

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. 14

Thursday, February 5, 2009

Fourteenth Day

The House of Representatives meets at the State House in Providence, Thursday, February 5, 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 69 members present and 6 members absent as follows:

PRESENT - 69: 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, Pacheco, Palumbo, Petrarca, Pollard, A. Rice, M. Rice, Ruggiero, Savage, Schadone, Segal, Serpa, Shallcross-Smith, Silva, Slater, Trillo, Ucci, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT - 6: Representatives Lally, Loughlin, O'Neill, San Bento, Sullivan, Vaudreuil.

INVOCATION

The Honorable Speaker presents Representative Giannini 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, February 4, 2009 is approved as printed.

ANNOUNCEMENTS

Representative Kenneth Vaudreuil will be unable to attend session today due to illness.

Representative Donald Lally will be unable to attend session today. He is out of state on business.

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. 95

BY Sosnowski

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF SOUTH KINGSTON FOOD SERVICES, INC. {LC678/1}

02/05/2009 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. 5264 SUB A

BY Costantino, Slater, Almeida, Silva

ENTITLED, AN ACT RELATING TO TAXATION (would increase fees and taxes on various items and activities) {{LC895/2/A}

02/06/2009 Placed on House Calendar

COMMITTEE ON JUDICIARY

Representative Williamson, for the Committee on Judiciary, reports back the following measure, with recommendation of passage:

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}

02/05/2009 Placed on House Calendar

COMMITTEE ON MUNICIPAL GOVERNMENT

Representative Gallison for the Committee on Municipal Government, reports back the following measure, with recommendation of passage:

House Bill No. 5079

BY Malik, Gablinske

ENTITLED, AN ACT RELATING TO THE TOWN OF WARREN {LC233/1}

02/05/2009 Placed on House Calendar

NEW BUSINESS**House Bill No. 5307**

BY Williamson

ENTITLED, AN ACT RELATING TO SPORTS, RACING AND ATHLETICS -- RHODE ISLAND YOUTH SPORTS OVERSIGHT COUNCIL (would create a state youth sports oversight council to oversee and mediate youth sports organizations.) {LC1032/1}

02/05/2009 Introduced, referred to House Constituent Services

House Bill No. 5308

BY Menard, Shallcross Smith, Winfield, Schadone

ENTITLED, AN ACT RELATING TO INSURANCE -- MANDATED BENEFITS (would require a mandated benefit review by the health insurance commissioner of any mandated benefit introduced after January 1, 2010, contingent on the review being paid for by health care providers authorized to do business in this state.) {LC915/1}

02/05/2009 Introduced, referred to House Corporations

House Bill No. 5309

BY Newberry, Pollard, Guthrie, Martin, Edwards

ENTITLED, AN ACT RELATING TO SALES AND USE TAXES -- LIABILITY AND COMPUTATION (would exempt the trade-in value of pickup trucks under ten thousand (10,000) pounds gross weight from sales tax as presently available to automobiles.) {LC612/1}

02/05/2009 Introduced, referred to House Finance

House Bill No. 5310

BY Kilmartin

ENTITLED, AN ACT RELATING TO EDUCATION -- COOPERATIVE SERVICE AMONG SCHOOL DISTRICTS {LC513/1}

02/05/2009 Introduced, referred to House Finance

House Bill No. 5311

BY Kilmartin

ENTITLED, AN ACT RELATING TO TAXATION -- ESTATE AND TRANSFER TAXES (would increase from \$675,000 to \$1,000,000 the allowable exclusion from the net tax on the estate of a decedent dying after December 31, 2008.) {LC517/1}

02/05/2009 Introduced, referred to House Finance

House Bill No. 5312**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO EDUCATION -- STATE AID {LC518/1}

02/05/2009 Introduced, referred to House Finance

House Bill No. 5313**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX
{LC519/1}

02/05/2009 Introduced, referred to House Finance

House Bill No. 5314**BY** Kilmartin, Corvese, Gablinske**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES --
INSURANCE BENEFITS {LC506/1}

02/05/2009 Introduced, referred to House Finance

House Bill No. 5315**BY** Kilmartin, Corvese, Gablinske**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES --
SALARIES AND TRAVELING EXPENSES {LC515/1}

02/05/2009 Introduced, referred to House Finance

House Bill No. 5316**BY** Menard, Winfield, Petrarca**ENTITLED**, AN ACT RELATING TO TAXATION - SALES AND USE TAXES -
LIABILITY AND COMPUTATION {LC934/1}

02/05/2009 Introduced, referred to House Finance

House Bill No. 5317**BY** Driver, Almeida, Naughton, Jackson, Carter**ENTITLED**, AN ACT RELATING TO STATE EMPLOYEES {LC1007/1}

02/05/2009 Introduced, referred to House Finance

House Bill No. 5318**BY** Newberry, Marcello**ENTITLED**, AN ACT RELATING TO ELECTIONS -- CONDUCT OF ELECTION AND
VOTING EQUIPMENT AND SUPPLIES {LC492/1}

02/05/2009 Introduced, referred to House Judiciary

House Bill No. 5319**BY** Corvese**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
PROCEDURE GENERALLY -- UNIFORM FOREIGN COUNTRY MONEY JUDGMENTS
RECOGNITION ACT {LC684/1}

02/05/2009 Introduced, referred to House Judiciary

House Bill No. 5320**BY** Caprio D, Carter, MacBeth, Flaherty**ENTITLED**, AN ACT RELATING TO TAXATION - PROPERTY SUBJECT TO TAXATION (would grant tax exemptions to eligible individuals, including seniors and veterans, who transfer property to an irrevocable trust.) {LC929/1}

02/05/2009 Introduced, referred to House Judiciary

House Bill No. 5321 (by request)**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- SEX OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION {LC952/1}

02/05/2009 Introduced, referred to House Judiciary

House Bill No. 5322**BY** Kilmartin, Corvese, Schadone**ENTITLED**, AN ACT RELATING TO PROPERTY - RESIDENTIAL LANDLORD AND TENANT ACT (would amend several provisions of the residential landlord tenant act.) {LC798/1}

02/05/2009 Introduced, referred to House Judiciary

House Bill No. 5323**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES - APPOINTMENT, QUALIFICATION AND TENURE OF OFFICERS (would require any person appointed to a state board, agency or commission to take a prescribed oath of office, and shall entitle the appointee to a commission.) {LC980/1}

02/05/2009 Introduced, referred to House Judiciary

House Bill No. 5324**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - CORRECTIONS DEPARTMENT (would require persons placed on community confinement to notify their landlords of said status.) {LC510/1}

02/05/2009 Introduced, referred to House Judiciary

House Bill No. 5325**BY** Ajello, Ruggiero, Kennedy, Lally, Giannini**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY -- CAUSES OF ACTION {LC832/1}

02/05/2009 Introduced, referred to House Judiciary

House Bill No. 5326**BY** Ajello, Rice A, Almeida, Newberry, Lally**ENTITLED**, AN ACT RELATING TO ELECTIONS - CONDUCT OF ELECTION {LC369/1}

02/05/2009 Introduced, referred to House Judiciary

House Bill No. 5327**BY** Menard, Shallcross Smith, DaSilva, Winfield, Baldelli-Hunt**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MOTOR VEHICLE OFFENSES (would allow a bail commissioner to order that a person's license be suspended immediately upon the report of a law enforcement officer that the person has refused a chemical test for DWI.) {LC932/1}

02/05/2009 Introduced, referred to House Judiciary

House Bill No. 5328**BY** Menard, Shallcross Smith, DaSilva, Winfield, Baldelli-Hunt**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES (would require a bail commission, a traffic tribunal magistrate, or a district court judge to immediately suspend a person's license upon that person being charged with a DUI.) {LC928/1}

02/05/2009 Introduced, referred to House Judiciary

House Bill No. 5329**BY** Menard, Winfield, Naughton, Schadone**ENTITLED**, AN ACT RELATING TO DOMESTIC RELATIONS-DIVORCE AND SEPARATION {LC960/1}

02/05/2009 Introduced, referred to House Judiciary

House Bill No. 5330**BY** Menard**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- LICENSE FOR MOTORCYCLES (would prohibit the removal of a motorcycle baffle or exhaust system.) {LC937/1}

02/05/2009 Introduced, referred to House Judiciary

House Bill No. 5331**BY** Almeida**ENTITLED**, AN ACT RELATING TO EDUCATION -- BOARD OF GOVERNORS FOR HIGHER EDUCATION {LC1036/1}

02/05/2009 Introduced, referred to House Judiciary

House Bill No. 5332**BY** Almeida**ENTITLED**, AN ACT RELATING TO ELECTIONS -- REGISTRATION OF VOTERS {LC1041/1}

02/05/2009 Introduced, referred to House Judiciary

House Bill No. 5333**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO EDUCATION - REGIONAL COUNTY SCHOOL SUPERINTENDENTS {LC516/1}

02/05/2009 Introduced, referred to House H.E.W.

House Bill No. 5334**BY** Palumbo, MacBeth, Edwards, Azzinaro, Giannini**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- WOMEN'S RIGHT TO KNOW ACT (would establish informed consent procedures for women seeking abortions.)

{LC184/1}

02/05/2009 Introduced, referred to House H.E.W.

House Bill No. 5335**BY** San Bento, Giannini, Carter, Williams, Almeida**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- ARBITRATION {LC1038/1}

02/05/2009 Introduced, referred to House Labor

House Bill No. 5336**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO WATER AND NAVIGATION - THE COASTAL RESOURCES MANAGEMENT COUNCIL {LC514/1}

02/05/2009 Introduced, referred to House Municipal Government

House Bill No. 5337**BY** Menard, Williams, Schadone**ENTITLED**, AN ACT RELATING TO PROPERTY -- CONDOMINIUM OWNERSHIP {LC933/1}

02/05/2009 Introduced, referred to House Municipal Government

House Bill No. 5338**BY** Menard, Shallcross Smith, Winfield, Petrarca, Schadone**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- SEWER CHARGES (would make the lien for sewage charges, previously granted only to specified municipalities, a law of general application.) {LC841/1}

02/05/2009 Introduced, referred to House Municipal Government

House Bill No. 5339**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY - CREATING A SUNSET OVERSIGHT COMMISSION {LC507/1}

02/05/2009 Introduced, referred to House Separation of Powers

House Bill No. 5340**BY** Gallison, Edwards, Serpa, Martin, Carnevale**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- CEMETERIES -- VETERAN HEADSTONE MEMORIALS (would require any cemetery which accepts a veteran's remains for burial to install free of charge the plaque issued by the Veterans' Administration on the veteran's gravesite.) {LC970/1}

02/05/2009 Introduced, referred to House Veterans Affairs

House Resolution No. 5341**BY** Giannini, Lima, Coderre E, Williams, Ajello**ENTITLED**, HOUSE RESOLUTION PROCLAIMING FEBRUARY 6, 2009 TO BE "GO RED FOR WOMEN" DAY IN THE STATE OF RHODE ISLAND {LC675/1}

Representative Giannini requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Giannini seconded by Representatives Lima, Fellela, Coderre, Dennigan, Diaz, Walsh, Ajello, Serpa, Naughton, Williams, Menard, Fierro, Kennedy, Gemma and many other members of the House by unanimous consent, on a voice vote.

With the agreement of the Majority and the Minority, Representative Malik requests (09-H 5342) be placed on the Calendar for Wednesday, February 11th. There is no objection.

House Resolution No. 5342**BY** Malik, Naughton, Rice M, Handy**ENTITLED**, JOINT RESOLUTION RESPECTFULLY REQUESTING THE NATIONAL MARINE FISHERIES SERVICE TO SUSPEND ITS CONSIDERATION OF THE SECRETARIAL INTERIM ACTION REGARDING THE NORTHEAST MULTISPECIES FISHERY {LC943/1}

02/05/2009 Placed on House Calendar

House Resolution No. 5343**BY** Serpa, McNamara, Fellela, Gallison, Silva**ENTITLED**, HOUSE RESOLUTION PROCLAIMING FEBRUARY 2-6, 2009 AS "NATIONAL SCHOOL COUNSELING WEEK" IN THE STATE OF RHODE ISLAND {LC613/1}

Representative Serpa requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Serpa seconded by Representative Fellela and many other members of the House by unanimous consent, on a voice vote.

House Resolution No. 5344**BY** Almeida, Williams, Fox, Diaz, San Bento**ENTITLED**, HOUSE RESOLUTION CONGRATULATING PRESIDENT BARACK OBAMA ON HIS INAUGURATION AS THE 44TH PRESIDENT OF THE UNITED STATES OF AMERICA {LC1006/1}

Representative Williams requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Williams seconded by Representatives Ajello, Almeida, Azzinaro, Baldelli-Hunt, Brien, Caprio, Carnevale, Carter, Coderre, Corvese, Costantino, DaSilva, Dennigan, DeSimone, Diaz, Driver, Edwards, 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, Pacheco, Palumbo, Petrarca, Pollard, A. Rice, M. Rice, Ruggiero, Savage, Schadone, Segal, Serpa, Shallcross-Smith, Silva, Slater, Trillo, Ucci, Walsh, Wasyluk, Williams, Williamson, Winfield 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 Resolution No. 164

BY Sosnowski, DiPalma, Felag, Levesque C, Sheehan

ENTITLED, JOINT RESOLUTION RESPECTFULLY REQUESTING THE NATIONAL MARINE FISHERIES SERVICE TO SUSPEND ITS CONSIDERATION OF THE SECRETARIAL INTERIM ACTION REGARDING THE NORTHEAST MULTISPECIES FISHERY {LC861/1}

02/05/2009 Referred to House Environment and Natural Resources

POINT OF PERSONAL PRIVILEGE

Representative Williams rises on a point of personal privilege in regards to co-sponsoring legislation.

DESK HELD OPEN

The desk is held open to receive Committee Reports.

ANNOUNCEMENTS

The Honorable Speaker Murphy announces to all members that a memo is on everyone's desk pertaining to all adjournment requests. Adjournment requests should be submitted prior to or at the beginning of each session to Michael Egan, House Parliamentarian. Also, Speaker Murphy announces, due to complaints received, at 3:50 o'clock P.M. each session day the floor will be cleared by the doorkeepers of advocates and lobbyist.

Representative Baldelli-Hunt congratulates the students and teachers at Henry Barnard School on their Necap Testing.

Representative McNamara and the Honorable Speaker Murphy commend Representative Diaz on being featured in an article in the More Magazine entitled "They Said I Was Crazy".

Representative Gallison introduces his legislative intern for 2009, Alexander Gard-Murray, a senior at Brown University and a resident of Los Angelis, California.

Representative Gallison wishes his son Timothy a Happy 24th Birthday.

Representative Gallison announces that the Committee on Municipal Government will meet at the rise of the House, in Room 201 of the State House.

Representative Costantino announces that the Committee on Finance will meet at 1 o'clock P.M. Friday, February 6th, in Room 35of the State House.

Representative Costantino announces that the Finance sub-committee on education will meet at 12 o'clock P.M. Friday, February 6th, in Room 35of the State House.

Representative Carter wishes James DeCastro a Happy 55th Birthday.

Representative Carter wishes Matt Brunelle a Happy 16th Birthday.

Representative Caprio wishes a Happy 83rd Birthday to George Tracy.

Representative Kennedy announces the Committee on Corporations will meet on Wednesday, February 11th at the Rise of the House in Room 203 instead of Tuesday, February 10th due to the State of the State Address.

Representative A. Rice informs the members of an article in today's Pro Jo "School-bus mandates save lives" by Sophia Pendergast.

GUESTS

Representative Giannini welcomes to the House Chamber as guests from the American Heart Association-Megan Tucker-Director of Advocacy; Tracey Kennedy-Chairman of the Board; Miriam Plitt-Advocacy Ambassador and Bill Thompsen-Vice President-Advocacy who are here today for National Go Red for Women Day.

Representatives Serpa and Williamson welcome to the House as guests Counselors from the Rhode Island School Counselor Association-William Izzi, Russell Paone, Karen Carnevale and Jean Greco.

Representative Serpa also welcomes to the Chamber John Pettinichio of the West Warwick School Committee.

ADJOURNMENT

At 4:41 o'clock P.M. on motion of Representative Watson, and as a further mark of respect to the memory of Mildred Chaika; on motion of Representative Williams, and as a further mark of respect to the memory of Mary A. Cardoza; on motion of Representative Lima and as a further mark of respect to the memory of Rose Notarianni; seconded by Representatives Fox and Trillo the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE JOANNE M. GIANNINI

Dear God, we give thee thanks for the privilege we have in our service as Representatives, and the satisfaction we receive from serving our constituents. Amen.

APPENDIX

CALENDAR

IN ORDER FOR WEDNESDAY, FEBRUARY 11, 2009:

1. **2009-H 5264 SUB A****BY Costantino****ENTITLED,** AN ACT RELATING TO TAXATION

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

2. **2009-H 5342****BY Malik****ENTITLED,** JOINT RESOLUTION RESPECTFULLY REQUESTING THE NATIONAL MARINE FISHERIES SERVICE TO SUSPEND ITS CONSIDERATION OF THE SECRETARIAL INTERIM ACTION REGARDING THE NORTHEAST MULTISPECIES FISHERY

Ordered to be placed on the House Calendar

3. **2009-H 5230****BY Martin****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

4. **2009-H 5079****BY Malik****ENTITLED,** AN ACT RELATING TO THE TOWN OF WARREN

Committee on Municipal Government recommends passage.

5. **2009-S 95****BY Sosnowski****ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF SOUTH KINGSTON FOOD SERVICES, INC.

Committee on Corporations recommends passage in concurrence.

Francis P. McCabe
Clerk of the House

Thursday, February 5, 2009