giannini, for the Committee on Constituent Services, reports back the following measures, with recommendation of passage:

**House Bill No. 5010****BY** Pacheco

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- TRAFFIC CONTROL DEVICES ( would permit buses and other motor vehicles owned and operated by the Rhode Island public transit authority to use traffic control signal preemption devices to prolong green traffic signals) {LC107/1}

01/13/2009 Placed on House Calendar

**COMMITTEE ON CORPORATIONS**

Representative Kennedy, for the Committee on Corporations, reports back the following measures, with recommendation of passage:

**House Bill No. 5001 SUB A****BY** Baldelli-Hunt

**ENTITLED**, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- LICENSED ACTIVITIES (department of administration authority to post required notices in languages he or she deems appropriate. The act would also impose certain consumer protection measures upon "check cashers" by allowing customers to rescind deferred deposit transactions) {LC122/2/A}

01/13/2009 Placed on House Calendar

**COMMITTEE ON FINANCE**

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

**House Bill No. 5003****BY** Fox

**ENTITLED**, AN ACT RELATING TO TAXATION (City of Providence to grant a tax credit to taxpayers owning owner-occupied condominium units) {LC181/1}

01/13/2009 Placed on House Calendar

**NEW BUSINESS****House Bill No. 5059****BY** Guthrie, Edwards, Pollard, Shallcross Smith, Ucci

**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY ( would decrease the number of microphones in the house of representatives from 106 to 81 and in the senate from 54 to 42.) {LC259/1}

01/13/2009 Introduced, referred to House Constituent Services

**House Bill No. 5060**

**BY** Rice M, Naughton, Diaz, Dennigan

**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES ( would provide a choice of health care benefits providers to state employees provided that the employees pay any difference in price from that offered by the state's primary insurance provider.) {LC223/1}

01/13/2009 Introduced, referred to House Corporations

**House Bill No. 5061**

**BY** Edwards, Malik, Gallison, Pollard, Silva

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - INDUSTRIAL PROPERTY AND REMEDIATION REUSE ( would expand the scope of liability and penalties for violations of the Industrial Property Remediation and Reuse Act.) {LC157/1}

01/13/2009 Introduced, referred to House Environment and Natural Resources

**House Bill No. 5062**

**BY** Carter, Gemma, Jacquard, Gallison, Almeida

**ENTITLED**, AN ACT EXEMPTING FROM TAXATION THE REAL, MIXED AND PERSONAL PROPERTY OF RING RETIREES ASSOCIATION {LC210/1}

01/13/2009 Introduced, referred to House Finance

**House Bill No. 5063**

**BY** Corvese

**ENTITLED**, AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS {LC42/1}

01/13/2009 Introduced, referred to House Finance

**House Bill No. 5064**

**BY** Ferri, Handy, Gablinske, Malik

**ENTITLED**, AN ACT RELATING TO TAXATION -- RENEWABLE ENERGY TAX CREDIT ( would make a voltage regulation system eligible for a residential renewable energy tax credit.) {LC153/1}

01/13/2009 Introduced, referred to House Finance

**House Bill No. 5065**

**BY** Corvese

**ENTITLED**, AN ACT RELATING TO EDUCATION -- TEACHERS' TENURE ( would push back the date by which school districts would be required to notify teachers that they are not being rehired from March 1st to June 1st of the school year immediately preceding the school year in which the dismissal would become effective.) {LC41/1}

01/13/2009 Introduced, referred to House Finance

**House Bill No. 5066**

**BY** Petrarca, O'Neill Rep, Sullivan, Gablinske, Ucci

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- TAXATION  
{LC272/1}

01/13/2009 Introduced, referred to House Finance

**House Bill No. 5067**

**BY** Serpa, Silva, Ferri

**ENTITLED**, AN ACT RELATING TO ELECTIONS -- ELECTION OFFENSES ( would exempt photographs of elected officials that appear on their official websites from the political advertising from official budget prohibitions.) {LC33/1}

01/13/2009 Introduced, referred to House Judiciary

**House Resolution No. 5068**

**BY** Brien, Mattiello, Savage, Menard

**ENTITLED**, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENTS TO THE CONSTITUTION OF THE STATE (MARRIAGE) {LC20/1}

01/13/2009 Introduced, referred to House Judiciary

**House Bill No. 5069**

**BY** Brien, Mattiello, Savage, Corvese, MacBeth

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- UNBORN VICTIMS OF VIOLENCE ACT (would define and impose penalties for violence to an unborn child.) {LC40/1}

01/13/2009 Introduced, referred to House Judiciary

**House Bill No. 5070**

**BY** Brien, Mattiello, Savage, Corvese, MacBeth

**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES ( would make assault on a pregnant woman which causes her to suffer a miscarriage or stillbirth punishable by up to thirty (30) years imprisonment.) {LC25/1}

01/13/2009 Introduced, referred to House Judiciary

**House Bill No. 5071**

**BY** Brien, Mattiello, Savage, Corvese, MacBeth

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- ABORTION ( would prohibit any woman from being forced to have an abortion against her will and provides causes of action in tort and wrongful death.) {LC22/1}

01/13/2009 Introduced, referred to House Judiciary

**House Bill No. 5072**

**BY** Ferri, Serpa, Naughton, McNamara, Gemma

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES ( would allow the Honorable Scott Avedisian, Mayor of the City of Warwick to join Tina Marie Travis and Christopher Michael Bajakian in marriage within the City of Warwick, Rhode Island) {LC189/1}

01/13/2009 Introduced, referred to House Judiciary

**House Bill No. 5073****BY** Gemma, Schadone, Fierro, Kennedy, Slater**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- FAILURE TO PAY CHILD SUPPORT (would decrease the amount of child support arrearage constituting a felony.) {LC271/1}

01/13/2009 Introduced, referred to House Judiciary

**House Bill No. 5074****BY** Gemma, Flaherty, Ferri, Trillo**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES AND OTHER VEHICLES -- PASSING, USE OF LANES, AND RULES OF THE ROAD {LC98/1}

01/13/2009 Introduced, referred to House Judiciary

**House Bill No. 5075****BY** Walsh**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGE ( would allow the Honorable Julia L. Aurigemma, Superior Court Judge for the State of Conn. to join Lauren M. Miller & Joel S. Orkin-Ramey in marriage at the 1661 Inn, New Shoreham, Rhode Island) {LC275/1}

01/13/2009 Introduced, referred to House Judiciary

**House Bill No. 5076****BY** Brien, Mattiello, Savage, Corvese, MacBeth**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH CARE RIGHTS OF CONSCIENCE ACT {LC36/1}

01/13/2009 Introduced, referred to House Judiciary

**House Bill No. 5077****BY** Fierro, Baldelli-Hunt, Brien**ENTITLED**, AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS ( would give authority to the school board for Woonsocket to establish a dress code for elementary, middle and high school students.) {LC163/1}

01/13/2009 Introduced, referred to House Municipal Government

**House Bill No. 5078****BY** Gemma, Ferri, Trillo**ENTITLED**, AN ACT RELATING TO HIGHWAYS ( would authorize the city council of the city of Warwick to sell an abandoned highway or driftway located within the city to an abutting owner at fair market value.) {LC49/1}

01/13/2009 Introduced, referred to House Municipal Government

**House Bill No. 5079****BY** Malik, Gablinske**ENTITLED**, AN ACT RELATING TO THE TOWN OF WARREN {LC233/1}

01/13/2009 Introduced, referred to House Municipal Government

**House Bill No. 5080****BY** Azzinaro, Fox**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES ( would allow local zoning boards to consider the permitted and non-conforming use of neighboring land structures in deciding applications for use-variances.) {LC155/1}  
01/13/2009 Introduced, referred to House Municipal Government**House Bill No. 5081****BY** Carter, Gemma, Jacquard, Gallison, Almeida**ENTITLED**, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE {LC208/1}  
01/13/2009 Introduced, referred to House Veterans Affairs**House Bill No. 5082****BY** Carter, Gemma, Jacquard, Gallison, Almeida**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF VETERANS' AFFAIRS ( would create a new Dept. of Vets' Affairs to assume control of vets' affairs in R I & would require the DHS to report recommendations to the house/senate finance committees on the implementation of chapter 42-152.) {LC209/1}  
01/13/2009 Introduced, referred to House Veterans Affairs**House Bill No. 5083****BY** Azzinaro, Guthrie, Pollard, Kennedy, Walsh**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- DIVISION OF MOTOR VEHICLES ( would require the administrator of the division of motor vehicles to maintain an office in Westerly.) {LC151/1}  
01/13/2009 Introduced, referred to House Municipal Government**House Resolution No. 5084****BY** Murphy, Fox**ENTITLED**, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY POTENTIAL ECONOMIC OPPORTUNITIES IN THE DEVELOPMENT OF PORT FACILITIES IN THE STATE OF RHODE ISLAND {LC481/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Fox seconded by Representatives Naughton, Coderre, Martin, Gemma, Gallison, Malik, Carter, Giannini, DaSilva, Rice and Ehrhardt by unanimous consent, on a voice vote.

**House Resolution No. 5085****BY** Fox, Loughlin**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC455/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Fox seconded by Representative Loughlin by unanimous consent, on a rising vote.

**House Resolution No. 5086**

**BY** Fox, Loughlin

**ENTITLED**, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC456/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Fox seconded by Representative Loughlin by unanimous consent, on a voice vote.

**TRANSMITTAL**

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

**ANNOUNCEMENTS**

The Honorable Speaker Murphy wishes Representative Scott Pollard a Happy Birthday on January 12<sup>th</sup>.

The Honorable Speaker Murphy wishes Representative Edwin Pacheco and his wife Claudia Santarra-Pacheco a Happy Anniversary on January 11<sup>th</sup>.

The Honorable Speaker Murphy wishes Representative Helio Melo a Happy Birthday on January 10<sup>th</sup>.

Representative Corvese congratulates Representative Peter Petrarca and his wife on the birth of their third son, Fabrizio Petrarca, 8lbs. 2oz.

Representative Gemma announces today is Pet-Assisted Therapy Awareness Day.

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

**ADJOURNMENT**

At 4:35o'clock P.M. on motion of Representative Williamson, and as a further mark of respect to the memories of Richard Babcock, Sr., George Varatta, Ralph Padula; on motion of Representative Edwards, and as a further mark of respect to the memory of Eleanor Stewart



Deane; seconded by Representatives Fox and Loughlin the House adjourns, on a unanimous rising vote.

*Linda M. McElroy*  
*Recording Clerk*

**APPENDIX**

**INVOCATION**

**REPRESENTATIVE RAYMOND E. GALLISON, JR.**

Thank you God for Your presence here with us and Your blessings on this Assembly today and every day. Amen.

APPENDIX

CALENDAR

IN ORDER FOR THURSDAY, JANUARY 15, 2009:

**1 2009-H 5010**

**BY Pacheco**

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

Committee on Constituent Services recommends passage.

**2 2009-H 5001 SUB A**

**BY Baldelli-Hunt**

**ENTITLED,** AN ACT RELATING TO FINANCIAL INSTITUTIONS -- LICENSED  
ACTIVITIES

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

**3 2009-H 5003**

**BY Fox**

**ENTITLED,** AN ACT RELATING TO TAXATION

Committee on Finance recommends passage.

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

**Tuesday, January 13, 2009**