

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. 8

Thursday, January 22, 2009

Eighth Day

The House of Representatives meets at the State House in Providence, Thursday, January 22, 2009 and is called to order at 4:25 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, Lima, Loughlin, MacBeth, Malik, Marcello, Martin, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, Newberry, O'Neill, Pacheco, Palumbo, Petrarca, Pollard, A. Rice, M. Rice, Ruggiero, Savage, Schadone, Segal, Serpa, Shallcross-Smith, Silva, Slater, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Winfield.

ABSENT - 3: Representatives San Bento, Sullivan, Williamson.

INVOCATION

The Honorable Speaker presents Representative Trillo 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 21, 2009 is approved as printed.

REPORTS OF COMMITTEE**COMMITTEE ON JUDICIARY**

Representative Lally, for the Committee on Judiciary, reports back the following measure, with recommendation of passage:

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}

01/22/2009 Placed on House Calendar

House Bill No. 5006 SUB A**BY** Mattiello**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - FRAUD AND FALSE DEALING (would create the misdemeanor criminal offense of "defrauding the administration of a drug or alcohol test.") {LC183/1/A}

01/22/2009 Placed on House Calendar

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}

01/22/2009 Placed on House Calendar

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}

01/22/2009 Placed on House Calendar

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}

01/22/2009 Placed on House Calendar

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}
01/22/2009 Placed on House Calendar

NEW BUSINESS

House Bill No. 5126

BY Walsh, Almeida, Williams

ENTITLED, AN ACT RELATING TO GENERAL ASSEMBLY - PERMANENT JOINT COMMITTEE ON THE PUBLIC UTILITIES COMMISSION (would create a seven (7) member permanent joint committee whose purpose it would be to oversee the public utilities commission.) {LC313/1}

01/22/2009 Introduced, referred to House Constituent Services

House Bill No. 5127

BY Pacheco, Guthrie, Sullivan, Ruggiero, Newberry

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOBILE AND MANUFACTURED HOMES (would institute procedural safeguards for owners of mobile or manufactured homes who want, or must, sell or move their homes.) {LC285/1}

01/22/2009 Introduced, referred to House Corporations

House Bill No. 5128

BY Melo, Serpa, Brien, Gallison

ENTITLED, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX (would increase the deduction from the state income tax for contributions to the tuition savings program from \$500. to \$1,000 for an individual and from \$1,000. to \$2,000. for a joint return.) {LC547/1}

01/22/2009 Introduced, referred to House Finance

House Bill No. 5129

BY Corvese

ENTITLED, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION (would impose a property tax on boats and that tax would be imposed and collected in the city or town where the owner resides.) {LC557/1}

01/22/2009 Introduced, referred to House Finance

House Bill No. 5130

BY Pacheco, Coderre E, Williams, Segal, Newberry

ENTITLED, AN ACT RELATING TO TAXATION -- REAL ESTATE CONVEYANCE TAX (would increase the amount of monies which municipalities receive from the real estate conveyance tax from \$1.10 to \$1.40 per every \$2.00 of the face value of the stamps.) {LC283/1}

01/22/2009 Introduced, referred to House Finance

House Bill No. 5131**BY** Fierro

ENTITLED, AN ACT RELATING TO TAXATION - CIGARETTE TAX (would expand the definition of "Distributor" for purposes of the state cigarette tax laws by permitting holders of a Class B distributor license on July 1, 2007 to retain this license until May 31, 2010.) {LC288/1} 01/22/2009 Introduced, referred to House Finance

House Bill No. 5132**BY** Pollard, Schadone, DaSilva, Sullivan

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - BANNING HARMFUL TOXINS - BISPHENOL A (BPA) FROM CONTAINERS THAT CONTACT BA

BY FOOD (would ban the use of bisphenol A (BPA) from all products intended for use by children, such as teethers, toys and soft plastics.) {LC37/1}

01/22/2009 Introduced, referred to House H.E.W.

House Bill No. 5133**BY** Winfield, Sullivan, Rice A, Fierro, Flaherty

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - - BEVERAGE CONTAINERS (would prohibit nonbiodegradable, nondegradable or nonphotogradable beverage containers from being sold or offered for sale in Rhode Island on or after January 1, 2010.) {LC39/1}

01/22/2009 Introduced, referred to House H.E.W.

House Bill No. 5134**BY** Walsh, Almeida, Ajello, Williams, Handy

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- ARREST (would require the electronic recording of custodial interrogations in their entirety in cases where the potential sentence is one of life imprisonment.) {LC312/1}

01/22/2009 Introduced, referred to House Judiciary

House Bill No. 5135**BY** Walsh, Ajello, Almeida, Williams, Handy

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - THE CIVIL RIGHTS ACT OF 1990 (would set a three (3) year statute of limitations on any alleged violation of this chapter.) {LC371/1}

01/22/2009 Introduced, referred to House Judiciary

House Bill No. 5136**BY** Ajello, Walsh, Rice A, Handy, Dennigan

ENTITLED, AN ACT RELATING TO PUBLIC RECORDS -- ACCESS TO PUBLIC RECORDS {LC345/1}

01/22/2009 Introduced, referred to House Judiciary

House Bill No. 5137**BY** Edwards, Fierro, Carnevale, MacBeth, Hearn**ENTITLED**, AN ACT RELATING TO PROPERTY - POST FORECLOSURE EVICTION OF RESIDENTIAL TENANTS {LC645/1}

01/22/2009 Introduced, referred to House Judiciary

House Bill No. 5138**BY** Loughlin, Savage, Ehrhardt, Newberry, Edwards**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - OPERATORS' AND CHAUFFEURS' LICENSES (would have a limited instruction permit expire sixty (60) days after the eighteenth (18th) birthday of the permit holder. During this period, the provisional license restrictions would not apply.) {LC237/1}

01/22/2009 Introduced, referred to House Judiciary

House Bill No. 5139**BY** Melo, Corvese, Schadone, Brien, Gallison**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - OPEN MEETINGS - SCHOOL COMMITTEES (would amend the open meetings law by permitting school committees to satisfy the publication requirements regarding their meetings through publication on a website maintained by the school committee or by publication in a newspaper.) {LC376/1}

01/22/2009 Introduced, referred to House Judiciary

House Bill No. 5140**BY** Silva**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION -- GENERAL PROVISIONS (would allow an employer access to an employee's workers' compensation claim history.) {LC525/1}

01/22/2009 Introduced, referred to House Labor

House Bill No. 5141**BY** Pacheco, DaSilva, Carnevale, Savage, Winfield**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES (would add former state employees in the state retirement system who have retired to be reemployed by the state for 75 working days or 150 half days in any one year without forfeiture or reduction in their benefits.) {LC282/1}

01/22/2009 Introduced, referred to House Labor

House Bill No. 5142**BY** Gemma**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- SCHOOL TEACHER ARBITRATION (would expand the scope of the binding arbitration process to include monetary issues for teachers and non-teacher educational employees. It would also streamline the actual binding arbitration process itself.) {LC585/1}

01/22/2009 Introduced, referred to House Labor

House Bill No. 5143**BY** Brien, Gemma, Mattiello, Gablinske, Trillo**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS (would establish the E-Verify compliance chapter. It would also require all non- governmental employers within the state with three (3) or more employees to apply to participate in the E-Verify program and to participate if accepted.) {LC326/1}

01/22/2009 Introduced, referred to House Labor

House Bill No. 5144**BY** Winfield, Fierro, Flaherty**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - THE AWARDING OF MUNICIPAL CONTRACTS (would give priority to Rhode Island located businesses whose bids on municipal contracts are up to 3% higher than the lowest bid.) {LC366/1}

01/22/2009 Introduced, referred to House Municipal Government

House Resolution No. 5145**BY** Rice M, Watson, Fierro, Ruggiero, Martin**ENTITLED**, HOUSE RESOLUTION HONORING STATE AUDITOR GENERAL ERNEST A. ALMONTE ON HIS ELECTION AS CHAIRMAN OF THE AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS {LC677/1}

Representative M. Rice requests unanimous consent for immediate consideration.

There is no objection.

Representative M. Rice discusses the resolution.

Read and passed, on a motion of Representative M. Rice seconded by Representatives Fox, Marcello, Ajello, Caprio Palumbo and many other members of the House by unanimous consent, on a voice vote.

House Resolution No. 5146**BY** Rice A, Jackson**ENTITLED**, HOUSE RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL HOUSE COMMISSION TO STUDY REGIONALIZING AND/OR COMBINING ADMINISTRATIVE AND OTHER FUNCTIONS OF THE NEWPORT, PORTSMOUTH AND MIDDLETOWN SCHOOL SYSTEMS {LC611/1}

Representative A. Rice requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative A. Rice seconded by Representatives Loughlin and Hearn by unanimous consent, on a voice vote.

CALENDAR

From the Calendar is taken:

IN ORDER FOR THURSDAY, JANUARY 22, 2009:**1. 2009-S 18****BY Lanzi****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Ordered to be placed on the House Calendar for passage in concurrence.

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

Representative Watson discusses the act.

Read and passed, in concurrence, on a roll call vote, 70 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 70: 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, McNamara, Melo, Menard, Naughton, Newberry, O'Neill, Pacheco, Petrarca, Pollard, Rice, A., Rice, M., Ruggiero, Savage, Schadone, Segal, Serpa, Shallcross, Silva, Slater, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

TRANSMITTAL

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

ANNOUNCEMENTS

Representative Vaudreuil announces that the Committee on Municipal Government will meet at the rise of the House, in Room 203 of the State House.

The Honorable Speaker Murphy wishes Representative Gregory Schadone a Happy Birthday on January 25th.

The Honorable Speaker Murphy wishes House Parliamentarian, Michael Egan a Happy 51st Birthday tomorrow.

GUESTS

The Honorable Speaker Murphy welcomes to the House Chamber as guests Maria Cruz, soon to be Fiancée of Michael Egan along with her son Valencio Cruz.

Representative McCauley welcome to the House Jessica Lally, daughter of Representative Donald Lally.

ADJOURNMENT

At 4:39 o'clock P.M. on motion of Representative Fox seconded by Representative Watson the House adjourns, on a voice vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE JOSEPH A. TRILLO

Lord, we ask you to bless us all, but more especially those in our society who are afflicted in any way. Please watch over them and keep them in your loving care. Amen

APPENDIX

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.

2 2009-H 5006 SUB A**BY Mattiello****ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - FRAUD AND
FALSE DEALING**

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

3 2009-H 5041**BY Lally****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

4 2009-H 5042**BY Segal****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

5 2009-H 5043**BY Walsh****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

6 2009-H 5072**BY Ferri****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

7 2009-H 5075

BY Walsh

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGE

Committee on Judiciary recommends passage.

Francis P. McCabe
Clerk of the House

Thursday, January 22, 2009