

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. 21

Tuesday, March 3, 2009

Twenty-first Day

The House of Representatives meets at the State House in Providence, Tuesday, March 3, 2009 and is called to order at 4:06 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 70 members present and 5 members absent as follows:

PRESENT - 70: 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, Lally, Lima, Loughlin, MacBeth, Malik, Marcello, Martin, Mattiello, McCauley, McNamara, Melo, Menard, Newberry, O'Neill, Pacheco, Palumbo, Petrarca, Pollard, A. Rice, M. Rice, Ruggiero, Savage, Schadone, Segal, Serpa, Shallcross-Smith, Silva, Slater, Trillo, Vaudreuil, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT - 5: Representatives Naughton, San Bento, Sullivan, Ucci, Walsh.

INVOCATION

The Honorable Speaker presents Representative Costantino 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 26, 2009 is approved as printed.

ANNOUNCEMENTS

Representative Eileen Naughton will be unable to attend session Tuesday, March 3, 2009.

Representative William San Bento will be unable to attend session Tuesday, March 3, 2009.

Representative Donna Walsh will be unable to attend session Tuesday, March 3, 2009 due to a family illness.

Representative Raymond Sullivan, Jr. will be unable to attend session Tuesday, March 3, 2009 due to a death in his family.

REPORTS OF COMMITTEE**COMMITTEE ON CONSTITUENT SERVICES**

Representative Giannini, for the Committee on Constituent Services, reports back the following measures, with recommendation of passage:

House Resolution No. 5271 as amended

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}

03/03/2009 Placed on House Calendar

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}

03/03/2009 Placed on House Calendar

House Resolution No. 5391

BY Rice A, Gallison

ENTITLED, HOUSE RESOLUTION HONORING PORTSMOUTH FIRE CHIEF JEFF LYNCH FOR THE HEROIC LIFE-SAVING MEASURES HE TOOK TO SAVE THE LIVES OF THREE PEOPLE INJURED IN A CAR CRASH IN FALL RIVER {LC1229/1}

03/03/2009 Placed on House Calendar

NEW BUSINESS

House Bill No. 5943

BY Costantino, Serpa, Pollard, Martin, Mattiello

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES - RETIREMENT SYSTEM - CONTRIBUTION AND BENEFITS {LC2127/1}

Representative Costantino requests unanimous consent for immediate consideration.

Read and passed, on a motion of Representative Costantino seconded by Representatives Fox, Watson, Ehrhardt, Silva, Giannini, Melo, Serpa, Jackson, M. Rice, Gemma, Lima, Martin and many other members of the House on a roll call vote, 64 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 64: The Honorable Speaker Murphy and Representatives Ajello, Azzinaro, Baldelli-Hunt, Brien, 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, McCauley, McNamara, Melo, Newberry, O'Neill, Palumbo, Petrarca, Pollard, Rice, A., Rice, M., Ruggiero, Savage, Schadone, Segal, Serpa, Shallcross, Silva, Slater, Trillo, Vaudreuil, Williams, Williamson, Winfield.

NAYS - 0.

TRANSMITTAL

By unanimous consent, (09-H 5943), on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

House Resolution No. 5944

BY Fox, Watson

ENTITLED, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC2132/1}

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. 5945

BY Fox, Watson

ENTITLED, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC2131/1}

03/03/2009 House read and passed

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.

TRANSMITTAL

By unanimous consent, all matters on the clerk's desk are ordered to be transmitted to the Honorable Secretary of State, forthwith.

CALENDAR

From the Calendar is taken:

IN ORDER FOR TUESDAY, MARCH 3, 2009:**1 2009-H 5889****BY Carter****ENTITLED, AN ACT RELATING TO HOLIDAYS AND DAYS OF SPECIAL OBSERVANCE -- DAYS OF SPECIAL OBSERVANCE**

Ordered on the Calendar

Representative Carter moves passage of the act, seconded by Representatives Palumbo Gallison Giannini, Fellela, Savage, Azzinaro, Loughlin, Ehrhardt, Gemma, Williams, Handy, Diaz, Fierro and many other members of the House.

Read and passed, on a roll call vote, 56 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 56: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Azzinaro, Baldelli-Hunt, Brien, Carnevale, Carter, Coderre, Corvese, Costantino, DaSilva, Dennigan, DeSimone, Diaz, Edwards, Ehrhardt, Fellela, Ferri, Fierro, Flaherty, Fox, Gallison, Gemma, Giannini, Guthrie, Handy, Hearn, Kilmartin, Lima, Loughlin, MacBeth, Malik, Marcello, Martin, Mattiello, McNamara, Melo, Newberry, O'Neill, Palumbo, Petrarca, Pollard, Rice, M., Ruggiero, Savage, Schadone, Segal, Serpa, Shallcross, Silva, Trillo, Vaudreuil, Watson, Williams, Winfield.

NAYS - 0.

REQUEST

Representative Kennedy requests the journal to reflect that if he had voted on (09-H 5889), he would have voted in the affirmative.

TRANSMITTAL

By unanimous consent, (09-H 5889), on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

ANNOUNCEMENTS

The Honorable Speaker Murphy wishes Representative John Loughlin a Happy Birthday.

Representative Serpa welcomes to the House, Marisa Proulx, a new House page.

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

Representative Serpa announces that the Committee on Constituent Services will meet at the rise of the House, in Room 135 of the State House.

Representative Kilmartin announces that the scheduled meeting for today of the Committee on Rules is cancelled and has been rescheduled for Thursday, March 5th at the rise of the House, in Room 205 of the State House.

Representative Handy announces that the Committee on Environment and Natural Resources will meet at the rise of the House, in Room 207 of the State House.

Representative Corvese announces that the Committee on Labor 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 the rise of the House, in Room 35 of the State House.

GUEST

Representative Newbury welcomes his former intern, Samuel Rosado back to the House (a 2nd year law student).

ADJOURNMENT

At 4:23 o'clock P.M. on motion of Representative Azzinaro, and as a further mark of respect to the memories of Joan Williams and Rose Azzinaro; on motion of Representative O'Neill, and as a further mark of respect to the memory of Viola McKennedy; on motion of Representative McNamara and as a further mark of respect to the memory of Thomas J. Votta; on motion of Representative Williamson, and as a further mark of respect to the memory of Phyllis F. Cornicelli; on motion of Representative Gemma, and as a further mark of respect to the memory of Stephen J. DeGregorio, Sr.; on motion of Representative Slater, and as a further mark of respect to the memory of Mary Theresa Murphy; on motion of Representative Serpa, and as a further mark of respect to the memory of David T. Hauser; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE STEVEN COSTANTINO

As we do our work today and everyday, let us keep in mind the pains that people are going through right now and lets give them the confidence that in the end Rhode Island will be a better place. Amen

APPENDIX

CALENDAR

IN ORDER FOR WEDNESDAY, MARCH 4, 2009:

1 2009-H 5363**BY Dennigan****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

2 2009-H 5367**BY McNamara****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

3 2009-H 5416**BY DaSilva****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

4 2009-H 5422**BY Gallison****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

5 2009-H 5487**BY Lally****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

IN ORDER FOR TUESDAY, MARCH 10, 2009:

1 2009-H 5271 as amended**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**

Committee on Constituent Services recommends passage as amended.

2 2009-H 5272

BY Dennigan

ENTITLED, JOINT RESOLUTION REINSTATING, EXTENDING, AND AMENDING THE MEMBERSHIP OF THE KARLA HARRY COMMISSION ON LIBRARIES IN RHODE ISLAND

Committee on Constituent Services recommends passage.

3 2009-H 5391

BY Rice A

ENTITLED, HOUSE RESOLUTION HONORING PORTSMOUTH FIRE CHIEF JEFF LYNCH FOR THE HEROIC LIFE-SAVING MEASURES HE TOOK TO SAVE THE LIVES OF THREE PEOPLE INJURED IN A CAR CRASH IN FALL RIVER

Committee on Constituent Services recommends passage.

Francis P. McCabe
Clerk of the House

Tuesday, March 3, 2009