

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. 18

Tuesday, February 24, 2009

Eighteenth Day

The House of Representatives meets at the State House in Providence, Tuesday, February 24, 2009 and is called to order at 4:16 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, 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, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT - 2: Representatives Coderre, Trillo.

INVOCATION

The Honorable Speaker presents Representative Gablinske 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 Thursday, February 12, 2009 is approved as printed.

ANNOUNCEMENTS

Representative Elaine Coderre is out of town and will be unable to attend session Tuesday, February 24, through Thursday, February 26, 2009.

Representative Joseph Trillo is out of town on business and will be unable to attend session Tuesday, February 24 through Thursday, February 26, 2009.

NEW BUSINESS**House Bill No. 5512**

BY Giannini, Almeida, Williams

ENTITLED, AN ACT RELATING TO TAXATION - PROVIDENCE FREEZE OF CERTAIN TAX {LC29/1}

02/24/2009 Introduced, referred to House Municipal Government

House Bill No. 5513

BY Marcello, Kilmartin

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - AUTOMOBILE BODY REPAIR SHOPS (would require body shops to provide 72 hours advance notice to an insurer adjusting a claim for damage to a vehicle for the purpose of allowing the insurer an opportunity to appraise and photograph the vehicle prior to dismantling) {LC1123/1}

02/24/2009 Introduced, referred to House Corporations

House Bill No. 5514

BY Marcello, Kilmartin

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- AUTOMOBILE BODY REPAIR SHOPS (authorize the department of business regulation to deny an application for an automobile repair shop license/suspend/ revoke a license for paying valuable consideration to any person for referring/directing automobile repair business to it) {LC1111/1}

02/24/2009 Introduced, referred to House Corporations

House Bill No. 5515

BY Jackson, Schadone, Rice A, Brien, Marcello

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) {LC1068/1}

02/24/2009 Introduced, referred to House Finance

House Bill No. 5516

BY Ucci, Petrarca, Caprio D, Slater, Pacheco

ENTITLED, AN ACT RELATING TO PUBLIC FINANCE -- STATE BUDGET (would make it a misdemeanor for state and municipal employees to make or authorize expenditures exceeding appropriations) {LC1143/1}

02/24/2009 Introduced, referred to House Finance

House Bill No. 5517**BY** Loughlin, Pacheco, Edwards**ENTITLED**, AN ACT RELATING TO EDUCATION -- STATE AID (would provide an annual appropriation to cities and towns for the cost of the education of students in DCYF group homes) {LC239/1}

02/24/2009 Introduced, referred to House Finance

House Bill No. 5518**BY** Loughlin, Newberry, Edwards**ENTITLED**, AN ACT RELATING TO EDUCATION (would require the state to pay all tuition and costs for students attending state elementary and secondary vocational technical schools) {LC243/1}

02/24/2009 Introduced, referred to House Finance

House Bill No. 5519**BY** Coderre E, Naughton, Giannini, Williams, Shallcross Smith**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - HEALTH CARE FOR CHILDREN AND PREGNANT WOMEN (would amend the Rite Track program by increasing the qualifying family income levels from 250% to 300% of the federal poverty level/to those qualified to receive benefits under the program children who are lawful permanent residents of the US) {LC1624/1}

02/24/2009 Introduced, referred to House Finance

House Bill No. 5520**BY** McNamara, Naughton**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS -- SANITATION IN FOOD ESTABLISHMENTS (would require all chain food service establishments to provide nutritional information for all standard menu items) {LC1750/1}

02/24/2009 Introduced, referred to House H.E.W.

House Bill No. 5521**BY** Jackson, Schadone, Rice A, Brien, Marcello**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURES -- PROCEDURES GENERALLY -- PROPERTY -- EXEMPTIONS (would add the cash surrender values and proceeds of life insurance policies on the lives of residents of the state and the proceeds of annuity contracts of residents of the state to the property exempt from attachment by creditor) {LC1071/1}

02/24/2009 Introduced, referred to House Judiciary

House Bill No. 5522**BY** Loughlin, Ehrhardt, Trillo, Newberry**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY (would require the terms and provisions of all contracts entered into by the joint committee of legislative services to be made public) {LC245/1}

02/24/2009 Introduced, referred to House Judiciary

House Bill No. 5523**BY** Driver, Fierro, Guthrie, DaSilva, Carnevale**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - CHILDREN (would prevent the court from vacating a license suspension to store owners who violate tobacco sales laws for third and subsequent offenses) {LC1466/1}

02/24/2009 Introduced, referred to House Judiciary

House Bill No. 5524 (Attorney General)**BY** Giannini, Naughton, Coderre E, Williams**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - CHILDREN (would amend the definition of second degree child abuse by eliminating the word "serious" therefrom)

{LC395/1}

02/24/2009 Introduced, referred to House Judiciary

House Bill No. 5525**BY** Jackson, Schadone, Rice A, Brien, Marcello**ENTITLED**, AN ACT RELATING TO TAXATION -- ESTATE AND TRANSFER TAXES -- LIABILITY AND COMPUTATION (would provide that wills and trusts executed prior to September 12, 1981 that contain marital deductions formula clauses shall be constructed and interpreted in a manner that would provide for the optimum federal estate tax marital deduction)

{LC1073/1}

02/24/2009 Introduced, referred to House Judiciary

House Bill No. 5526**BY** Jackson, Schadone, Rice A, Brien**ENTITLED**, AN ACT RELATING TO FIDUCIARIES (would permit a trustee who has absolute power to invade principal of a trust to make distributions to a second trust for the benefit of the same beneficiaries) {LC1066/1}

02/24/2009 Introduced, referred to House Judiciary

House Bill No. 5527**BY** Loughlin, Trillo, Newberry**ENTITLED**, AN ACT RELATING TO EDUCATION -- FOUNDATION LEVEL SCHOOL SUPPORT (would allow the school committee in every community to negotiate other means of compensation for teachers including, but not limited to, merit pay) {LC311/1}

02/24/2009 Introduced, referred to House Labor

House Bill No. 5528**BY** Jackson, Rice A, Martin**ENTITLED**, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES -- NEWPORT (would allow the city of Newport to provide real estate tax exemptions based upon age or disability) {LC981/1}

02/24/2009 Introduced, referred to House Municipal Government

House Resolution No. 5529**BY** Naughton**ENTITLED**, HOUSE RESOLUTION ADOPTING RULES OF THE HOUSE OF REPRESENTATIVES FOR THE YEARS 2009-2010 {LC1891/1}

02/24/2009 Introduced, referred to House Rules Committee

House Resolution No. 5530**BY** Edwards, Gallison, Rice A, Loughlin, Silva**ENTITLED**, HOUSE RESOLUTION CONGRATULATING ANDREW VINCENT KELLY ON ATTAINING THE RANK OF EAGLE SCOUT {LC1800/1}

Representative Edwards requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Edwards seconded by Representatives Gallison, Loughlin, Menard, Diaz, Pollard, McNamara, Naughton, Ucci, M. Rice, A. Rice by unanimous consent, on a voice vote.

House Resolution No. 5531**BY** Fox, Loughlin**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC2035/1}

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. 5532**BY** Fox, Loughlin**ENTITLED**, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC2036/1}

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. 5533**BY** Gallison, Ruggiero, Martin, Gablinske, Loughlin**ENTITLED**, HOUSE RESOLUTION OPPOSING WEAVER'S COVE ENERGY LLC'S PROPOSED OFFSHORE BERTH PROJECT ALONG WITH THE LNG FACILITY AT

WEAVER'S COVE, FALL RIVER, MASSACHUSETTS AND THE TRANSPORTATION OF LNG ON NARRAGANSETT BAY AND MT. HOPE BAY {LC1977/1}

Representative Gallison requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Gallison seconded by Representatives Edwards, Loughlin, Savage 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.

ANNOUNCEMENTS

Representative Kennedy announces that the Committee on Corporations will meet at the rise of the House, in Room 203 of the State House

Representative Costantino announces that the Committee on Finance will have a staff briefing on the stimulus package at two thirty o'clock P.M., in Room 35 of the State House.

The Honorable Speaker Murphy wishes Representative Arthur Handy a Happy Birthday on February 15th.

The Honorable Speaker Murphy wishes Representative Joy Hearn a Happy Birthday on February 17th.

The Honorable Speaker Murphy wishes Representative Peter Kilmartin a Happy Birthday on February 18th.

The Honorable Speaker Murphy wishes Representative Douglas Gablinske a Happy Birthday on February 20th.

The Honorable Speaker Murphy wishes Representative Grace Diaz a Happy Birthday on February 21st.

The Honorable Speaker Murphy wishes Representative Christopher Fierro a Happy Birthday on February 22nd.

The Honorable Speaker Murphy wishes Representative Donald Lally a Happy Birthday on February 22nd.

GUESTS

At 4:19 o'clock P.M. the Honorable Speaker yields the rostrum to Representative Almeida.

By unanimous consent, Representative Joseph S. Almeida, Chairman of the Dr. Martin Luther King, Jr. State Holiday Commission addresses the members of the House. Representative Almeida welcomes to the House the Commission as follows: Honorable Maxine Shavers, Vice Chairman; Jo Eva Gaines, Treasurer; Mary Black, Acting Secretary; Rev. Carl H. Balark, Jr.; Mr. Yvon Chancy; Hon. J. Clement Cicilline; Mr. Alphonsa A. Cook; Mrs. Shirley Cooke; Mr. George Garedo; Mr. Norman Lincoln; Representative Robert A. Watson; Hon. Maria Lopes; Ms. Onna Moniz-John; Sen. Rhoda Perry; Sen. Juan M. Pichardo; Mr. Randall Rosenbaum; Mr. Curtis Spence; Mr. Frank R. Walker. III.

By unanimous consent, former Representative Maxine Shavers, Vice Chairman of the MLK Commission addresses the members of the House.

By unanimous consent, Frank Walker, MLK Commissioner, addresses the members of the House and presents the Dr. Martin Luther King Commission's "Living the Dream" Award to the Honorable Gordon D. Fox.

By unanimous consent, Majority Leader Fox addresses the members of the House.

By unanimous consent, Alphonsa A. Cook, MLK Commissioner, presents the Dr. Martin Luther King Commission's "Community Service" Award to Ms. Pauline Perkins-Moye.

By unanimous consent, Pauline Perkins-Moye addresses the members of the House.

By unanimous consent, The Honorable J. Clement Cicilline addresses the members of the House.

At 4:33 o'clock P.M. the Honorable Speaker returns to the rostrum.

Representatives Jackson congratulates Pauline Perkins-Moye and welcomes back to the Chambers the Honorable Maxine Shavers and the Honorable J. Clement Cicilline.

Representative Rice welcomes the people from Newport and also congratulates Majority Leader Fox and Pauline Perkins-Moye on their Awards.

Representative Slater welcomes to the House his intern, Ryan Celona, student at Bryant University and former hockey player at Mount St. Charles.

ADJOURNMENT

At 4:43 o'clock P.M. on motion of Representative Guthrie, and as a further mark of respect to the memory of Mary. A. Hamer; on motion of Representative Giannini, and as a further mark of

respect to the memory of Restituta Calise; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE DOUGLAS W. GABLINSKE

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 WEDNESDAY, FEBRUARY 25, 2009:

1 2009-H 5292

BY Loughlin

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

2 2009-H 5296

BY Serpa

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

3 2009-S 96

BY Ruggiero

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF CERRONI'S AUTO SALES, INC.

Committee on Corporations recommends passage in concurrence.

Francis P. McCabe
Clerk of the House

Tuesday, February 24, 2009