

**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. 10

Wednesday, January 28, 2009

Tenth Day

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The House of Representatives meets at the State House in Providence, Wednesday, January 28, 2009 and is called to order at 4:28 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 Walsh 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 27, 2009 is approved as printed.

**REPORTS OF COMMITTEES****COMMITTEE ON CORPORATIONS**

Representative Kennedy, for the Committee on Corporations, reports back the following measure, with recommendation of passage:

**Senate Bill No. 52**

**BY** Ruggerio

**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF CERRONI'S SERVICE CENTER, INC. {LC132/1}

01/28/2009 Placed on House Calendar

**COMMITTEE ON FINANCE**

Representative Costantino, for the Committee on Finance, reports back the following measure, with recommendation of passage:

**House Bill No. 5112 SUB A**

**BY** Costantino, Naughton, Slater, Giannini, Almeida

**ENTITLED**, AN ACT RELATING TO CENTERS FOR MEDICARE AND MEDICAID SERVICES WAIVER AND EXPENDITURE AUTHORITY {LC633/3/A}

01/28/2009 Placed on House Calendar

**NEW BUSINESS****House Bill No. 5193**

**BY** Kennedy, Kilmartin, Pacheco, Lima, Petrarca

**ENTITLED**, AN ACT RELATING TO INSURANCE -- CASUALTY INSURANCE RATINGS {LC800/1}

01/28/2009 Introduced, referred to House Corporations

**House Bill No. 5194**

**BY** Petrarca, O'Neill JP, Jackson, Ucci, Winfield

**ENTITLED**, AN ACT RELATING TO INSURANCE -- CASUALTY INSURANCE

GENERALLY ( would provide that coverage under an insurance policy may only be voided to an insured who committed a fraud or policy violation and coverage would not be denied to an innocent spouse or estate of an innocent spouse.) {LC748/1}

01/28/2009 Introduced, referred to House Corporations

**House Bill No. 5195**

**BY** Walsh, Carter, Ferri, Shallcross Smith, Rice A

**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- SOLICITATION

**BY CHARITABLE ORGANIZATIONS** ( would provide that charitable land trusts organized under the laws of this state would be exempt from filing a registration statement with the department of business regulation.) {LC739/1}

01/28/2009 Introduced, referred to House Corporations

**House Bill No. 5196**

**BY** Schadone, Petrarca

**ENTITLED**, AN ACT RELATING TO INSURANCE - UNFAIR CLAIMS SETTLEMENT PRACTICES ACT ( would provide a cause of action for third-party claimants in automobile accidents for unfair claims practices. In addition, this act would provide guidelines for arbitration of motor vehicle accident claimants.) {LC458/1}

01/28/2009 Introduced, referred to House Corporations

**House Bill No. 5197**

**BY** Carter, Gallison, Walsh

**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- FUNERAL DIRECTORS ( would exempt funeral directors/embalmers from continuing education requirements if they are sixty-five (65) years of age and have forty (40) years of experience.) {LC723/1}

01/28/2009 Introduced, referred to House Corporations

**House Bill No. 5198**

**BY** McNamara, Malik

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MISCELLANEOUS RULES {LC198/1}

01/28/2009 Introduced, referred to House Corporations

**House Bill No. 5199**

**BY** Kennedy, San Bento, Gemma, Lima, Coderre E

**ENTITLED**, AN ACT RELATING TO INSURANCE -- LIFE SETTLEMENTS ACT ( would create comprehensive standards in the establishment and administration of life settlements contracts.) {LC252/1}

01/28/2009 Introduced, referred to House Corporations

**House Bill No. 5200**

**BY** Edwards, Malik, Gablinske, Menard

**ENTITLED**, AN ACT RELATING TO RENAMING THE NEW SAKONNET BRIDGE, AQUIDNECK ISLAND ( would name the new Sakonnet Bridge as the Staff Sergeant Christopher Potts Sakonnet Bridge.) {LC647/1}

01/28/2009 Introduced, referred to House Constituent Services

**House Resolution No. 5201**

**BY** Rice A, Walsh, Rice M, Dennigan, San Bento

**ENTITLED**, HOUSE RESOLUTION ENCOURAGING EXPANSION OF T.F GREEN AIRPORT TO BOLSTER ECONOMIC DEVELOPMENT {LC86/1}

01/28/2009 Introduced, referred to House Constituent Services

**House Bill No. 5202****BY** Rice A, Walsh, Rice M**ENTITLED**, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX ( would provide for a state income tax credit of 10% of the cost of the installing of a cistern on one's property located in the state.) {LC816/1}

01/28/2009 Introduced, referred to House Finance

**House Bill No. 5203****BY** Rice M, Naughton**ENTITLED**, AN ACT REGARDING FISH AND WILDLIFE - LICENSING ( would increase the fees for hunting and fishing licenses. It also would create a license requirement for saltwater fishing.) {LC624/1}

01/28/2009 Introduced, referred to House Finance

**House Bill No. 5204****BY** Schadone, Dennigan, Ferri**ENTITLED**, AN ACT RELATING TO TAXATION -- EDUCATION TAX CREDIT FOR NURSES ( would provide a tuition tax credit for licensed nurses who work in Rhode Island. This act would take effect on July 1, 2009.) {LC457/1}

01/28/2009 Introduced, referred to House Finance

**House Bill No. 5205****BY** Schadone**ENTITLED**, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES (would amend the revaluation time frames for cities and towns.) {LC696/1}

01/28/2009 Introduced, referred to House Finance

**House Bill No. 5206****BY** Melo, Savage, Kilmartin, Slater, Winfield**ENTITLED**, AN ACT RELATING TO SALES AND USE TAXES -- LIABILITY AND COMPUTATION ( would provide an allowance from the sales tax for the trade -in value of pickup trucks.) {LC269/1}

01/28/2009 Introduced, referred to House Finance

**House Bill No. 5207****BY** Loughlin, Ehrhardt, Trillo, Newberry**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY - JOINT COMMITTEE ON LEGISLATIVE SERVICES ( would require the Joint Committee on Legislative Services to comply with the state purchasing requirements of chapter 37-2.) {LC248/1}

01/28/2009 Introduced, referred to House Finance

**House Bill No. 5208****BY** Carter, Gallison, Walsh**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --

PURCHASING ( would grant RI corporations a 5% advantage credit when bidding on state of

RI construction projects. It would take effect upon passage & would apply to all projects on which the bid or RFP process has not commenced.) {LC255/1}  
01/28/2009 Introduced, referred to House Finance

**House Bill No. 5209****BY** Carter, Gallison**ENTITLED**, AN ACT RELATING TO MOTOR AN OTHER VEHICLES - UNIFORM COMMERCIAL DRIVER'S LICENSE ACT ( would increase the cost of every skill test examination for commercial drivers' licenses from \$50.00 to \$75.00.) {LC615/1}

01/28/2009 Introduced, referred to House Finance

**House Bill No. 5210****BY** Almeida, Williams, Diaz, Slater**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- MINORITY BUSINESS ENTERPRISE {LC383/1}

01/28/2009 Introduced, referred to House Finance

**House Bill No. 5211****BY** Carter, Gallison, Walsh, MacBeth**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- CONTRACTORS' REGISTRATION AND LICENSING BOARD ( would require local building officials to file a report with the board regarding contractor complaints. It would also increase fees associated with the complaint process.) {LC619/1}

01/28/2009 Introduced, referred to House Finance

**House Bill No. 5212****BY** Gallison, Gablinske, Edwards, Malik, Rice A**ENTITLED**, AN ACT RELATING TO HIGHWAYS -- RHODE ISLAND TURNPIKE AND BRIDGE AUTHORITY ( would prohibit the Rhode Island Turnpike and Bridge Authority from charging tolls on the Mount Hope Bridge.) {LC688/1}

01/28/2009 Introduced, referred to House Finance

**House Bill No. 5213****BY** Gallison, Carter, Kilmartin, Martin, Ruggiero**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ECONOMIC DEVELOPMENT CORPORATION ( would require the approval of the senate finance committee and house finance committee prior to the issuance of any community development block grant.) {LC699/1}

01/28/2009 Introduced, referred to House Finance

**House Bill No. 5214****BY** Schadone, Guthrie, Malik, Corvese, Trillo**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ECONOMIC DEVELOPMENT ( would create a small business revolving loan and credit enhancement fund to be administered by the RI econ. development corp. to help RI employers with 100 or fewer employees.) {LC461/1}

01/28/2009 Introduced, referred to House Finance

**House Bill No. 5215**

**BY** Loughlin, Trillo, Newberry, Almeida, Diaz

**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES ( would limit the period allowed for state contracts for services and purchases and would provide maximum opportunities for RI minority owned and small businesses to participate in the state purchasing procedures in this chapter.) {LC247/1}

01/28/2009 Introduced, referred to House Finance

**House Bill No. 5216**

**BY** Gablinske, Malik, Corvese, Brien

**ENTITLED**, AN ACT RELATING TO EDUCATION -- COOPERATIVE SERVICE AMONG SCHOOL DISTRICTS ( would reorganize & reconstitute the educational collaboratives in this state. It would also make certain exemptions for the DeBlois School in regard to administrative & financial functions.) {LC496/1}

01/28/2009 Introduced, referred to House H.E.W.

**House Bill No. 5217**

**BY** DaSilva, Martin, Dennigan, Marcello, Hearn

**ENTITLED**, AN ACT RELATING TO EDUCATION - - MANDATES (would require that educational mandates be fully funded or else unenforceable.) {LC736/1}

01/28/2009 Introduced, referred to House H.E.W.

**House Bill No. 5218**

**BY** Gallison, Gablinske, Malik, Rice A, Pollard

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - OUTDOOR WOOD-FIRED HYDRONIC HEATERS (would regulate the sale and installation of outdoor wood-fired hydronic heaters.) {LC758/1}

01/28/2009 Introduced, referred to House H.E.W.

**House Bill No. 5219**

**BY** Edwards, Loughlin, Gallison, Vaudreuil, Silva

**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- SEXUAL OFFENDER REGISTRATION {LC238/1}

01/28/2009 Introduced, referred to House Judiciary

**House Bill No. 5220**

**BY** Diaz, Almeida, Slater, Williams

**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- CHILDREN {LC609/1}

01/28/2009 Introduced, referred to House Judiciary

**House Bill No. 5221****BY** Gablinske, Gallison, Brien**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- REGULATION OF SALES ( would make it unlawful for liquor establishments to refuse to accept a valid RI duplicate license and would provide penalties for violations of the act.) {LC703/1}

01/28/2009 Introduced, referred to House Judiciary

**House Bill No. 5222****BY** Rice A, McNamara, Gallison, Palumbo, Corvese**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- DNA DETECTION ( would require the taking of a DNA sample from anyone arrested for a felony whether or not they are convicted.) {LC817/1}

01/28/2009 Introduced, referred to House Judiciary

**House Bill No. 5223****BY** Flaherty, McNamara**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- WEAPONS {LC705/1}

01/28/2009 Introduced, referred to House Judiciary

**House Bill No. 5224****BY** Schadone, MacBeth, Fellela, Azzinaro, Palumbo**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- FETAL PROTECTION ACT (would establish the Fetal Protection Act.) {LC462/1}

01/28/2009 Introduced, referred to House Judiciary

**House Bill No. 5225****BY** Schadone, Malik, MacBeth, DaSilva, Menard**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES ( would make it a felony and impose penalties for anyone who operates a motor vehicle while under the influence of liquor or drugs with a passenger under the age of sixteen.) {LC459/1}

01/28/2009 Introduced, referred to House Judiciary

**House Bill No. 5226****BY** McNamara**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- EVIDENCE {LC201/1}

01/28/2009 Introduced, referred to House Judiciary

**House Bill No. 5227****BY** Coderre E, Giannini, Serpa, Shallcross Smith**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE - SENTENCE AND EXECUTION {LC486/1}

01/28/2009 Introduced, referred to House Judiciary

**House Bill No. 5228****BY** Coderre E, Giannini, Serpa, Shallcross Smith, Almeida**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- DOMESTIC VIOLENCE PREVENTION ACT ( would include convictions for petty misdemeanors involving domestic violence when determining if the defendant qualifies for enhanced penalties for domestic violence offenses subsequent to a first conviction for domestic violence offense.) {LC347/1}

01/28/2009 Introduced, referred to House Judiciary

**House Bill No. 5229****BY** Shallcross Smith, Menard, Petrarca**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.) {LC808/1}

01/28/2009 Introduced, referred to House Judiciary

**House Bill No. 5230****BY** Martin, DaSilva, Kilmartin, Ruggiero**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES ( Kevin Horbowicz to join Maria E. Barg and Thomas T. Moniz in marriage) {LC742/1}

01/28/2009 Introduced, referred to House Judiciary

**House Bill No. 5231****BY** Gallison, Corvese, Serpa, Edwards, Carter**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- GRAVES AND CORPSES ( would increase the fines for the defacing or any injury to the Soldiers' and Sailors' Monument, any public statue or monument or any grave site/cemetery & would provide for full restitution of the amount of the cost of the damages incurred.) {LC700/1}

01/28/2009 Introduced, referred to House Judiciary

**House Bill No. 5232****BY** Gablinske, Brien, Trillo**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- CERTIFIED SCHOOL TEACHERS' ARBITRATION (would prohibit strikes by public school teachers and would provide for penalties for those teachers who violate this section.) {LC501/1}

01/28/2009 Introduced, referred to House Labor

**House Bill No. 5233****BY** Lima, Coderre E, Almeida, McCauley, Slater**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS - MINIMUM WAGES (would increase the minimum hourly wage to \$7.75 on July 1, 2009. Thereafter, each year the minimum hourly wage would be adjusted based upon the rate of inflation.) {LC780/1}

01/28/2009 Introduced, referred to House Labor



**House Resolution No. 5234****BY** Almeida, Williams, Diaz, Slater**ENTITLED**, HOUSE RESOLUTION OPPOSING THE E-VERIFY PROGRAM AND URGING THE UNITED STATES CONGRESS TO HALT ITS IMPLEMENTATION (E-Verify Program) {LC743/1}

01/28/2009 Introduced, referred to House Labor

**House Bill No. 5235****BY** Brien, Fierro, Baldelli-Hunt**ENTITLED**, AN ACT RELATING TO TAXATION -- TAX CLASSIFICATION ( exempt the Woonsocket from the provisions of sec. 44-5-11.8 & allow to provide for & adopt a tax rate on various classes as it shall deem appropriate pursuant to sec. 44-4-74.2 & establish homestead exemptions pursuant to sec.44-5-74.2.) {LC745/1}

01/28/2009 Introduced, referred to House Municipal Government

**House Bill No. 5236****BY** Flaherty, Lally, McNamara**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - SEWAGE CHARGES ( would exempt any building used for religious worship & up to 5 acres immediately surrounding them from municipal sewage charges.) {LC713/1}

01/28/2009 Introduced, referred to House Municipal Government

**House Bill No. 5237****BY** Carter, Walsh**ENTITLED**, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES ( would permit Exeter to assess & tax new real estate construction as completed after the assessment date on a pro rata basis.) {LC801/1}

01/28/2009 Introduced, referred to House Municipal Government

**House Bill No. 5238****BY** McCauley, Diaz, Williams, Carnevale, Slater**ENTITLED**, AN ACT RELATING TO TAXATION -- PAYMENT OF LOCAL TAXES (would add the city of Providence to the list of municipalities that may charge interest on unpaid quarterly local tax bills.) {LC697/1}

01/28/2009 Introduced, referred to House Municipal Government

**House Bill No. 5239****BY** Gallison, Carter, Fellela, Edwards, Rice A**ENTITLED**, AN ACT RELATING TO VETERANS' AFFAIRS -- BENEFITS ( would increase the benefits for military veterans for tax purposes, such as motor vehicle excise taxes, educational tuition, job purposes, state parking, hunting & fishing licenses & sale of goods, wares & other merchandise owned by the veteran.) {LC690/1}

01/28/2009 Introduced, referred to House Veterans Affairs

**House Resolution No. 5240****BY** Williamson**ENTITLED**, HOUSE RESOLUTION REINSTATING THE LIFE OF AND EXTENDING THE REPORTING AND EXPIRATION DATES OF THE SPECIAL HOUSE COMMISSION TO STUDY ALL ASPECTS OF THE STATE PENSION OR RETIREMENT SYSTEM {LC891/1}

Representative Williamson requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Williamson seconded by Representatives Fox, Loughlin and many other members of the House by unanimous consent, on a voice vote.

**House Bill No. 5241****BY** Kilmartin, McNamara, Giannini**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES {LC509/1}

01/28/2009 Introduced, referred to House Corporations

**House Bill No. 5242****BY** Kilmartin, McNamara, Giannini**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- USE OF ELECTRONIC DEVICES {LC508/1}

01/28/2009 Introduced, referred to House Corporations

**CALENDAR**

From the Calendar are taken:

**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

Representative Costantino moves passage of the act, seconded by Representatives Carter, Coderre, Gallison, Menard, Trillo, Loughlin, Savage, Ehrhardt, A. Rice, M. Rice, Vaudreuil, Silva, Sullivan, Pollard, McNamara, Pacheco, Giannini, Lima, Fellela, San Bento, Williamson, Corvese, DaSilva, Martin, Walsh, Kilmartin, Shallcross-Smith, Almeida, Hearn, Gemma, Marcello, Melo, Fierro, Serpa, Handy, Ajello and Mattiello.

Representatives Watson discusses the act. Representative McNamara rises on a point of order for Representative Watson to speak germane to the act. The Honorable Speaker Murphy rules for Representative Watson to speak germane to the act. Representative Watson, Costantino, Driver and Carter continue discussion on the act.

Read and passed, on a roll call vote, 73 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 73: 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, Rice, A., Rice, M., Ruggiero, San Bento, Savage, Schadone, Segal, Serpa, Shallcross, Silva, Slater, Sullivan, Trillo, Vaudreuil, Walsh, Watson, Williams, Williamson, Winfield.

NAYS - 0.

### REQUESTS

Representatives Ucci and Wasylyk request the journal to reflect that if they had voted on (09-H 5186), they would have voted in the affirmative.

### TRANSMITTAL

By unanimous consent, (09-H 5186), on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

#### **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

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

Read and passed, in concurrence, on a roll call vote, 73 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 73: 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, Rice, A., Rice, M., Ruggiero, San Bento, Savage, Schadone, Segal, Serpa, Shallcross, Silva, Slater, Sullivan, Trillo, Vaudreuil, Walsh, Watson, Williams, Williamson, Winfield.

NAYS - 0.

### REQUESTS

Representatives Ucci and Wasylyk request the journal to reflect that if they had voted on (09-S 94), they would have voted in the affirmative.

### TRANSMITTAL

By unanimous consent, (09-S 94) on the clerk's desk is ordered to be transmitted to His Excellency, the Governor, forthwith.

#### **3 2009-H 5185**

**BY Gallison**

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

Ordered on the Calendar

Representative Gallison moves passage of the act, seconded by Representative Lally.

Read and passed, on a roll call vote, 73 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 73: 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, Rice, A., Rice, M., Ruggiero, San Bento, Savage, Schadone, Segal, Serpa, Shallcross, Silva, Slater, Sullivan, Trillo, Vaudreuil, Walsh, Watson, Williams, Williamson, Winfield.

NAYS - 0.

### REQUEST

Representative Ucci requests the journal to reflect that if he had voted on (09-H 5185), he would have voted in the affirmative.

#### **4 2009-H 5190**

**BY Naughton**

**ENTITLED,** HOUSE RESOLUTION AMENDING THE TEMPORARY RULES OF THE HOUSE OF REPRESENTATIVES

Ordered on the Calendar

Representative Naughton moves passage of the resolution, seconded by Representatives O'Neill, Gallison, Williamson and Savage.

Read and passed, on a roll call vote, 71 members voting in the affirmative and 1 member voting in the negative as follows.

YEAS - 71: 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, 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, Rice, A., Rice, M., Ruggiero, San Bento, Savage, Schadone, Segal, Serpa, Shallcross, Silva, Slater, Sullivan, Vaudreuil, Walsh, Watson, Williams, Williamson, Winfield.

NAYS - 1: Representative Trillo.

### REQUEST

Representative Ucci requests the journal to reflect that if he had voted on (09-H 5190), he would have voted in the affirmative.

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### STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS HOUSE OF REPRESENTATIVES

#### STATEMENT OF CONFLICT OF INTEREST PURSUANT TO RIGL 36-14-6

I, John J. McCauley, Jr., State Representative, District 1, hereby under oath depose and say:

1. (Matter requiring action) I expect to be called upon, in my capacity as State Representative, to participate in the consideration of, and to vote upon: (09-H 5001 SUBA)
2. (Nature of the potential conflict) I have the following interest in the matter:  
I own a check cashing store.
3. (Complete and (A.) or (B.) and cross out whichever does not apply  
B. In compliance with Section 36-14-6(1) & (2)A of the General laws, I hereby request the Speaker of the House of Representatives to excuse me from voting on or participating in the consideration of the matter described in paragraph 1 above.

JOHN J. MCCAULEY, JR.  
REPRESENTATIVE

STATE OF RHODE ISLAND  
COUNTY OF PROVIDENCE

Subscribed and sworn to under the penalties for perjury before me this 28<sup>th</sup> day of January, 2009.

MICHAEL R. EGAN  
NOTARY PUBLIC

Representative McCauley is excused from voting on or participating in the consideration of the matter described in paragraph 1, above.

WILLIAM J. MURPHY  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

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**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.

Representative Kennedy moves passage of the act, seconded by Representatives Baldelli-Hunt, Fox, Lima, Brien, Williams, Handy and many other members of the House.

Representatives Driver, Baldelli-Hunt, Watson, Jacquard, Sullivan, M. Rice, Ehrhardt and Lima discuss the act.

The bill marked Substitute "A" is read and passed and the original bill indefinitely postponed, on a roll call vote, 64 members voting in the affirmative and 8 members voting in the negative as follows.

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

NAYS - 8: Representatives Ehrhardt, Flaherty, Jacquard, Loughlin, Newberry, Savage, Trillo, Watson.

**REQUEST**

Representative Ucci requests the journal to reflect that if he had voted on (09-H 5001SUB A), he would have voted in the affirmative.

**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.

Representative O'Neill moves passage of the act, seconded by Representatives Almeida, Caprio, Palumbo, Mattiello, Williams and many other members of the House.

Representatives Flaherty, Mattiello, Williamson, Watson, Corvese, Driver and DeSimone discuss the act.

The bill marked Substitute "A" is read and passed and the original bill indefinitely postponed, on a roll call vote, 65 members voting in the affirmative and 10 members voting in the negative as follows.

YEAS - 65: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Azzinaro, Baldelli-Hunt, Brien, Caprio, Carnevale, Carter, Coderre, Corvese, Costantino, DaSilva, Dennigan, DeSimone, Diaz, Edwards, Fellela, Ferri, Fierro, Fox, Gablinske, Gallison, Giannini, Guthrie, Handy, Hearn, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Lima, MacBeth, Malik, Marcello, Martin, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Pollard, Rice, A., Rice, M., Ruggiero, San Bento, Schadone, Segal, Serpa, Shallcross, Silva, Slater, Sullivan, Ucci, Vaudreuil, Walsh, Wasyluk, Williams, Williamson.

NAYS - 10: Representatives Driver, Ehrhardt, Flaherty, Gemma, Loughlin, Newberry, Savage, Trillo, Watson, Winfield.

**Majority Leader Fox moves to bundle items 7, 8, 9, 10 and 11 on today's Calendar seconded by Minority Leader Watson. There is no objection.**

Majority Leader Fox explains the bundle process for the new Representatives.

Majority Leader Fox moves the bundle (items 7, 8, 9, 10 and 11) seconded by Minority Leader Watson.

**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.

The bundle (items 7, 8, 9, 10, and 11) prevails on a roll call vote, 72 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 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, Gallison, Gemma, Giannini, Guthrie, Handy, Hearn, Kennedy, Kilmartin, Lally, Lima, Loughlin, MacBeth, Malik, Marcello, Martin, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, Newberry, O'Neill, Pacheco, Palumbo, Petrarca, Pollard, Rice, A., Rice, M., Ruggiero, San Bento, Savage, Schadone, Segal, Serpa, Shallcross, Silva, Slater, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

**TRANSMITTAL**

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



**ANNOUNCEMENT**

Representative Kilmartin announces that Jason Grammit of the Ethics Commission will give a presentation at the Rise in the House Lounge.

**ADJOURNMENT**

At 5:17 o'clock P.M. on motion of Representative Loughlin, and as a further mark of respect to the memories of the crew members on the Space Shuttle Challenger; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

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

**APPENDIX**

**INVOCATION**

**REPRESENTATIVE DONNA M. WALSH**

Heavenly Father, look with favor on our deliberation and assist us by your grace to do what is just and wise. Amen.

APPENDIX

CALENDAR

IN ORDER FOR TUESDAY, FEBRUARY 3, 2009:

1. **2009-H 5112 SUB A**

**BY Costantino**

**ENTITLED,** AN ACT RELATING TO CENTERS FOR MEDICARE AND  
MEDICAID SERVICES WAIVER AND EXPENDITURE  
AUTHORITY

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

2. **2009-S 52**

**BY Ruggerio**

**ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF  
THE CHARTER OF CERRONI'S SERVICE CENTER, INC.

Committee on Corporations recommends passage in concurrence.

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

Wednesday, January 28, 2009

**APPENDIX**

**TRANSMITTED TO THE GOVERNOR**

**Senate Bill No. 94**

**BY** Levesque C, DeVall, Gallo

**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES - RETIREMENT SYSTEM - CONTRIBUTION AND BENEFITS ( would authorize the director of the department of labor and training to re-hire qualified retirees from the department for the period between January 27, 2009 and March 1, 2009, for the purpose of processing unemployment claims.) {LC830/1}