

**State of Rhode Island and Providence Plantations**

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**JOURNAL**  
**-OF THE-**  
**HOUSE OF REPRESENTATIVES**

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**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.**

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Volume 136, No. 25

Wednesday, March 11, 2009

Twenty-fifth Day

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The House of Representatives meets at the State House in Providence, Wednesday, March 11, 2009 and is called to order at 4:08 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, Ferri, Fierro, 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, Serpa, Shallcross-Smith, Silva, Slater, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

**ABSENT - 5:** Representatives Fellela, Flaherty, Naughton, San Bento, Segal.

**INVOCATION**

The Honorable Speaker presents Representative Williams 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, March 10, 2009 is approved as printed.

**ANNOUNCEMENTS**

Representative Deborah Fellela is not feeling well and will be unable to attend session Wednesday, March 11, 2009.

Representative Eileen Naughton will be unable to attend session Wednesday, March 11, 2009.

Representative David Segal is out of state and will be unable to attend session Wednesday, March 11, 2009.

**NEW BUSINESS****House Resolution No. 5967**

**BY** Pacheco, Fox, Naughton, McNamara

**ENTITLED**, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO BE KNOWN AS "THE TASK FORCE ON SUMMER LEARNING PROGRAMS" {LC2162/1}

03/11/2009 Introduced, referred to House Constituent Services

**House Bill No. 5968**

**BY** Naughton, Carter, Coderre E, Pacheco

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- BLOOD BANK SERVICES {LC2142/1}

03/11/2009 Introduced, referred to House H.E.W.

**House Bill No. 5969**

**BY** Lima, Naughton, Giannini, Fellela, Ajello

**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE IN PARTICULAR ACTIONS - DEATH

**BY** WRONGFUL ACT {LC2102/1}

03/11/2009 Introduced, referred to House Judiciary

**House Bill No. 5970**

**BY** Lima, Naughton, Giannini, Fellela, Pacheco

**ENTITLED**, AN ACT RELATING TO INSURANCE -- LIABILITY INSURANCE {LC2105/1}

03/11/2009 Introduced, referred to House Judiciary

**House Bill No. 5971**

**BY** Lima, Pacheco, Carter, Jacquard

**ENTITLED**, AN ACT RELATING TO PARKS AND RECREATIONAL AREAS - PUBLIC USE OF PRIVATE LANDS - LIABILITY LIMITATIONS {LC2103/1}

03/11/2009 Introduced, referred to House Judiciary

**House Resolution No. 5972****BY** Serpa, Williamson, Fox, Kilmartin, Wasylyk**ENTITLED**, HOUSE RESOLUTION CONGRATULATING KELLY LYNN O'BRIEN ON BEING NAMED "MISS IRELAND" BY THE FRIENDLY SONS OF ST. PATRICK {LC2175/1}

Representative Serpa requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Serpa seconded by Representatives Williamson, Dennigan, O'Neill, Martin, Loughlin and many other members of the House by unanimous consent, on a voice vote. .

**With the agreement of the Majority and Minority, Representative DaSilva requests (09-H 5973) to be placed on tomorrow's Calendar. There is no objection.****House Resolution No. 5973****BY** DaSilva, Gallison, Dennigan, Melo**ENTITLED**, HOUSE RESOLUTION SUPPORTING THE EFFORTS OF THE 280 RECENTLY LAID OFF FORMER EMPLOYEES OF THE COLIBRI GROUP {LC2194/1}  
03/11/2009 Placed on House Calendar**With the agreement of the Majority and Minority, Representative Kilmartin requests (09-H 5974) to be placed on tomorrow's Calendar. There is no objection.****House Resolution No. 5974****BY** Kilmartin, Corvese, Gallison, Carter, Costantino**ENTITLED**, HOUSE RESOLUTION PROCLAIMING MARCH 12TH, 2009 AS "CATHOLIC SCHOOLS DAY" IN THE STATE OF RHODE ISLAND {LC2172/1}  
03/11/2009 Placed on House Calendar**COMMUNICATION FROM THE SENATE**

A message from the Honorable Senate transmits with announcement of passage, of the following measures:

**Senate Bill No. 48****BY** Pichardo, Miller, Metts, Crowley, Jabour**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES -- PUBLIC ASSISTANCE ACT (would limit to one the number of visits a food stamp applicant must make in order to receive benefits.) {LC195/1}

03/11/2009 Referred to House H.E.W.

**Senate Bill No. 49****BY** Pichardo, Miller, Metts, Perry, Jabour**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- CENTER FOR HEALTH PROFESSIONS ACT {LC193/1}

03/11/2009 Referred to House H.E.W.

**Senate Bill No. 190****BY** Walaska, Lynch, McCaffrey**ENTITLED**, AN ACT RELATING TO HIGHWAYS {LC679/1}

03/11/2009 Referred to House Municipal Government

**Senate Bill No. 246****BY** Maher, Algieri**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.) {LC965/1}

03/11/2009 Referred to House Municipal Government

**Senate Bill No. 555****BY** Felag, DiPalma**ENTITLED**, AN ACT RELATING TO THE NORTH TIVERTON FIRE DISTRICT {LC1775/1}

03/11/2009 Referred to House Municipal Government

**Senate Bill No. 559****BY** Felag, DiPalma**ENTITLED**, AN ACT RELATING TO AN ACT TO INCORPORATE THE STONE BRIDGE FIRE DISTRICT AND TO FINANCE A SUPPLY OF WATER FOR THE TOWN OF TIVERTON (would amend the Stone Bridge Fire District.) {LC1875/1}

03/11/2009 Referred to House Municipal Government

**Senate Bill No. 562****BY** Picard, Connors**ENTITLED**, AN ACT RELATING TO VALIDATING AND RATIFYING CERTAIN AMENDMENTS TO THE HOME RULE CHARTER OF THE CUMBERLAND HILL FIRE DISTRICT {LC1257/1}

03/11/2009 Referred to House Municipal Government

**Senate Bill No. 306****BY** Goodwin**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES - INTERPRETER SERVICES (would set forth various standards for the department of human services to properly ensure that persons who are not proficient in English are informed of receiving appropriate interpreter services in various languages.) {LC629/1}

03/11/2009 Referred to House Finance

**Senate Bill No. 163****BY** Connors

**ENTITLED,** AN ACT RELATING SOLEMNIZATION OF MARRIAGES (would allow the Honorable Gerald B. Resnick, Federal Administrative Law Judge to join Stephanie M. Lamarre and Matthew A. Resnick in marriage within the City of Providence, Rhode Island) {LC542/1}  
03/11/2009 Referred to House Judiciary

**Senate Bill No. 197****BY** Perry

**ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Gilbert Salk to join Lauren Salk and Ryan Buckley in marriage within the Town of Portsmouth, Rhode Island) {LC790/1}  
03/11/2009 Referred to House Judiciary

**Senate Bill No. 265****BY** Paiva-Weed

**ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Mark Mckee to join Christina Conarro and Brian Gould in marriage within the City of Newport, Rhode Island) {LC99/1}  
03/11/2009 Referred to House Judiciary

**Senate Bill No. 266****BY** Paiva-Weed

**ENTITLED,** AN ACT RELATING SOLEMNIZATION OF MARRIAGES {LC250/1}  
03/11/2009 Referred to House Judiciary

**CALENDAR**

From the Calendar are taken:

**1. 2009-H 5529 SUB A****BY** Naughton

**ENTITLED,** HOUSE RESOLUTION ADOPTING RULES OF THE HOUSE OF REPRESENTATIVES FOR THE YEARS 2009-2010

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

**2. 2009-H 5445****BY** Driver

**ENTITLED,** AN ACT RELATING TO ELECTIONS - ELECTIVE MEETING

Committee on Municipal Government recommends passage.

On suggestion of Majority Leader Fox, and by unanimous consent, the Calendar for today is continued to tomorrow (due to the system being down).

**ANNOUNCEMENTS**

The Honorable Speaker Murphy wishes a Happy “51<sup>st</sup>” Birthday to Representative John McCauley.

The Honorable Speaker Murphy and Representative Kilmartin wish a Happy “40<sup>th</sup>” Birthday to Roberto DaSilva.

Representative Kilmartin wishes Frank McCabe, House Clerk and Randy Szyba, Acting Director of Legislative Press a Happy Birthday.

Representative A. Rice introduces her intern, Ashley Gemmp, a student at Salve Regina University.

Majority Leader Fox announces all Committee hearings are cancelled for today due to the system being down.

Representative Williamson announces the Special Legislative Commission to study all aspects of the State Pension and Retirement System will still be meeting at the rise of the House.

Representative Costantino announces everyone should have a copy on their desks of Budget at 1<sup>st</sup> Glance.

Majority Leader Fox announces everyone should have on their desks an invite to Secretary of State, A. Ralph Mollis’s open office gathering at the rise of the House.

**GUESTS**

Representatives Serpa and Williamson welcome to the House Chamber as guests Kelly Lynn O’Brien, Miss Ireland 2009 by the Friendly Sons of St. Patrick-West Warwick along with her mom Mrs. O’Brien, her friend Kayla and Mr. Michael Jordan of the Friendly Sons of St. Patrick.

Representative A. Rice welcomes to the House as a guest John Parrillo, History Professor from Middletown.

Representative Edwards welcomes to the Chamber as a guest Chief Thomas Blakey of the Tiverton Police Department.

**ADJOURNMENT**

At 4:28 o’clock P.M. on motion of Representative Carter, and as a further mark of respect to the memory of Lt. Cmdr. Alexander R. Andersen; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

**Linda M. McElroy**  
**Recording Clerk**

**APPENDIX**

**INVOCATION**

**REPRESENTATIVE ANASTASIA P. WILLIAMS**

Almighty God, our strength from day to day, keep each of us faithful to the claims of justice and freedom. Amen.

## APPENDIX

## CALENDAR

## IN ORDER FOR THURSDAY, MARCH 12, 2009:

1. 2009-H 5529 SUB A

BY Naughton

ENTITLED, HOUSE RESOLUTION ADOPTING RULES OF THE HOUSE OF REPRESENTATIVES FOR THE YEARS 2009-2010

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

2. 2009-H 5445

BY Driver

ENTITLED, AN ACT RELATING TO ELECTIONS - ELECTIVE MEETING

Committee on Municipal Government recommends passage.

3. 2009-H 5973

BY DaSilva

ENTITLED, HOUSE RESOLUTION SUPPORTING THE EFFORTS OF THE 280 RECENTLY LAID OFF FORMER EMPLOYEES OF THE COLIBRI GROUP

Ordered to be placed on the House Calendar

4. 2009-H 5974

BY Kilmartin

ENTITLED, HOUSE RESOLUTION PROCLAIMING MARCH 12TH, 2009 AS "CATHOLIC SCHOOLS DAY" IN THE STATE OF RHODE ISLAND

Ordered to be placed on the House Calendar

*Francis P. McCabe*  
*Clerk of the House*

Wednesday, March 11, 2009