

**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. 9

Tuesday, January 27, 2009

Ninth Day

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The House of Representatives meets at the State House in Providence, Tuesday, January 27, 2009 and is called to order at 4:29 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 75 members present and 0 members absent as follows:

PRESENT - 75: 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, San Bento, Savage, Schadone, Segal, Serpa, Shallcross-Smith, Silva, Slater, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT - 0:

**INVOCATION**

The Honorable Speaker presents Representative Corvese 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 22, 2009 is approved as printed.

**APPOINTMENTS**

January 27, 2009

I hereby appoint the following to serve on the Joint Commission to Study Potential Economic Opportunities in the Development of Port Facilities in the State of Rhode Island:

Representative Peter Kilmartin –Co Chairman

Representative Donald Lally

Representative Edwin Pacheco

Representative Joseph Almeida

Representative Deborah Ruggiero

Representative Laurence Ehrhardt

William J. Murphy  
SPEAKER

Received and placed on file.

**NEW BUSINESS****House Resolution No. 5147**

**BY** Corvese

**ENTITLED**, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY AND DEVELOP A STRATEGY FOR IMPROVING THE REGULATION OF AUTO BODY SHOPS

**BY MOVING IT FROM THE DEPARTMENT OF BUSINESS REGULATION {LC733/1}**  
01/27/2009 Introduced, referred to House Corporations

**House Bill No. 5148**

**BY** Rice A, Watson, Handy, Jacquard, Almeida

**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- STATE BROADBAND DEPLOYMENT {LC601/1}

01/27/2009 Introduced, referred to House Corporations

**House Bill No. 5149**

**BY** Coderre E, Ajello, Kilmartin, Lima, Naughton

**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- WHEELCHAIR ACCESSIBLE TAXICABS {LC639/1}

01/27/2009 Introduced, referred to House Corporations

**House Bill No. 5150****BY** Kilmartin, McNamara, Giannini**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS {LC512/1}

01/27/2009 Introduced, referred to House Corporations

**House Bill No. 5151****BY** Melo, Savage, Carnevale, Mattiello, Rice A**ENTITLED**, AN ACT RELATING TO TAXATION - SALES AND USE TAXES -- LIABILITY AND COMPUTATION {LC270/1}

01/27/2009 Introduced, referred to House Finance

**House Bill No. 5152****BY** Pacheco, Handy, Ferri, Segal, Fierro**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MOTOR FUEL TAX {LC569/1}

01/27/2009 Introduced, referred to House Finance

**House Bill No. 5153****BY** Flaherty, McNamara, Naughton, Gemma, Ferri**ENTITLED**, AN ACT RELATING TO AERONAUTICS -- AIRPORTS AND LANDING FIELDS {LC715/1}

01/27/2009 Introduced, referred to House Finance

**House Bill No. 5154** (by request)**BY** Serpa, Coderre E, Melo**ENTITLED**, AN ACT RELATING TO TAXATION -- SALES AND USE TAXES -- LIABILITY AND COMPUTATION {LC505/1}

01/27/2009 Introduced, referred to House Finance

**House Bill No. 5155****BY** Costantino, Slater, Almeida, Giannini, Melo**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- RETIREMENT SYSTEM {LC704/1}

01/27/2009 Introduced, referred to House Finance

**House Bill No. 5156****BY** Pacheco, Gablinske, Brien, Ferri, Ehrhardt**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE--COURTS -- RETIREMENT SYSTEM -- CONTRIBUTIONS AND BENEFITS {LC287/1}

01/27/2009 Introduced, referred to House Finance

**House Bill No. 5157****BY** Winfield, Loughlin, Edwards, Schadone, Menard**ENTITLED**, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX {LC61/1}

01/27/2009 Introduced, referred to House Finance

**House Bill No. 5158****BY** Winfield, Fierro**ENTITLED**, AN ACT RELATING TO TAXATION - PROPERTY SUBJECT TO TAXATION {LC368/1}

01/27/2009 Introduced, referred to House Finance

**House Bill No. 5159****BY** Winfield, Flaherty**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- WEIGHT LIMITS {LC364/1}

01/27/2009 Introduced, referred to House Finance

**House Bill No. 5160****BY** Almeida**ENTITLED**, AN ACT RELATING TO PUBLIC FINANCE -- STATE BUDGET {LC384/1}

01/27/2009 Introduced, referred to House Finance

**House Bill No. 5161****BY** Guthrie, Fierro**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES {LC687/1}

01/27/2009 Introduced, referred to House Finance

**House Resolution No. 5162****BY** Rice A, Martin, Ruggiero, Williams, MacBeth**ENTITLED**, HOUSE RESOLUTION IN SUPPORT OF SCHOOL BUS MONITORS {LC644/1}

01/27/2009 Introduced, referred to House H.E.W.

**House Bill No. 5163****BY** Mattiello, Serpa, Brien**ENTITLED**, AN ACT RELATING TO EDUCATION -- PROFESSIONAL DEVELOPMENT {LC400/1}

01/27/2009 Introduced, referred to House H.E.W.

**House Bill No. 5164****BY** Serpa, Mattiello, Brien**ENTITLED**, AN ACT RELATING TO EDUCATION - SCHOOL IMPROVEMENT TEAMS {LC399/1}

01/27/2009 Introduced, referred to House H.E.W.

**House Bill No. 5165****BY** Mattiello, Serpa, Pollard**ENTITLED**, AN ACT RELATING TO EDUCATION -- ESTABLISHMENT OF CHARTER PUBLIC SCHOOLS {LC398/1}

01/27/2009 Introduced, referred to House H.E.W.

**House Bill No. 5166****BY** Mattiello, Brien, Serpa**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - THE FIRE SAFETY CODE -- GENERAL PROVISIONS {LC622/1}

01/27/2009 Introduced, referred to House H.E.W.

**House Bill No. 5167****BY** Diaz, Almeida, Slater, Ajello, Dennigan**ENTITLED**, AN ACT RELATING TO EDUCATION -- STUDENT EQUAL ECONOMIC OPPORTUNITY ACT {LC608/1}

01/27/2009 Introduced, referred to House H.E.W.

**House Bill No. 5168****BY** Mattiello, Serpa, Melo, Brien**ENTITLED**, AN ACT RELATING EDUCATION -- HEALTH AND SAFETY OF PUPILS {LC397/1}

01/27/2009 Introduced, referred to House H.E.W.

**House Bill No. 5169****BY** Flaherty, Winfield**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY -- PLEADINGS {LC711/1}

01/27/2009 Introduced, referred to House Judiciary

**House Bill No. 5170****BY** McNamara, Ferri, Malik**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- LITTER CONTROL AND RECYCLING {LC205/1}

01/27/2009 Introduced, referred to House Judiciary

**House Bill No. 5171****BY** O'Neill JP, Jackson, McNamara, Segal, Dennigan**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- BAIL AND RECOGNIZANCE {LC676/1}

01/27/2009 Introduced, referred to House Judiciary

**House Bill No. 5172****BY** Driver, Ajello, Almeida, DaSilva, Lally**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- RESTRICTION ON POLITICAL SURVEILLANCE {LC588/1}

01/27/2009 Introduced, referred to House Judiciary

**House Bill No. 5173****BY** Martin, Walsh, DaSilva**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC731/1}

01/27/2009 Introduced, referred to House Judiciary

**House Bill No. 5174****BY** Flaherty, Winfield**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --  
PROCEDURE IN PARTICULAR ACTIONS {LC361/1}

01/27/2009 Introduced, referred to House Judiciary

**House Bill No. 5175****BY** Savage, DaSilva, Melo**ENTITLED**, AN ACT RELATING TO PROPERTY -- RESIDENTIAL LANDLORD AND  
TENANT ACT {LC236/1}

01/27/2009 Introduced, referred to House Judiciary

**House Bill No. 5176****BY** Serpa, Mattiello, MacBeth, Melo, Brien**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - OPEN  
MEETINGS - SCHOOL COMMITTEES {LC396/1}

01/27/2009 Introduced, referred to House Judiciary

**House Bill No. 5177****BY** DaSilva, Silva, Edwards, Pollard, Carnevale**ENTITLED**, AN ACT RELATING TO PROPERTY - MORTGAGE FORECLOSURE AND  
SALE {LC281/1}

01/27/2009 Introduced, referred to House Judiciary

**House Bill No. 5178****BY** Diaz, Almeida, Slater, Corvese**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- THE  
TEMPORARY EMPLOYEE PROTECTION ACT {LC610/1}

01/27/2009 Introduced, referred to House Labor

**House Bill No. 5179****BY** Driver**ENTITLED**, AN ACT RELATING TO THE RATIFICATION OF THE HOME RULE  
CHARTER OF THE TOWN OF RICHMOND {LC278/1}

01/27/2009 Introduced, referred to House Municipal Government

**House Bill No. 5180****BY** Menard, Petrarca, Shallcross Smith**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - SEWAGE CHARGES  
{LC605/1}

01/27/2009 Introduced, referred to House Municipal Government

**House Bill No. 5181****BY** Menard, MacBeth**ENTITLED**, AN ACT RELATING TO VALIDATING AND RATIFYING CERTAIN AMENDMENTS TO THE HOME RULE CHARTER OF THE CUMBERLAND HILL FIRE DISTRICT {LC606/1}

01/27/2009 Introduced, referred to House Municipal Government

**House Bill No. 5182****BY** Ruggiero, Rice A, Jackson**ENTITLED**, AN ACT RELATING TO THE TOWN OF MIDDLETOWN {LC655/1}

01/27/2009 Introduced, referred to House Municipal Government

**House Bill No. 5183****BY** Serpa, Carter, Slater, Gallison, Fellela**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- VETERANS' PLATES -- GOLD STAR PARENTS ( would allow gold star parents to register a vehicle with a gold star veteran plate without charge) {LC504/1}

01/27/2009 Introduced, referred to House Veterans Affairs

**House Bill No. 5184****BY** Williamson, Watson**ENTITLED**, AN ACT RELATING TO CRIMINALS - CORRECTIONAL INSTITUTIONS ( would change the title of the "executive secretary" of the parole board to "administrator") {LC686/1}

01/27/2009 Introduced, referred to House Judiciary

**By unanimous consent, Representative Gallison requests to place (09-H 5185) on tomorrow's Calendar. There is no objection.****House Bill No. 5185****BY** Gallison**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC831/1}

01/27/2009 Placed on House Calendar

**Representative Costantino requests unanimous consent for immediate consideration on (09-H 5186), seconded by Representative Carter.**

Representative Watson objects.

Representatives Costantino, Watson, Fox, Carter, Ehrhardt and McCauley discuss the act.

Read and placed on tomorrow's Calendar.

**House Bill No. 5186****BY** Costantino, Serpa, Pollard, Martin, Mattiello**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES - RETIREMENT SYSTEM - CONTRIBUTION AND BENEFITS {LC822/1}

01/27/2009 Placed on House Calendar

**House Resolution No. 5187****BY** Menard, Shallcross Smith, Petrarca**ENTITLED**, HOUSE RESOLUTION CONGRATULATING THE LINCOLN HIGH SCHOOL BOYS SOCCER TEAM ON WINNING THE DIVISION II STATE CHAMPIONSHIP {LC821/1}

Representative Menard requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Menard seconded by Representatives Shallcross-Smith and Petrarca by unanimous consent, on a voice vote.

**House Resolution No. 5188****BY** Ruggiero, Rice A, Kilmartin, Trillo**ENTITLED**, HOUSE RESOLUTION RECOGNIZING THE "AKC CANINE GOOD CITIZEN PROGRAM" AND SUPPORTING ITS EFFORTS TO PROMOTE RESPONSIBLE DOG OWNERSHIP IN THE STATE OF RHODE ISLAND {LC524/1}

Representative Ruggiero requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Ruggiero seconded by Representatives Rice, Ferri and many other members of the House by unanimous consent, on a voice vote.

**House Resolution No. 5189****BY** Baldelli-Hunt, Brien, Fierro, Menard**ENTITLED**, HOUSE RESOLUTION CONGRATULATING ROGER BOUCHARD ON BEING NAMED "CITIZEN OF THE YEAR"**BY** THE KIWANIS CLUB OF WOONSOCKET {LC746/1}

Representative Baldelli-Hunt requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Baldelli-Hunt seconded by Representatives Brien, Fierro and Menard by unanimous consent, on a voice vote.



**By unanimous consent, Representative Naughton requests to place (09-H 5190) on tomorrow's Calendar. There is no objection.**

**House Resolution No. 5190**

**BY** Naughton, Coderre E, Kilmartin, Kennedy, Diaz

**ENTITLED**, HOUSE RESOLUTION AMENDING THE TEMPORARY RULES OF THE HOUSE OF REPRESENTATIVES {LC732/1}

01/27/2009 Placed on House Calendar

**House Resolution No. 5191**

**BY** Fox, Watson

**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC814/1}

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. 5192**

**BY** Fox, Watson

**ENTITLED**, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC815/1}

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.

**COMMUNICATION FROM THE SENATE**

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

**Senate Bill No. 94**

**BY** Levesque C, DeVall, Gallo

**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES - RETIREMENT SYSTEM - CONTRIBUTION AND BENEFITS {LC830/1}

Majority Leader Fox requests to place (09-S 94) on today's Calendar.

Minority Leader Watson objects.

Read and placed on the Calendar for Wednesday, January 28<sup>th</sup>.

### ANNOUNCEMENTS

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

Representative Corvese announces that the Committee on Labor will meet at the rise of the House, in Room 201 of the State House.

Representative Kennedy announces that the Committee on Corporations will meet at the rise of the House, in Room 203 of the State House.

Representative Handy announces that the Committee on Environment and Natural Resources will meet at the rise of the House, in Room 207 of the State House.

Representative Kilmartin announces that Jason Grammit of the Ethics Commission will be here tomorrow at rise in the House Lounge.

The Honorable Speaker Murphy wishes Representative Al Gemma a Happy Birthday.

The Honorable Speaker Murphy congratulates Linda McElroy, House Recording Clerk, on the birth of a granddaughter, Brooklyn Mira Carreiro.

### DESK HELD OPEN

The Honorable Speaker Murphy announces the desk will be held open.

### GUESTS

Representative Martin welcomes to the House Chamber as a guest Nick Lima, the voice of the Newport Gulls.

Representative Serpa welcome to the House as guests Christopher Buonanno-President of Student Government at Rhode Island College and Nick Lima-Speaker of the Student Government at Rhode Island College.

### ADJOURNMENT

At 4:56 o'clock P.M. on motion of Representative Silva, and as a further mark of respect to the memory of Joseph P. Moran II father of former Representative Joseph Moran; on motion of

Representative Jackson, and as a further mark of respect to the memory of Eno J. Genga; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

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

**APPENDIX**

**INVOCATION**

**REPRESENTATIVE ARTHUR J. CORVESE**

Dear God, Almighty Father, we ask Your blessing upon us today. Bless us individually and bless us collectively. Lead us and guide us in all that we do. Help us to make our decisions the correct ones for the people of Rhode Island.

## APPENDIX

## CALENDAR

## IN ORDER FOR WEDNESDAY, JANUARY 28, 2009:

**1 2009-H 5186****BY Costantino****ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -  
RETIREMENT SYSTEM - CONTRIBUTION AND BENEFITS**

Ordered on the Calendar

**2 2009-S 94****BY Levesque C****ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -  
RETIREMENT SYSTEM - CONTRIBUTION AND BENEFITS**

Ordered on the Calendar

**3 2009-H 5185****BY Gallison****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Ordered on the Calendar

**4 2009-H 5190****BY Naughton****ENTITLED, HOUSE RESOLUTION AMENDING THE TEMPORARY RULES OF  
THE HOUSE OF REPRESENTATIVES**

Ordered on the Calendar

**5 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.**6 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.

**7 2009-H 5041**

**BY Lally**

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

Committee on Judiciary recommends passage.

**8 2009-H 5042**

**BY Segal**

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

Committee on Judiciary recommends passage.

**9 2009-H 5043**

**BY Walsh**

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

Committee on Judiciary recommends passage.

**10 2009-H 5072**

**BY Ferri**

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

Committee on Judiciary recommends passage.

**11 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**

**Tuesday, January 27, 2009**

**APPENDIX**

**TRANSMITTED TO THE GOVERNOR**

**Senate Bill No. 18**

**BY** Lanzi

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES ( would allow the Honorable Elizabeth H. Roberts, Lieutenant Governor of the State of Rhode Island to join Lori A. Field and John J. McDonough, IV in marriage within the City of Providence)  
{LC435/1}