

**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. 6

Thursday, January 15, 2009

Sixth Day

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The House of Representatives meets at the State House in Providence, Thursday, January 15, 2009 and is called to order at 4:22 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, Carnevale, Carter, Coderre, Corvese, Costantino, DaSilva, DeSimone, Diaz, Driver, Edwards, Ehrhardt, Fellela, Ferri, Fierro, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Guthrie, Handy, Hearn, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lima, 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, Wasyluk, Watson, Williamson, Winfield.

ABSENT - 4: Representatives Caprio, Dennigan, Walsh, Williams.

**INVOCATION**

The Honorable Speaker presents Representative Melo 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 14, 2009 is approved as printed.

**ANNOUNCEMENT**

Representative Anastasia Williams will be unable to attend session Thursday, January 15, 2009 due to a personal matter.

**APPOINTMENTS**

January 15, 2009

I hereby appoint the following to serve on the House Committee of Veteran's Affairs:

Representative Kenneth Carter – Chair  
Representative Raymond Gallison – Vice Chair  
Representative Robert Jacquard – Secretary  
Representative Joseph Almeida  
Representative John DeSimone  
Representative Deborah Fellela  
Representative Al Gemma  
Representative John Loughlin  
Representative Patricia Serpa  
Representative Thomas Slater  
Representative Peter Martin  
Representative John Edwards

William J. Murphy  
SPEAKER

Received and placed on file.

**REPORT OF COMMITTEE****TRANSFER OF BILL**

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

**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}

01/14/2009 Committee transferred to House Labor

**NEW BUSINESS****House Bill No. 5103****BY** Serpa**ENTITLED**, AN ACT AUTHORIZING RHODE ISLAND COLLEGE STUDENT COMMUNITY GOVERNMENT, INC., TO INCREASE ITS HOLDINGS TO AN AMOUNT NOT EXCEEDING TWO MILLION DOLLARS (\$2,000,000) {LC502/1}

01/15/2009 Introduced, referred to House Corporations

**House Bill No. 5104****BY** Pacheco, Rice M, Ferri, Fierro, Handy**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- REGISTRATION FEES {LC495/1}

01/15/2009 Introduced, referred to House Finance

**House Bill No. 5105****BY** Pacheco, Ferri, Rice M, Fierro, Handy**ENTITLED**, AN ACT RELATING TO INSURANCE - CASUALTY INSURANCE RATING {LC493/1}

01/15/2009 Introduced, referred to House Finance

**House Bill No. 5106****BY** Naughton, Diaz, Lally, Caprio D, Coderre E**ENTITLED**, AN ACT RELATING TO EDUCATION - UNIVERSITY OF RHODE ISLAND {LC374/1}

01/15/2009 Introduced, referred to House Finance

**House Bill No. 5107****BY** Williamson**ENTITLED**, AN ACT CRIMINAL PROCEDURE -- ARREST {LC60/1}

01/15/2009 Introduced, referred to House Judiciary

**House Bill No. 5108****BY** Almeida, Williams, Diaz**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - COMPREHENSIVE RACIAL PROFILING PREVENTION ACT OF 2009 {LC497/1}

01/15/2009 Introduced, referred to House Judiciary

**House Bill No. 5109****BY** Melo, Serpa, Silva, DaSilva, O'Neill Rep**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - BURGLARY AND BREAKING AND ENTERING {LC266/1}

01/15/2009 Introduced, referred to House Judiciary

**House Bill No. 5110** (by request)**BY** Gablinske, Gallison**ENTITLED**, AN ACT AMENDING AN ACT EXEMPTING FROM TAXATION AND AUTHORIZING THE HERRESHOFF MARINE MUSEUM TO INCREASE ITS HOLDING TO AN AMOUNT NOT EXCEEDING \$10,000,000 {LC138/1}

01/15/2009 Introduced, referred to House Municipal Government

**House Bill No. 5111****BY** Pacheco, DaSilva, Carnevale, Shallcross Smith, Loughlin**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- EXCAVATION NEAR UNDERGROUND UTILITY FACILITIES -- COSTS {LC284/1}

01/15/2009 Introduced, referred to House Municipal Government

**House Bill No. 5112****BY** Costantino, Naughton, Slater, Giannini, Almeida**ENTITLED**, AN ACT RELATING TO CENTERS FOR MEDICARE AND MEDICAID SERVICES WAIVER AND EXPENDITURE AUTHORITY {LC633/1}

01/15/2009 Introduced, referred to House Finance

**House Resolution No. 5113****BY** Pacheco**ENTITLED**, HOUSE RESOLUTION REINSTATING THE LIFE OF AND EXTENDING THE REPORTING AND EXPIRATION DATES OF THE SPECIAL HOUSE COMMISSION TO STUDY THE FEASIBILITY OF ESTABLISHING AN INSTITUTION OF HIGHER LEARNING AT THE ZAMBARANO HOSPITAL FACILITY {LC292/1}

Representative Pacheco requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Pacheco seconded by Representatives McNamara, Gallison and many other members of the House by unanimous consent, on a voice vote.

**DISCUSSION**

Minority Leader Watson and the Honorable Speaker Murphy discuss the procedure of immediate considerations.

**COMMUNICATION FROM THE SENATE**

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

**Senate Bill No. 18****BY** Lanzi**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC435/1}  
01/15/2009 Placed on House Calendar**Senate Bill No. 52****BY** Ruggerio Sen**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE  
CHARTER OF CERRONI'S SERVICE CENTER, INC. {LC132/1}  
01/15/2009 Referred to House Corporations**RECESS**

At 4:27 o'clock P.M. the Honorable Speaker Murphy declares the House to be in recess.

**ORDER**

At 5:51 o'clock P.M. the Honorable Speaker Murphy calls the House to order.

**CALENDAR**

From the Calendar are taken:

**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.

On suggestion of Representative Fox, and by unanimous consent, the Calendar for today is continued to Wednesday, January 21, 2009.

### COMMUNICATION

The Honorable Speaker announces the receipt of the following communication:

January 16, 2009

Speaker William Murphy  
323 State House  
Providence, RI 02903

Dear Speaker Murphy,

It is our understanding that the House will be passing legislation within the next two weeks on the Medicaid Waiver.

This is to confirm that the state will not implement the provisions of the Waiver.

If you have any concerns, please feel free to contact me.

Sincerely,

Gary Alexander, Director  
Human Services

Received and placed on file.

### COMMUNICATION FROM THE SENATE

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

**House Resolution No. 5013** as amended

**BY** Fox

**ENTITLED**, JOINT RESOLUTION OF ADJOURNMENT (the general assembly adjourns on Wednesday, Thursday or Friday of each week) {LC235/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, as amended, in concurrence, on a motion of Representative Fox seconded by Representative Watson on a roll call vote, 51 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 51: The Honorable Speaker Murphy and Representatives Ajello, Azzinaro, Baldelli-Hunt, Brien, Carnevale, Coderre, Corvese, Costantino, DaSilva, DeSimone, Driver, Edwards, Ehrhardt, Fellela, Ferri, Fierro, Fox, Gablinske, Gallison, Gemma, Guthrie, Handy, Hearn, Jacquard, Kennedy, Lima, MacBeth, Marcello, Martin, McCauley, McNamara, Menard, O'Neill, Pacheco, Palumbo, Petrarca, Pollard, Rice, A., Rice, M., Ruggiero, Schadone, Segal, Serpa, Sullivan, Trillo, Ucci, Vaudreuil, Wasyluk, Watson, Winfield.

NAYS - 0.

#### TRANSMITTAL

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

#### ANNOUNCEMENTS

The Honorable Speaker Murphy wishes Representative Wasyluk a Happy Birthday.

Representative Costantino announces that the Committee on Finance will meet tomorrow at 1:00 o'clock P.M. in Room 35 of the State House.

#### ADJOURNMENT

At 6:01 o'clock P.M. on motion of Representative Lima, and as a further mark of respect to the memory of Frank Ritz; on motion of Representative Gemma, and as a further mark of respect to the memory of former Representative Paul Sherlock, on his 5<sup>th</sup> anniversary; on motion of Representative Giannini and as a further mark of respect to the memories of Anthony Arnold and Francis Rotondo; on motion of Representatives Williamson and Serpa, and as a further mark of respect to the memory of Florida Longo; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

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

**APPENDIX**

**INVOCATION**

**REPRESENTATIVE HELIO M. MELO**

Lord, may it be Thy will, not our own, which governs our deliberations this day. Amen



APPENDIX

CALENDAR

IN ORDER FOR WEDNESDAY, JANUARY 21, 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.

**4 2009-S 18**

**BY Lanzi**

**ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Ordered on the Calendar for passage in concurrence.

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

Thursday, January 15, 2009