

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 sixth day of January in the year of Our Lord two thousand and nine.

Volume 136, No. 5

Wednesday, January 14, 2009

Fifth Day

The House of Representatives meets at the State House in Providence, Wednesday, January 14, 2009 and is called to order at 4:18 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, 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, Watson, Williams, Williamson, Winfield.

ABSENT - 3: Representatives Jackson, Lima, Walsh.

INVOCATION

The Honorable Speaker presents Representative Silva 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 Tuesday, January 13, 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.

REPORTS OF COMMITTEE**TRANSFER OF BILLS**

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

House Bill No. 5063**BY** Corvese

ENTITLED, AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS (would codify and set forth certain management authority of school committees, which authority could not be bargained away through collective bargaining agreements) {LC42/1}

01/14/2009 Committee transferred to House Labor

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}

01/14/2009 Committee transferred to House Labor

NEW BUSINESS**House Bill No. 5087****BY** Silva, Vaudreuil, Serpa, Melo, Edwards

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- COMMUNITY OBLIGATIONS AND BANKING OFFENSES (prevent financial institutions from charging an overdraft fee in an amount that is greater than the actual amount of the overdraft, such amount not to exceed the overdraft fee customarily charged by the institution) {LC487/1}

01/14/2009 Introduced, referred to House Corporations

House Bill No. 5088**BY** Costantino, Fox, Slater, Ajello, Williams

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - LOCATION OF GAS REGULATORS AND GAS METERS (would establish procedures for the location or relocation of gas regulators and gas meters on residential property by a public utility, and would make additional provisions regarding historic buildings) {LC47/1}

01/14/2009 Introduced, referred to House Corporations

House Bill No. 5089**BY** Carter, Serpa**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- DESIGNERS OF INDIVIDUAL SEWAGE DISPOSAL SYSTEMS (would amend certain conditions necessary for obtaining a designers license under this chapter relative to individual sewage disposal systems) {LC137/1}

01/14/2009 Introduced, referred to House Environment and Natural Resources

House Bill No. 5090**BY** Rice M, Lally, Dennigan, Naughton**ENTITLED**, AN ACT RELATING TO EDUCATION -- NURSING LOAN REPAYMENT PROGRAM (would address loan forgiveness under the nursing loan repayment program and annually appropriate for matching funds) {LC265/1}

01/14/2009 Introduced, referred to House Finance

House Bill No. 5091**BY** Pacheco, Shallcross Smith, Carnevale, DaSilva, Savage**ENTITLED**, AN ACT RELATING TO TAXATION (would establish a deduction for higher education-related expenses) {LC286/1}

01/14/2009 Introduced, referred to House Finance

House Bill No. 5092**BY** Carter, Serpa**ENTITLED**, AN ACT RELATING TO TAXATION (would provide local communities an optional method for the determination of local real estate taxes) {LC148/1}

01/14/2009 Introduced, referred to House Finance

House Bill No. 5093**BY** Carter, Serpa, Costantino**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS-PHARMACIES (would provide for confidentiality of prescription records) {LC135/1}

01/14/2009 Introduced, referred to House H.E.W.

House Bill No. 5094**BY** Fierro, Pacheco, Gablinske, Sullivan, Savage**ENTITLED**, AN ACT RELATING TO ELECTIONS -- FEDERAL ELECTIVE OFFICERS (would require a special election to fill all federal senatorial vacancies and take away from the governor the power to make temporary appointments to fill the vacancies) {LC274/1}

01/14/2009 Introduced, referred to House Judiciary

House Bill No. 5095**BY** Brien, Guthrie, MacBeth, Mattiello, Gablinske**ENTITLED**, AN ACT RELATING TO ELECTIONS -- ELECTIVE MEETINGS (would create a process by which early voting could be instituted for the five (5) days before the actual election day) {LC436/1}

01/14/2009 Introduced, referred to House Judiciary

House Bill No. 5096**BY** Rice A, Jackson, Petrarca, Lally**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES-RETAIL LICENSES (would permit owners of establishments that sell alcohol and food to prohibit patrons under age 21 from entering or remaining on the premises when the business ceases offering food for sale) {LC254/1}

01/14/2009 Introduced, referred to House Judiciary

House Bill No. 5097**BY** Brien, Newberry, MacBeth, Gemma, Mattiello**ENTITLED**, AN ACT RELATING TO ELECTIONS - VOTER IDENTIFICATION {LC438/1}

01/14/2009 Introduced, referred to House Judiciary

House Bill No. 5098**BY** Carter**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE - CAPITOL POLICE (remove the limitation of the police powers of the Capitol Police to state buildings and adjacent areas, and give them statewide authority) {LC136/1}

01/14/2009 Introduced, referred to House Judiciary

House Bill No. 5099**BY** Schadone, Malik**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION - SEPARATION OF POWERS - COASTAL RESOURCES MANAGEMENT COUNCIL (would change how members to the Coastal Resource Management Council are appointed to comply with the Separation of Powers Constitutional Amendment) {LC437/1}

01/14/2009 Introduced, referred to House Judiciary

House Bill No. 5100**BY** Gallison, Carter, Serpa, Corvese, Silva**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- RETIREMENT SYSTEM -- CONTRIBUTIONS AND BENEFITS (would amend the current law so that all state employees and municipal employees participating in the state retirement system, who receive a retirement income of \$100,000 or more, will no longer qualify for COLA benefits or a cost of living increase) {LC261/1}

01/14/2009 Introduced, referred to House Labor

House Bill No. 5101**BY** Gallison, Carter, Serpa, Almeida, Silva**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES - MERIT SYSTEM (would add the recent Gulf War Conflict and the War on terrorism in Afghanistan to the provisions of this section) {LC263/1}

01/14/2009 Introduced, referred to House Veterans Affairs

House Resolution No. 5102**BY** Azzinaro, Murphy, Kennedy, Carter, Costantino**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF SYLVIA T. LEWISS {LC381/1}

Representative Azzinaro requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Azzinaro seconded by Representatives Kennedy, Diaz, Corvese, Gallison, M. Rice, A. Rice, San Bento, Pollard, Slater and Kilmartin by unanimous consent, on a rising vote.

FROM THE DESK IS TAKEN**Senate Resolution No. 17****BY** Paiva-Weed, Connors**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 {LC489/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, in concurrence, on a motion of Representative Fox seconded by Representative Watson, on a roll call vote, 68 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 68: 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, Jacquard, Kennedy, Kilmartin, Lally, Loughlin, MacBeth, Malik, Marcello, Martin, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, Newberry, O'Neill, Pacheco, Petrarca, Pollard, Rice, A., Rice, M., Ruggiero, San Bento, Savage, Schadone, Segal, Serpa, Shallcross, Silva, Slater, Sullivan, Trillo, Ucci, Vaudreuil, Wasylyk, Watson.

NAYS - 0.

TRANSMITTAL

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

ANNOUNCEMENTS

The Honorable Speaker Murphy wishes Representative Arthur Corvese a Happy Birthday.

The Honorable Speaker Murphy wishes Representative J. Patrick O'Neill a Happy Birthday.

The Honorable Speaker Murphy wishes John Flynn, Legal Council to House Majority Leader Fox, a Happy Birthday.

Representative Almeida congratulates Majority Leader Fox on receiving an award today from the Martin Luther King Commission for a Lifetime of Achievement.

Majority Leader Fox announces that there will be session tomorrow, Thursday January 15, 2009. There will be no session on Tuesday, January 20, 2009.

Majority Leader Fox announces that the committee on Finance will meet tomorrow at 1:00 o'clock P.M. to hear Article 4 and 32 on the Medicaid Global Waiver. Majority Leader Fox also announces that there will be briefing on the Medicaid Global Waiver in the House Lounge at 4:00 o'clock P.M. and session will convene immediately following the briefing.

GUESTS

The Honorable Speaker Murphy introduces the winter graduating class of 2009 from Year Up in Providence, along with Nick Richardson, Executive Director.

At 4:24 o'clock P.M. the Honorable Speaker yields the rostrum to Daury Espinal.

By unanimous consent, Daury Espinal addresses the members of the House.

By unanimous consent, Isaac Suon addresses the members of the House.

At 4:26 o'clock P.M. the Honorable Speaker returns to the rostrum.

At 4:31 o'clock P.M. the Honorable Speaker yields the rostrum to Representative Gemma.

By unanimous consent, Representative Gemma addresses the members of the House and welcomes to the House Mary L. Byrne, author of "Only Children Hear Me".

By unanimous consent, Mary Byrne addresses the members of the House.

At 4:39 o'clock P.M. the Honorable Speaker returns to the rostrum.

ADJOURNMENT

At 4:45 o'clock P.M. on motion of Representative McCauley, and as a further mark of respect to the memory of Anthony "Tony" Ostiguy; seconded by Representatives Fox and Loughlin the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE AGOSTINHO F. SILVA

Almighty God, whose statutes are good and gracious and whose law is truth, grant that we may enact only such just and equitable laws as are pleasing to thee. 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

Wednesday, January 14, 2009