

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. 13

Wednesday, February 4, 2009

Thirteenth Day

The House of Representatives meets at the State House in Providence, Wednesday, February 4, 2009 and is called to order at 4:15 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, 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, Lima, 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, Wasyluk, Watson, Williams, Williamson, Winfield.

ABSENT - 2: Representatives Lally, Loughlin.

INVOCATION

The Honorable Speaker presents Representative Carter 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, February 3, 2009 is approved as printed.

APPOINTMENT

Representative Joy Hearn has been appointed to the Special Legislative Commission to Study the Strengths and Weaknesses of Library Services in the State of Rhode Island.

REPORTS OF COMMITTEE**COMMITTEE ON CORPORATIONS**

Representative Kennedy, for the Committee on Corporations, reports back the following measures, with recommendation of transfer to the committee on Labor:

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}

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}

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}

NEW BUSINESS**House Resolution No. 5271**

BY Jackson

ENTITLED, HOUSE RESOLUTION REINSTATING AND EXTENDING THE
REPORTING DATE OF THE SPECIAL LEGISLATIVE COMMISSION TO STUDY THE
REQUIREMENTS FOR THE REMEDIATION OF NATURALLY OCCURRING ARSENIC
IN SOIL {LC991/1}

02/04/2009 Introduced, referred to House Constituent Services

House Resolution No. 5272**BY** Dennigan, Savage, Hearn, Malik, Walsh**ENTITLED**, JOINT RESOLUTION REINSTATING, EXTENDING, AND AMENDING THE MEMBERSHIP OF THE KARLA HARRY COMMISSION ON LIBRARIES IN RHODE ISLAND {LC886/1}

02/04/2009 Introduced, referred to House Constituent Services

House Bill No. 5273**BY** Kennedy, Lally, Azzinaro, Caprio D, Rice M**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- DETERMINATION OF NEED FOR NEW HEALTH CARE EQUIPMENT AND NEW INSTITUTIONAL HEALTH SERVICES (would provide for the definitions of exempt professional expansion & health care provider with respect to the determination of need for new health care equipment and new institutional health services.) {LC844/1}

02/04/2009 Introduced, referred to House Corporations

House Bill No. 5274**BY** Kennedy, Lally, Azzinaro, Caprio D, Rice M**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - DETERMINATION OF NEED FOR NEW HEALTH CARE EQUIPMENT AND NEW INSTITUTIONAL SERVICES (would change the term "institutional" health services to "reviewable" health services with respect to the determination of need for new health care equipment & health services.) {LC845/1}

02/04/2009 Introduced, referred to House Corporations

House Bill No. 5275**BY** Kennedy, Walsh, Caprio D, Gallison, Azzinaro**ENTITLED**, AN ACT RELATING TO INSURANCE - FIRE INSURANCE POLICIES AND RESERVES (would provide for the application of the hurricane deductible for losses in Block Island from hurricane force sustained winds reported by the national weather service.) {LC899/1}

02/04/2009 Introduced, referred to House Corporations

House Bill No. 5276**BY** Rice A, Mattiello, Melo, Ucci, Walsh**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- RHODE ISLAND BROADBAND STRATEGY COUNCIL (would create a broadband strategy council to study & recommend the adoption of high-speed internet services and technology throughout the state for the benefit of the state's citizens and employers.) {LC958/1}

02/04/2009 Introduced, referred to House Corporations

House Bill No. 5277**BY** Walsh, Serpa, Rice A, Ajello, Handy**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY -- PERMANENT JOINT COMMITTEE ON PUBLIC UTILITIES (would create a seven (7) member permanent joint

committee whose purpose it would be to oversee the public utilities commission and/or the division of public utilities and 2 carriers.) {LC839/1}
02/04/2009 Introduced, referred to House Corporations

House Bill No. 5278

BY Dennigan, Malik, Hearn, Walsh, Ferri

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.) {LC856/1}
02/04/2009 Introduced, referred to House Finance

House Bill No. 5279

BY Winfield, Petrarca

ENTITLED, AN ACT RELATING TO TAXATION - PROPERTY SUBJECT TO TAXATION (would permit any city or town council by ordinance subject to taxation twenty percent (20%) of the assessed valuation of all real and personal property owned by private colleges and universities located within the municipality.) {LC828/1}
02/04/2009 Introduced, referred to House Finance

House Bill No. 5280 (by request)

BY Loughlin, Gablinske, Ehrhardt, Trillo

ENTITLED, AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS (would amend the "Caruolo Act", so-called, to provide that no award of the Superior Court would exceed the school budget increase caps set forth in subsection 16-2-21(d).) {LC753/1}
02/04/2009 Introduced, referred to House Finance

House Bill No. 5281 (by request)

BY Newberry, Gablinske, Caprio D, Loughlin

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT (would require that a financial impact statement for all state contracts be made available & all contracts would be placed on the state website within twenty-four (24) hours thereafter.) {LC749/1}
02/04/2009 Introduced, referred to House Finance

House Bill No. 5282

BY Guthrie, Pacheco, Williams, Sullivan, Almeida

ENTITLED, AN ACT RELATING TO TAXATION - ALTERNATIVE FLAT TAX (would set the alternative minimum tax rate at 7 percent.) {LC847/1}
02/04/2009 Introduced, referred to House Finance

House Resolution No. 5283

BY Melo, Dennigan

ENTITLED, HOUSE RESOLUTION SUPPORTING A CAP OF \$20,000 ON THE COST OF EDUCATING EACH INDIVIDUAL SPECIAL EDUCATION STUDENT AT THE LOCAL LEVEL {LC903/1}
02/04/2009 Introduced, referred to House Finance

House Bill No. 5284**BY** Edwards, Segal, Pollard, Sullivan, Fierro**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES (would require all future specifications for publicly financed construction with a cost be in compliance with the energy & environmental standards promulgated by the LEED Building Rating System of the U.S. Green Building Council.) {LC646/1}

02/04/2009 Introduced, referred to House Finance

House Bill No. 5285**BY** Segal, Fierro, Silva**ENTITLED**, AN ACT RELATING TO TAXATION - PERSONAL INCOME TAX (would require employers to provide employees with bi-lingual notices regarding the existence of the federal earned income tax credit & volunteer income tax assistance providers.) {LC876/1}

02/04/2009 Introduced, referred to House Finance

House Bill No. 5286**BY** McNamara, Ferri, Diaz, Savage, Jacquard**ENTITLED**, AN ACT RELATING TO EDUCATION -- HIGHER EDUCATION (would authorize the "Bachelors Degree in Three" program, a new educational initiative designed to expedite the process so that students can earn a bachelors degree at a state college or university within three (3) years.) {LC818/1}

02/04/2009 Introduced, referred to House H.E.W.

House Bill No. 5287**BY** Palumbo, Corvese, Flaherty, Williams, DeSimone**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY (would require nursing home administrators to report abuse of residents to the state police or the police department of the municipality where the abuse occurred.) {LC186/1}

02/04/2009 Introduced, referred to House H.E.W.

House Bill No. 5288**BY** Gemma, Ucci, Schadone, Jacquard**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS -- STATE AND MUNICIPAL COURT COMPACT (would repeal the retired justice program.) {LC1000/1}

02/04/2009 Introduced, referred to House Judiciary

House Bill No. 5289**BY** Gallison, Gablinske, Hearn, Malik, O'Neill JP**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION - ALCOHOL BOATING SAFETY (would increase the penalties for persons under the age of 21 who operate watercraft while under the influence of intoxicating liquor.) {LC909/1}

02/04/2009 Introduced, referred to House Judiciary

House Bill No. 5290**BY** O'Neill JP, Petrarca, Lally**ENTITLED**, AN ACT RELATING TO ELECTIONS -- ELECTIVE MEETINGS (would set the statewide poll closing time at 8:00 p.m.) {LC855/1}

02/04/2009 Introduced, referred to House Judiciary

House Resolution No. 5291**BY** Almeida, Williams, Diaz**ENTITLED**, JOINT RESOLUTION TO APPROVE AND PUBLISH, AND SUBMIT THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (CHANGE THE NAME OF THE STATE) {LC912/1}

02/04/2009 Introduced, referred to House Judiciary

House Bill No. 5292**BY** Loughlin, Carter, Gallison, Serpa, Fellela**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Major General Robert T. Bray to join Sandra Ann Morse and Ronald William Barnes in marriage within the city of Cranston, Rhode Island) {LC939/1}

02/04/2009 Introduced, referred to House Judiciary

House Resolution No. 5293**BY** Fox, Pacheco, Mattiello, Carter, O'Neill JP**ENTITLED**, HOUSE RESOLUTION EXPRESSING SOLIDARITY WITH ISRAEL IN ITS DEFENSE AGAINST TERRORISM IN THE GAZA STRIP {LC760/1}

02/04/2009 Introduced, referred to House Judiciary

House Bill No. 5294**BY** Segal, Edwards, Sullivan, Fierro**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- FUNERAL DIRECTOR/EMBALMER FUNERAL SERVICE ESTABLISHMENTS (would define "domestic partner" for the purpose of granting authority to domestic partners of deceased for funeral arrangements of deceased.) {LC824/1}

02/04/2009 Introduced, referred to House Judiciary

House Bill No. 5295**BY** Carnevale, Azzinaro, Edwards, DaSilva, Martin**ENTITLED**, AN ACT RELATING TO PROPERTY - DUTY OF MORTGAGEE TO PAY TAXES {LC809/1}

02/04/2009 Introduced, referred to House Judiciary

House Bill No. 5296**BY** Serpa, Williamson**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Patrick J. Cafferty to join Amy Farnsworth and Andrew Nagel in marriage within the City of East Providence, Rhode Island) {LC1012/1}

02/04/2009 Introduced, referred to House Judiciary

House Bill No. 5297**BY** Melo, Gablinske, Loughlin, Savage, Marcello**ENTITLED**, AN ACT RELATING TO ELECTIONS - PARTY COMMITTEES AND CONVENTIONS (would require state committees of political parties to nominate candidates, when none had filed before the deadline, in the same location where the original declaration of candidacy should have filed.) {LC976/1}

02/04/2009 Introduced, referred to House Judiciary

House Bill No. 5298**BY** Palumbo, Corvese, Malik, Gablinske, Jacquard**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - THE RHODE ISLAND TAXPAYER AND CITIZEN PROTECTION ACT OF 2009 {LC185/1}

02/04/2009 Introduced, referred to House Judiciary

House Bill No. 5299**BY** Gallison, Jackson, Azzinaro, Rice A, Caprio D**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ECONOMIC DEVELOPMENT CORPORATION (would require the economic development corporation to make available to the public all records of tourism inquiries it receives.) {LC908/1}

02/04/2009 Introduced, referred to House Judiciary

House Bill No. 5300**BY** Gablinske, Trillo**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS (would restrict collective bargaining by municipal employees, including teachers, to matters concerning compensation and benefits.) {LC754/1}

02/04/2009 Introduced, referred to House Labor

House Bill No. 5301**BY** Corvese, San Bento, Carter, Melo**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- ELECTRICIANS (would increase the ratio of apprentice electricians in relation to the amount of certificate B licensed journeyman electricians on a jobsite.) {LC803/1}

02/04/2009 Introduced, referred to House Labor

House Bill No. 5302**BY** Corvese, Melo**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - ELECTRICIANS (would amend various requirements for electricians to include journeymen with class B and M licenses.) {LC806/1}

02/04/2009 Introduced, referred to House Labor

House Bill No. 5303**BY** Vaudreuil, Silva, Corvese, Serpa, Mattiello**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS --
TEMPORARY DISABILITY INSURANCE BENEFITS (would prevent injured in the line of
duty personnel who receive full pay & benefits for their work related disability from
simultaneously receiving TDI.) {LC893/1}

02/04/2009 Introduced, referred to House Labor

House Resolution No. 5304**BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC1014/1}

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.**House Resolution No. 5305****BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC1013/1}

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. 5306****BY** Gallison, Carnevale, Costantino, Vaudreuil, Jacquard**ENTITLED**, HOUSE RESOLUTION CONGRATULATING AND THANKING COACH
EDMOND "EDDY" HEROUX FOR 25 YEARS COACHING THE LASALLE ACADEMY
BOYS BASKETBALL TEAM {LC1008/1}

Representative Gallison requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Gallison seconded by Representatives
Carnevale, Vaudreuil, Costantino, Jacquard, San Bento, and many other members of the House
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. 45

BY Ciccone, Jabour, Ruggerio, O'Neill E

ENTITLED, AN ACT RELATING TO THE TOWN OF NORTH PROVIDENCE (would change the date of inauguration from the first Sunday in January to the first Saturday at a time set by the town council.) {LC89/1}

02/04/2009 Referred to House Municipal Government

Senate Bill No. 47

BY Felag

ENTITLED, AN ACT RELATING TO THE TOWN OF WARREN {LC234/1}

02/04/2009 Referred to House Municipal Government

Senate Bill No. 63

BY DiPalma, Walaska

ENTITLED, AN ACT RELATING TO THE TOWN OF MIDDLETOWN {LC498/1}

02/04/2009 Referred to House Municipal Government

Senate Bill No. 64

BY Fogarty P, Gallo, Goodwin

ENTITLED, AN ACT RELATING TO THE TOWN OF GLOCESTER (would ratify amendments to the town charter by the electors in the town of Gloucester on November 4, 2008.) {LC548/1}

02/04/2009 Referred to House Municipal Government

ANNOUNCEMENTS

Representative Diaz announces that the Committee on Health, Education and Welfare will meet at the rise of the House, in Room 135 of the State House.

Representative Williamson announces that the Committee on Judiciary will meet at the rise of the House, in Room 205 of the State House.

Representative Hearn introduces her 2009 intern, Courtney Hall.

Majority Leader Fox announces the State of the State will be held on Tuesday, February 10, 2009 at 7:00 o'clock P.M. The House session will convene at 5:00 o'clock P.M.

GUEST

Representative Ucci welcomes former Representative and Central Falls Police Chief, Colonel Joseph Moran to the House Chamber as a guest.

ADJOURNMENT

At 4:24 o'clock P.M. on motion of Representative Ferri, and as a further mark of respect to the memory of Michael D. Riccitelli; on motion of Representative Lima, and as a further mark of respect to the memory of Clementina DeFilippo; on motion of Representative Azzinaro and as a further mark of respect to the memory of Robert Christina; on motion of Representative Giannini, and as a further mark of respect to the memories of Angelo Miele and Margaret Lawlor; on a motion of Representative Carter, and a further mark of respect to the memories of the four chaplains and Walter McHugh 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 KENNETH CARTER

Dear God, we are grateful for the privilege of serving in this House of Representatives. Keep us ever mindful that we are here to serve those who elected us and all of the people of Rhode Island. Amen.