

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. 12

Tuesday, February 3, 2009

Twelfth Day

The House of Representatives meets at the State House in Providence, Tuesday, February 3, 2009 and is called to order at 4:21 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 73 members present and 2 members absent as follows:

PRESENT - 73: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Azzinaro, Baldelli-Hunt, 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, 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 - 2: Representatives Brien, McCauley

INVOCATION

The Honorable Speaker presents Representative Hearn who delivers the Invocation and leads the membership in the Pledge of Allegiance to the Flag.

(For Invocation, see Appendix, this Journal.)

CORRECTION

By unanimous consent, the House Journal of Thursday, January 29, 2009 is hereby corrected by recording Representative Lima as being present.

APPROVAL OF RECORD

By unanimous consent, the House Journal of Thursday, January 29, 2009 is approved as corrected.

ANNOUNCEMENT

Representative Jon Brien will be unable to attend session Tuesday, February 3, 2009.

NEW BUSINESS**House Bill No. 5258**

BY Carter, Gallison, Almeida, Fellela, Loughlin

ENTITLED, AN ACT RELATING TO TAXATION -- DISABLED VETERANS (would grant a one hundred percent property tax exemption to permanently disabled veterans or the unmarried surviving spouse of a veteran who died while on active duty) {LC842/1}

02/03/2009 Introduced, referred to House Veterans Affairs

House Bill No. 5259

BY Kilmartin

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - MOTOR CARRIERS OF PROPERTY (would increase the diesel price emergency surcharge from three dollars (\$3.00) to five dollars (\$5.00) {LC959/1}

02/03/2009 Introduced, referred to House Corporations

House Bill No. 5260

BY Silva, Edwards, Vaudreuil, Pollard, Serpa

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS (would limit ATM fees to a maximum of one dollar per transaction) {LC897/1}

02/03/2009 Introduced, referred to House Corporations

House Bill No. 5261

BY Rice A, Ruggiero, Dennigan, Jacquard, Kennedy

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- GREEN JOBS TASK FORCE (would create a Green Jobs Task force) {LC561/1}

02/03/2009 Introduced, referred to House Constituent Services

House Resolution No. 5262

BY San Bento

ENTITLED, JOINT RESOLUTION URGING THE UNITED STATES CONGRESS TO LIFT THE FEDERAL BAN ON SPORTS WAGERING {LC941/1}

02/03/2009 Introduced, referred to House Finance

House Bill No. 5263

BY Carter, Almeida, Gallison, Ucci, Serpa

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --

DEPARTMENT OF ADMINISTRATION (would allow retired sheriffs to work as deputy

sheriffs for up to seventy-five (75) days in any calendar year without forfeiture of or reduction in retirement benefits) {LC722/1}

02/03/2009 Introduced, referred to House Finance

House Bill No. 5264

BY Costantino, Slater, Almeida, Silva

ENTITLED, AN ACT RELATING TO TAXATION (would increase fees and taxes on various items and activities) {LC895/1}

02/03/2009 Introduced, referred to House Finance

House Bill No. 5265

BY Carter, Almeida, Gallison, Ajello, Ruggiero

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS (would create the construction industry assistance act in order to provide a 5% bidding bonus to resident construction business) {LC142/1}

02/03/2009 Introduced, referred to House Finance

House Bill No. 5266

BY Palumbo, Corvese, Naughton, DeSimone, Caprio D

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - THE RHODE ISLAND AUTISM SPECTRUM DISORDER EVALUATION AND TREATMENT ACT (would create a special governmental joint venture between the department of health, the department of elementary and secondary education, and the department of human services) {LC650/1}

02/03/2009 Introduced, referred to House H.E.W.

House Bill No. 5267

BY Ruggiero

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - JAMESTOWN JUVENILE HEARING BOARD (would allow the town of Jamestown to establish a juvenile hearing board) {LC911/1}

02/03/2009 Introduced, referred to House Municipal Government

House Bill No. 5268

BY Shallcross Smith, Petrarca

ENTITLED, AN ACT IN AMENDMENT OF THE ACT, PASSED AT THE JANUARY SESSION, A.D. 1948, ENTITLED "AND ACT TO INCORPORATE THE LIME ROCK FIRE DISTRICT IN THE TOWN OF LINCOLN," AS AMENDED (would change the date and time of the annual meeting of the Lime Rock Fire District and would permit the board of commissioners to designate any place of assembly in the Town of Lincoln as the venue of said meeting) {LC869/1}

02/03/2009 Introduced, referred to House Municipal Government

House Bill No. 5269

BY Driver, Carter

ENTITLED, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES (would permit the town of Exeter to assess and tax new real estate construction as completed after the assessment date on a pro rata basis) {LC825/1}

02/03/2009 Introduced, referred to House Municipal Government

House Resolution No. 5270**BY** Palumbo**ENTITLED,** JOINT RESOLUTION CREATING A SPECIAL JOINT COMMISSION TO STUDY THE EDUCATION OF CHILDREN WITH AUTISM IN THE STATE OF RHODE ISLAND {LC718/1}

Representative Palumbo requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Palumbo seconded by Representatives Naughton, Pacheco and many other members of the House by unanimous consent, on a voice vote.

TRANSMITTAL

By unanimous consent, (09-H 5270) on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

CALENDAR

From the Calendar are taken:

IN ORDER FOR TUESDAY, FEBRUARY 3, 2009:

The Honorable Speaker Murphy moves item number two to the top of today's Calendar. There is no objection.

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.

Representative Kennedy moves passage of the act, seconded by Representatives Petrarca, San Bento, Pacheco, Malik and many other members of the House.

Read and passed, in concurrence, on a roll call vote, 67 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 67: The Honorable Speaker Murphy and Representatives Ajello, Azzinaro, Baldelli-Hunt, Caprio, Carnevale, Carter, Coderre, Corvese, Costantino, DaSilva, Dennigan, Diaz, Driver, Edwards, Ehrhardt, Fellela, Ferri, Fierro, Flaherty, Fox, Gablinske, Gallison, Giannini, Guthrie, Handy, Hearn, Jacquard, Kennedy, Kilmartin, Lima, Loughlin, MacBeth, Malik, Marcello, Martin, Mattiello, McNamara, Melo, Menard, Naughton, Newberry, O'Neill, Pacheco, Palumbo,

Petrarca, Pollard, Rice, A., Rice, M., Ruggiero, San Bento, Savage, Schadone, Segal, Serpa, Shallcross, Slater, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

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.

Representative Costantino moves passage of the act, seconded by Representatives Coderre, Naughton, Dennigan, Savage, Slater, Diaz, San Bento, M. Rice, Pacheco, Melo, Serpa, Carter, Almeida, Giannini, Gemma and Mattiello.

By unanimous consent, Representative Costantino offers an amendment seconded by Naughton, Slater, Fox and many other members of the House.

**FLOOR AMENDMENT
TO
2009 -- H 5112 SUBSTITUTE A**

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

Mr. Speaker:

I hereby move to amend 2009 -- H 5112 SUBSTITUTE A, entitled "AN ACT RELATING TO CENTERS FOR MEDICARE AND MEDICAID SERVICES WAIVER AND EXPENDITURE AUTHORITY", as follows:

1. On page 6, by inserting the following language between lines 4 and 5:

“(c) To ensure all services allowable for Medicare reimbursement for beneficiaries who are dually eligible, selective contractors must be willing and able to accept Medicare.”

2. On page 6, line 23, by deleting the word “excluding” and inserting in place thereof the phrase “in addition to”.

3. One page 6, line 24 by inserting the words “and mental disabilities” immediately following the word “disabilities”.

Respectfully submitted,

REPRESENTATIVE NAUGHTON

Representatives Costantino and Watson discuss the amendment.

The motion to amend prevails on a roll call vote 71 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 71: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Azzinaro, Baldelli-Hunt, 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, Lima, Loughlin, MacBeth, Malik, Marcello, Martin, Mattiello, McNamara, Melo, Menard, Naughton, Newberry, O'Neill, Pacheco, Palumbo, Petrarca, Pollard, Rice, A., Rice, M., Ruggiero, San Bento, Savage, Schadone, Segal, Serpa, Shallcross, Slater, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

Representatives Costantino, Driver, Baldelli-Hunt, Watson, Newbury, Menard, Gemma, Palumbo and Schadone discuss the act, as amended.

The bill marked Substitute "A" is read and passed, as amended and the original bill indefinitely postponed, on a roll call vote, 71 members voting in the affirmative and 2 members voting in the negative as follows.

YEAS - 71: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Azzinaro, Baldelli-Hunt, 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, McNamara, Melo, Menard, Naughton, 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 - 2: Representatives Flaherty, Newberry.

TRANSMITTAL

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

ANNOUNCEMENTS

The Honorable Speaker Murphy wishes Representative Elaine Coderre and her husband Raymond a Happy Anniversary.

Representative Coderre announces for Representative Naughton that the Committee on Rules 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 Lima announces that the photographer will be in the House Lounge at the rise of the House for any Representative that did not have their picture taken for their photo ID and the website.

Representative Diaz introduces her 2009 intern, Sana Baig from the University of Rhode Island. Representative Diaz also invites everyone to meet Alejandra Rincon Author of “Undocumented Immigrants and Higher Education” at Brown University, Friday, February 6th at 5:00 P.M.

Representative Ferri introduces his 2009 intern, Matthew Crider.

Representative Giannini announces the 5th Annual Go Red Day is on Thursday, February 5th in the State Room at 2:30 o'clock P.M.

Representative Handy introduces his 2009 intern, Joshua Butera.

ADJOURNMENT

At 5:04 o'clock P.M. on motion of Representative Gablinske, and as a further mark of respect to the memory of Vincent S. Carmone; on motion of Representative Carter, and as a further mark of respect to the memories of General Tom Nally, and the four chaplains aboard the USAT Dorchester in 1943; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE JOY HEARN

Lord, as the flood of decisions we are called on to make seems about to overwhelm us, give us the strength and patience to make them carefully and compassionately for the sake of the people we represent. Amen.

APPENDIX

TRANSMITTED TO THE GOVERNOR

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}