

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. 7

Wednesday, January 21, 2009

Seventh Day

The House of Representatives meets at the State House in Providence, Wednesday, January 21, 2009 and is called to order at 4:26 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, 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, Naughton, Newberry, O'Neill, Pacheco, Palumbo, Petrarca, Pollard, A. Rice, M. Rice, Ruggiero, San Bento, Savage, Schadone, Serpa, Shallcross-Smith, Silva, Slater, Trillo, Ucci, Vaudreuil, Walsh, Wasyluk, Watson, Williams, Williamson, Winfield.

ABSENT - 4: Representatives Diaz, Menard, Segal, Sullivan.

INVOCATION

The Honorable Speaker presents Representative Williams 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 15, 2009 is approved as printed.

ANNOUNCEMENTS

Representative Raymond Sullivan will be unable to attend session Wednesday, January 21, 2009 as he is out of State.

Representative Grace Diaz will be unable to attend session Wednesday, January 21, 2009. She is in Washington with the Democratic National Committee.

NEW BUSINESS**House Bill No. 5114**

BY Lima, Coderre E, Ajello, Ruggiero, Rice A

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS -- UNFAIR SALES PRACTICES (would define the term "regular price" for purposes of the law regulating discount price advertisements.) {LC372/1}

01/21/2009 Introduced, referred to House Corporations

House Bill No. 5115

BY Lima, Giannini, Coderre E, Ajello, Almeida

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES (would establish the Rhode Island foreclosed property upkeep act and would require certain used metals dealers to request and retain proof of ownership from persons selling such metals.) {LC349/1}

01/21/2009 Introduced, referred to House Finance

House Bill No. 5116

BY Loughlin, Brien, Ucci, Petrarca, Lima

ENTITLED, AN ACT RELATING TO CITIES AND TOWNS - TANGIBLE PERSONAL PROPERTY TAX (would allow cities and towns to reduce their tangible personal property tax to zero percent (0%) and to eliminate the classification and depreciation table for business tangible personal property.) {LC490/1}

01/21/2009 Introduced, referred to House Finance

House Bill No. 5117

BY Corvese

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- STATE POLICE (would increase from two (2) to four (4) years the amount of time that state police members can purchase for their time on active duty in the armed services for purposes of retirement.) {LC554/1}

01/21/2009 Introduced, referred to House Finance

House Bill No. 5118

BY Gemma, Jacquard, San Bento, Kennedy, Slater

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- PUPIL TRANSPORTATION VEHICLES (would authorize the school committee of any city, town or regional school district to sell advertising space on school buses.) {LC563/1}

01/21/2009 Introduced, referred to House H.E.W.

House Resolution No. 5119**BY** Driver, Rice M, Edwards, Ferri, Coderre E**ENTITLED**, HOUSE RESOLUTION URGING THE GOVERNMENT OF ISRAEL AND REPRESENTATIVES OF HAMAS TO IMPLEMENT AN IMMEDIATE AND UNCONDITIONAL CEASEFIRE AND TO ALLOW UNRESTRICTED HUMANITARIAN ACCESS IN GAZA {LC626/1}

01/21/2009 Introduced, referred to House Judiciary

House Bill No. 5120**BY** Gallison, Edwards, Jackson, Lima, Coderre E**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - DIVISION OF FIRE SAFETY (would make it illegal to fail to evacuate a building when an alarm is activated, or to tamper with, or access an alarm by anyone other than a licensed individual. This act would assess fines for these violations.) {LC558/1}

01/21/2009 Introduced, referred to House Judiciary

House Bill No. 5121**BY** Fox**ENTITLED**, AN ACT RELATING BUSINESS AND PROFESSIONS - TO STATUTES AN STATUTORY CONSTRUCTION (would make technical revisions to various statutes pursuant to the recommendations of the Law Revision Office.) {LC465/1}

01/21/2009 Introduced, referred to House Judiciary

House Bill No. 5122**BY** Rice A, Gemma, Jacquard, Gallison, Lima**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF TRANSPORTATION (would create the turnpike and bridge division within the department of transportation.) {LC377/1}

01/21/2009 Introduced, referred to House Municipal Government

House Bill No. 5123**BY** Carnevale, MacBeth, Edwards, Rice M, DaSilva**ENTITLED**, AN ACT RELATING TO PROPERTY - MORTGAGE FORECLOSURE AND SALE (would require a mortgagee to notify municipal tax collectors of pending mortgage foreclosure sales and dates within the community and to maintain a public list of the property schedule to be foreclosed upon.) {LC150/1}

01/21/2009 Introduced, referred to House Municipal Government

House Resolution No. 5124**BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC653/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

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

House Resolution No. 5125

BY Fox, Watson

ENTITLED, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC652/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Fox seconded by Representative Watson 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, forthwith.

CALENDAR

From the Calendar are taken:

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.

Representative Giannini moves passage of the act, seconded by Representatives Pacheco, Almeida, Handy, Ajello and many other members of the House.

Representatives Gemma, Watson, Trillo, Martin and Fox discuss the act.

Read and passed, on a roll call vote, 66 members voting in the affirmative and 4 members voting in the negative as follows.

YEAS - 66: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Azzinaro, Brien, Caprio, Carnevale, Carter, Coderre, Corvese, Costantino, DaSilva, Dennigan, DeSimone, Driver, Edwards, Ehrhardt, Fellela, Ferri, Fierro, Flaherty, Fox, Gablinske, Gallison, Giannini, Guthrie, Handy, Hearn, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lima, Loughlin, MacBeth, Malik, Marcello, Martin, Mattiello, McCauley, McNamara, Melo, Naughton, Newberry, O'Neill, Pacheco, Palumbo, Petrarca, Pollard, Rice, A., Rice, M., Ruggiero, San

Bento, Savage, Schadone, Serpa, Shallcross , Silva, Slater, Ucci, Vaudreuil, Walsh, Williams, Williamson, Winfield.

NAYS - 4: Representatives Baldelli-Hunt, Gemma, Trillo, Watson.

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.

Read, and by unanimous consent, ordered to be placed on the Calendar for Wednesday, January 28, 2009.

3 2009-H 5003

BY Fox

ENTITLED, AN ACT RELATING TO TAXATION

Committee on Finance recommends passage.

Representative Costantino moves passage of the act, seconded by Representatives Fox, Gemma, Carter, Slater, and many other members of the House.

By unanimous consent, Representative Costantino offers Majority Leader Fox's amendment seconded by Representative Fox.

**FLOOR AMENDMENT
TO
2009 -- H 5003**

AN ACT RELATING TO TAXATION

Mr. Speaker:

I hereby move to amend 2009 -- H 5003, entitled "AN ACT RELATING TO TAXATION", as follows:

1. On page 2, line 30, by inserting the language "owner-occupied" before the word "single".
2. On page 2, line 31, by inserting the language "owner-occupied" before the word and numeral "two (2)".

Respectfully submitted,

LEADER FOX

Representative Costantino discusses the amendment.

The motion to amend prevails 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, Driver, Edwards, Ehrhardt, Fellela, Ferri, Fierro, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Guthrie, Handy, Hearn, Jackson, Kennedy, Kilmartin, Lally, Lima, Loughlin, MacBeth, Malik, Marcello, Martin, Mattiello, McCauley, McNamara, Melo, Naughton, Newberry, O'Neill, Pacheco, Palumbo, Petrarca, Pollard, Rice, A., Rice, M., Ruggiero, San Bento, Savage, Schadone, Serpa, Shallcross, Silva, Slater, Trillo, Vaudreuil, Walsh, Watson, Williams, Williamson, Winfield.

NAYS - 0.

REQUEST

Representative Ucci requests the journal to reflect that if he had voted on the amendment (LC 00181/2) he would have voted in the affirmative.

Representatives Trillo, Costantino, Lima, McCauley, Driver and Loughlin discuss the act as amended.

Read and passed, as amended, on a roll call vote, 64 members voting in the affirmative and 5 members voting in the negative as follows.

YEAS - 64: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Azzinaro, Baldelli-Hunt, Brien, Caprio, Carnevale, Carter, Coderre, Corvese, Costantino, DaSilva, Dennigan, DeSimone, Edwards, Ehrhardt, Fellela, Ferri, Fierro, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Guthrie, Handy, Hearn, Jackson, Kennedy, Kilmartin, Lally, Lima, MacBeth, Malik, Marcello, Martin, Mattiello, McCauley, McNamara, Melo, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Pollard, Rice, A., Rice, M., Ruggiero, San Bento, Savage, Schadone, Serpa, Shallcross, Silva, Slater, Ucci, Vaudreuil, Walsh, Williams, Williamson, Winfield.

NAYS - 5: Representatives Driver, Loughlin, Newberry, Trillo, Watson.

4 2009-S 18

BY Lanzi

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Ordered on the Calendar

Majority Leader Fox and Minority Leader Watson discuss Calendar process.

Read, and by unanimous consent, ordered to be placed on the Calendar for Thursday, January 22, 2009.

TRANSMITTAL

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

ANNOUNCEMENTS

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

Representative Costantino announces that everyone should have on their desk, a copy of the House Fiscal Advisory Staff, Governor's FY 2009 Revised Budget.

Representative A. Rice shares her amazing experience at the 2009 Presidential Inauguration along with Representative Williams, Representative Sullivan, Chair of President Obama's campaign in Rhode Island, Representative Diaz, involved in the Rhode Island's National Democratic Committee and Representative Segal.

GUESTS

Representative Lima welcomes to the House Chamber as guests Cranston Mayor Allan Fung and President of the Cranston City Council, John Lanni.

Representatives Martin and A. Rice welcome to the House as guests William and Sophia Pendergast of Newport and their daughter Julie Mott of Middletown.

Representative Williamson welcomes to the House as guests West Warwick Town Council Vice President, Angelo Padula, Jr.; West Warwick Town Manager, James H. Thomas and Senator Michael J. Pinga.

ADJOURNMENT

At 5:02 P.M. o'clock P.M. on motion of Representative Giannini, and as a further mark of respect to the memory of David DeBiase; on motion of Representative Edwards, and as a further mark of respect to the memories of Virginia Botelho and Alfreena Blanchette; on motion of Representative Silva and as a further mark of respect to the memory of Andrew R. Moreau; on motion of Representative Corvese, and as a further mark of respect to the memory of Anthony Famiglietti; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE ANASTASIA P. WILLIAMS

Lord, just as our 44th President of these United States of America, we have been sent to these positions of responsibility by the people. Make us mindful that we are their servants. Give us the wisdom and energy to serve them honestly and well. Amen.

APPENDIX

CALENDAR

IN ORDER FOR THURSDAY, JANUARY 22, 2009:

1 2009-S 18

BY **Lanzi**

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Ordered on the Calendar

IN ORDER FOR WEDNESDAY, JANUARY 28, 2009:

1 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.

Francis P. McCabe
Clerk of the House

Wednesday, January 21, 2009