

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. 11

Thursday, January 29, 2009

Eleventh Day

The House of Representatives meets at the State House in Providence, Thursday, January 29, 2009 and is called to order at 4:13 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 68 members present and 7 members absent as follows:

PRESENT - 68: 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, Gablinske, Gallison, Gemma, Giannini, Guthrie, Hearn, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Loughlin, MacBeth, Malik, Marcello, Martin, Mattiello, McCauley, McNamara, Melo, Menard, Newberry, Pacheco, Palumbo, Petrarca, Pollard, A. Rice, M. Rice, Ruggiero, San Bento, Savage, Schadone, Segal, Serpa, Silva, Slater, Sullivan, Ucci, Vaudreuil, Walsh, Wasyluk, Watson, Williams, Williamson, Winfield.

ABSENT - 7: Representatives Fox, Handy, Lima, Naughton, O'Neill, Shallcross-Smith, Trillo.

INVOCATION

The Honorable Speaker presents Representative Marcello 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 28, 2009 is approved as printed.

ANNOUNCEMENTS

Representative Eileen Naughton will be unable to attend session Thursday, January 29, 2009.

Representative Arthur Handy is attending a meeting and therefore unable to attend session Thursday, January 29, 2009.

APPOINTMENTS

January 29, 2009

I hereby appoint the following to the Special Joint Commission to Study Underground Economy and Employee Misclassification:

Representative Arthur Corvese
Representative Brian Newberry
Representative Douglas Gablinske
Steve Labrie-Public Member

William J. Murphy
SPEAKER

Received and placed on file.

NEW BUSINESS**House Resolution No. 5243**

BY Edwards, Loughlin, Gallison, Jackson, Silva

ENTITLED, HOUSE RESOLUTION RESPECTFULLY REQUESTING THE DEPARTMENT OF TRANSPORTATION TO PRIORITIZE BUILDING THE NEW SAKONNET BRIDGE {LC607/1}

01/29/2009 Introduced, referred to House Constituent Services

House Bill No. 5244

BY Corvese

ENTITLED, AN ACT RELATING TO FIDUCIARIES - UNIFORM MANAGEMENT OF INSTITUTIONAL FUNDS (would update Rhode Island's "Uniform Management of Institutional Funds Act" which was enacted in 1972) {LC681/1}

01/29/2009 Introduced, referred to House Corporations

House Bill No. 5245

BY Corvese, Petrarca, San Bento, Carter, Melo

ENTITLED, AN ACT RELATING TO BUSINESS AND PROFESSIONS -- ELECTRICIANS (would increase fines and penalties for individuals not abiding by appropriate licensing requirements relating to performing electrical work) {LC805/1}

01/29/2009 Introduced, referred to House Corporations

House Bill No. 5246**BY** Corvese, Petrarca, San Bento, Carter, Melo**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - ELECTRICIANS (would add maintenance to those services for which a licensed electrician is required. In addition, it would include members of the board of examiners among those permitted to conduct inspections) {LC804/1}

01/29/2009 Introduced, referred to House Corporations

House Bill No. 5247**BY** Corvese, Petrarca, San Bento, Carter, Melo**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- ELECTRICIANS (would limit the types of power companies that are excluded from the requirements of chapter 5-6 to those power companies that are power utility companies) {LC807/1}

01/29/2009 Introduced, referred to House Corporations

House Bill No. 5248**BY** McNamara, Handy**ENTITLED**, AN ACT RELATING TO FISH AND WILDLIFE (would prohibit the taking, killing, destroying, pursuing or molesting of any wild bird along the west shore of the Providence River from Gaspee Point to Fields Point) {LC724/1}

01/29/2009 Introduced, referred to House Environment and Natural Resources

House Bill No. 5249**BY** Corvese**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- WEAPONS -- LICENSE OR PERMIT FEE (act would increase the fee for a weapons license or permit from \$40.00 to \$100 and would provide that nonresident permits would be valid for one year) {LC881/1}

01/29/2009 Introduced, referred to House Finance

House Bill No. 5250**BY** Pacheco, Savage, Fierro, Almeida, Gallison**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY -- JOINT COMMITTEE ON LEGISLATIVE SERVICES (would require the joint committee on legislative services to publish each legislator's voting records on the legislator's official general assembly website) {LC794/1}

01/29/2009 Introduced, referred to House Finance

House Bill No. 5251**BY** Gemma, Jacquard, Carter**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- POLICE OFFICERS AND FIREFIGHTERS INJURED ON DUTY (would allow firefighters and/or police officers who are wholly or partially incapacitated by reason of injuries or sickness contracted in the performance of his or her duties to receive 80% of the salary or wages together with benefits) {LC866/1}

01/29/2009 Introduced, referred to House Finance

House Bill No. 5252**BY** Pacheco**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS -- SANITATION IN FOOD ESTABLISHMENTS (would amend the definition of a "cultural heritage education facility" for purposes of chapter 21-27, "Sanitation in Food Establishments," and would require such a site to be at least 150 years old in order to be within the definition) {LC863/1}

01/29/2009 Introduced, referred to House H.E.W.

House Bill No. 5253**BY** Ajello, McNamara, Corvese, Handy, Serpa**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - STATE POLICE (would require the state police, in consultation with other appropriate agencies, to send out emergency alerts if a person with a diagnosis of dementia is reported missing) {LC813/1}

01/29/2009 Introduced, referred to House H.E.W.

House Bill No. 5254**BY** DaSilva, Kilmartin, Shallcross Smith, Carnevale, Mattiello**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - PROSTITUTION AND LEWDNESS (would define and prohibit prostitution and provide penalties for maintaining a brothel) {LC846/1}

01/29/2009 Introduced, referred to House Judiciary

House Bill No. 5255**BY** Williamson**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY -- CAUSES OF ACTION (would reduce the limitation period applicable to contracts under seal, and judgments, from twenty (20) years to ten (10) years after the action accrued or from the date the judgment was issued) {LC523/1}

01/29/2009 Introduced, referred to House Judiciary

House Bill No. 5256**BY** Corvese**ENTITLED**, AN ACT RELATING TO PROPERTY - ELECTRONIC RECORDING (would specifically authorize the municipal recorder of deeds, at the recorder's option, to accept electronic documents for recording and to index and store those documents) {LC682/1}

01/29/2009 Introduced, referred to House Judiciary

House Bill No. 5257**BY** Pollard, Schadone, DeSimone, Lally, Newberry**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- CODE OF ETHICS (would require the ethics commission to issue an advisory opinion within 30 days of a request by a person subject to the Rhode Island code of ethics) {LC134/1}

01/29/2009 Introduced, referred to House Judiciary

COMMUNICATION FROM THE SENATE

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

Senate Bill No. 95**BY** Sosnowski**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF SOUTH KINGSTON FOOD SERVICES, INC. {LC678/1}

01/29/2009 Referred to House Corporations

ANNOUNCEMENTS

The Honorable Speaker Murphy wishes Representative Donna Walsh a Happy Birthday.

The Honorable Speaker Murphy wishes Representative Peter Petrarca and his wife Michelle a Happy Anniversary on January 28th.

The Honorable Speaker Murphy wishes Representative Raymond Sullivan a Happy Birthday on January 31st.

The Honorable Speaker Murphy wishes Representative Frank Ferri a Happy Birthday on February 2nd.

Representative Kilmartin wishes Representative Samuel A. Azzinaro a Happy Birthday and reads a resolution passed on February 3, 1943 upon his birth.
(For Resolution see Appendix of this Journal)

ADJOURNMENT

At 4:20 o'clock P.M. on motion of Representative Petrarca, and as a further mark of respect to the memory of Jina Petrarca; seconded by Representatives Kilmartin and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE MICHAEL J. MARCELLO

Lord, 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 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.

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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

Thursday, January 29, 2009

APPENDIX

State of Rhode Island, &c.

IN GENERAL ASSEMBLY

JANUARY SESSION, A. D. 1943

HOUSE RESOLUTION

EXTENDING THE FELICITATIONS OF THE HOUSE OF REPRESENTATIVES TO A NEW MEMBER, REPRESENTATIVE SAMUEL AZZINARO OF WESTERLY, UPON THE BIRTH OF A SON.

WHEREAS, The members of the house of representatives have been delighted to be informed that great happiness has come to Representative and Mrs. Samuel Azzinaro, of 76 Oak Street, Westerly, Rhode Island, in the birth of a son, Samuel A., Jr., January 29, 1943; now therefore be it

RESOLVED, That the hearty, sincere good wishes of all members of this honorable body be now extended to the fortunate parents and may good fortune attend the pathway of both Samuels and their loved ones to the end of time; and the recording clerk is hereby directed to transmit to Representative Samuel A. Azzinaro and Mrs. Azzinaro a duly certified copy of this resolution.

I hereby certify that this is a true copy of House Resolution No. 627, read and passed by the House of Representatives, February 3, 1943.

Lawrence A. McCarthy
Reading Clerk