

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. 30

Tuesday, March 24, 2009

Thirtieth Day

The House of Representatives meets at the State House in Providence, Tuesday, March 24, 2009 and is called to order at 4:20 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 72 members present and 3 members absent as follows:

PRESENT - 72: 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, Jacquard, Kennedy, Kilmartin, Lally, Lima, Loughlin, MacBeth, Malik, Marcello, Martin, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, Newberry, O'Neill, Pacheco, Palumbo, Petrarca, Pollard, M. Rice, Ruggiero, San Bento, Savage, Schadone, Segal, Serpa, Shallcross-Smith, Silva, Slater, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williamson, Winfield.

ABSENT - 3: Representatives Jackson, A. Rice, Williams.

INVOCATION

The Honorable Speaker presents Representative Loughlin 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, March 19, 2009 is approved as printed.

ANNOUNCEMENT

Representative Amy Rice will be unable to attend session Tuesday, March 24, 2009 due to illness.

REPORTS OF COMMITTEES**TRANSFER OF BILLS**

Representative Lally, for the Committee on Judiciary, reports back the following measures, with recommendation of transfer to the Committee on Finance:

House Bill No. 5806

BY Ajello, Fierro, Pacheco, Dennigan, Handy

ENTITLED, AN ACT RELATING TO ELECTIONS - CAMPAIGN FIDUCIARY {LC889/1}
03/12/2009 Committee transferred to House Finance

Representative Costantino, for the Committee on Finance, reports back the following measures, with recommendation of transfer to the Committee on Environment and Natural Resources:

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}
03/24/2009 Committee transferred to House Environment and Natural Resources

House Bill No. 5355

BY Dennigan, Ferri, Edwards, Coderre E, Naughton

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- ESTABLISHING A GREEN BUILDINGS ACT (would require all public buildings, including schools, to be constructed or renovated, to meet standards established by the United States Green Building Council Leadership in Energy and Environmental Design green building rating silver standard.) {LC1200/1}
03/24/2009 Committee transferred to House Environment and Natural Resources

Representative Kennedy, for the Committee on Corporations, reports back the following measures, with recommendation of transfer to the Committee Finance.

House Bill No. 5947

BY Carter, McNamara, Lally

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - CONTRACTORS' REGISTRATION BOARD (would expressly authorize the contractors' registration board to set fees and fines in operation in furtherance of its legislative mission) {LC1939/1}

03/24/2009 Committee transferred to House Finance

NEW BUSINESS

House Bill No. 6009

BY Naughton, McNamara, Lally, Ferri, Murphy

ENTITLED, AN ACT RELATING TO GENERAL ASSEMBLY - NAMING THE NEW KENT COUNTY COURTHOUSE (would name the new Kent County Courthouse "The Governor Philip W. Noel Judicial Complex.") {LC2284/1}

03/24/2009 Introduced, referred to House Constituent Services

House Resolution No. 6010

BY Naughton, McNamara, Rice M, Coderre E, Ferri

ENTITLED, HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO STUDY PSYCHIATRIC HOLDS IN HOSPITAL EMERGENCY DEPARTMENTS {LC2270/1}

03/24/2009 Introduced, referred to House Constituent Services

House Bill No. 6011

BY Ucci

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES (would establish the wine direct shipper license, a new license to be issued by the dept of bus. reg. This license would also authorize certain persons to ship cases of wine directly to a person for personal use & not for resale.) {LC2198/1}

03/24/2009 Introduced, referred to House Corporations

House Bill No. 6012

BY Dennigan, Ferri

ENTITLED, AN ACT RELATING TO HUMAN SERVICES - THE RHODE ISLAND WORKS PROGRAM (would extend eligibility requirements for families eligible under the Rhode Island Works Program.) {LC2212/1}

03/24/2009 Introduced, referred to House Finance

House Bill No. 6013

BY Azzinaro, Walsh, Kennedy

ENTITLED, AN ACT RELATING TO THE RETIREMENT OF POLICE OFFICERS OF THE TOWN OF WESTERLY {LC2140/1}

03/24/2009 Introduced, referred to House Municipal Government

House Bill No. 6014

BY Winfield, Petrarca

ENTITLED, AN ACT AUTHORIZING THE TOWN OF SMITHFIELD TO ISSUE NOT EXCEEDING \$1,000,000 GENERAL OBLIGATION BONDS OR NOTES FOR LAND ACQUISITION {LC2191/1}

03/24/2009 Introduced, referred to House Municipal Government

House Bill No. 6015**BY** Pacheco**ENTITLED**, AN ACT RELATING TO THE OAKLAND - MAPLEVILLE NUMBER 4 FIRE DISTRICT {LC2118/1}

03/24/2009 Introduced, referred to House Municipal Government

House Resolution No. 6016**BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC2324/1}

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. 6017**BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC2325/1}

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.

With the agreement of the Majority and the Minority, Representative Melo requests to place (09-H 6018) on tomorrow's Calendar. There is no objection.**House Resolution No. 6018****BY** Melo**ENTITLED**, JOINT RESOLUTION CONGRATULATING FATHER VICTOR M. VIEIRA ON BEING NAMED REVEREND MONSIGNOR**BY** POPE BENEDICT XVI {LC873/1}

03/24/2009 Placed on House Calendar

With the agreement of the Majority and the Minority, Representative Gemma requests to place (09-H 6019) on tomorrow's Calendar. There is no objection.**House Resolution No. 6019****BY** Gemma, McNamara, Naughton, Ferri, Trillo**ENTITLED**, HOUSE RESOLUTION RESPECTFULLY REQUESTING THAT THE GOVERNOR PRESERVE MATCHING FUNDS ALLOCATED FOR BRUSH NECK COVE DREDGING AND HABITAT RESTORATION IN THE CITY OF WARWICK {LC2286/1}

03/24/2009 Placed on House Calendar

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. 160

BY Connors, Miller, Goodwin

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- TRAFFIC CONTROL DEVICES (would permit buses and other motor vehicles owned & operated by the RI public transit authority to use traffic control signal preemption devices to prolong green traffic signals. {LC300/1})

03/24/2009 Referred to House Constituent Services

Senate Bill No. 231 as amended

BY Bates, Sosnowski, Walaska, Algieri, Miller

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.)

{LC898/1}

03/24/2009 Referred to House Corporations

Senate Bill No. 558 (Transportation)

BY Algieri, Blais

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND PUBLIC RAIL CORPORATION ACT (would allow each member of the board of directors of the Rhode Island public rail corporation to designate individuals to act on his or her behalf.) {LC1439/1}

03/24/2009 Referred to House Corporations

Senate Bill No. 82

BY Bates, Algieri, McCaffrey

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS-DIVORCE AND SEPARATION {LC95/1}

03/24/2009 Referred to House Judiciary

Senate Bill No. 85

BY Perry, Sosnowski, Miller, DeVall, Doyle

ENTITLED, AN ACT RELATING TO ELECTIONS -- REGISTRATION OF VOTERS (would authorize persons sixteen (16) and seventeen (17) years of age who preregister to vote to automatically be registered upon reaching age eighteen (18).) {LC302/1}

03/24/2009 Referred to House Judiciary

Senate Bill No. 577**BY** DiPalma**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Elizabeth Hackett to join Jennifer Lynn Roediger and Rudolph Kevin Jindracek in marriage within the town of Richmond, Rhode Island) {LC811/1}

03/24/2009 Referred to House Judiciary

Senate Bill No. 609**BY** Levesque C**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Casey Parsons and Joseph Gill in marriage) {LC1983/1}

03/24/2009 Referred to House Judiciary

Senate Bill No. 615**BY** Bates, Levesque C, Felag**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow the Honorable Louis P. Cirillo to join Peter Joseph Alfano and Mary-Jo Pasqua Valentino in marriage within the Town of Bristol, Rhode Island on or about August 29, 2009) {LC1908/1}

03/24/2009 Referred to House Judiciary

Senate Bill No. 127**BY** DiPalma, Paiva-Weed**ENTITLED**, AN ACT RELATING TO THE CITY OF NEWPORT {LC499/1}

03/24/2009 Referred to House Municipal Government

Senate Bill No. 130**BY** Maher, Raptakis**ENTITLED**, AN ACT RELATING TO THE RATIFICATION OF THE HOME RULE CHARTER OF THE TOWN OF RICHMOND {LC632/1}

03/24/2009 Referred to House Municipal Government

FROM THE DESK IS TAKEN

Majority Leader Fox takes (09-H 5181) being held on the desk and places it on tomorrow's Calendar. There is no objection.

House Bill No. 5181**BY** Menard, MacBeth**ENTITLED**, AN ACT RELATING TO VALIDATING AND RATIFYING CERTAIN AMENDMENTS TO THE HOME RULE CHARTER OF THE CUMBERLAND HILL FIRE DISTRICT {LC606/1}

03/24/2009 Placed on House Calendar

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 Lally announces that the Committee on Judiciary will meet at the rise of the House, in Room 205 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 Ruggiero and Majority Leader Fox welcome to the House Chamber as a guest Sarah Hammond who is a program principal in the National Conference State Legislatures.

ADJOURNMENT

At 4:30 o'clock P.M. on motion of Representatives Watson, Trillo, Loughlin, Newberry, Savage, Ehrhardt and DeSimone, and as a further mark of respect to the memory of Alan Gelfuso, Esq.; on motion of Representatives Lima and Giannini, and as a further mark of respect to the memory of Vivian Izzo; on motion of Representative Shallcross-Smith and as a further mark of respect to the memory of Richard Pina, Sr. seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE JOHN J. LOUGHLIN II

Lord, we have been sent to these positions of responsibility by the people. Make us mindful that we are their servants. Give us the wisdom and energy to serve them honestly and well. Amen.

APPENDIX

CALENDAR

IN ORDER FOR WEDNESDAY, MARCH 25, 2009:

1 2009-H 6018**BY Melo****ENTITLED,** JOINT RESOLUTION CONGRATULATING FATHER VICTOR M. VIEIRA ON BEING NAMED REVEREND MONSIGNOR BY POPE BENEDICT XVI

Ordered on the Calendar

2 2009-H 6019**BY Gemma****ENTITLED,** HOUSE RESOLUTION RESPECTFULLY REQUESTING THAT THE GOVERNOR PRESERVE MATCHING FUNDS ALLOCATED FOR BRUSH NECK COVE DREDGING AND HABITAT RESTORATION IN THE CITY OF WARWICK

Ordered on the Calendar

3 2009-H 5275 SUB A**BY Kennedy****ENTITLED,** AN ACT RELATING TO INSURANCE - FIRE INSURANCE POLICIES AND RESERVES

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

4 2009-H 5898**BY Lally****ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF ETA ZETA OF LAMBDA CHI ALPHA

Committee on Corporations recommends passage.

5 2009-H 5166**BY Mattiello****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY - THE FIRE SAFETY CODE -- GENERAL PROVISIONS

Committee on Health, Education & Welfare recommends passage.

6 2009-H 5181**BY Menard****ENTITLED,** AN ACT RELATING TO VALIDATING AND RATIFYING CERTAIN AMENDMENTS TO THE HOME RULE CHARTER OF THE CUMBERLAND HILL FIRE DISTRICT

Committee on Municipal Government recommends passage.

7 2009-H 5252**BY Pacheco****ENTITLED,** AN ACT RELATING TO FOOD AND DRUGS -- SANITATION IN FOOD ESTABLISHMENTS

Committee on Health, Education & Welfare recommends passage.

8 2009-H 5253**BY Ajello****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - STATE POLICE

Committee on Health, Education & Welfare recommends passage.

9 2009-H 5286**BY McNamara****ENTITLED,** AN ACT RELATING TO EDUCATION -- HIGHER EDUCATION

Committee on Health, Education & Welfare recommends passage.

10 2009-H 5654**BY Dennigan****ENTITLED,** JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY AND ESTABLISH HEALTH CARE REFORM MODELS TO EXPAND HEALTH CARE COVERAGE AND TO DECREASE HEALTH CARE COSTS FOR RHODE ISLAND RESIDENTS

Committee on Health, Education & Welfare recommends passage.

11 2009-H 5956**BY Jackson****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

IN ORDER FOR THURSDAY, MARCH 26, 2009:**1 2009-H 5081****BY Carter****ENTITLED,** AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE

Committee on Veterans' Affairs recommends passage.

2 2009-H 5340**BY Gallison****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- CEMETERIES
-- VETERAN HEADSTONE MEMORIALS

Committee on Veterans' Affairs recommends passage.

3 2009-H 5597**BY Carter****ENTITLED,** AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE
- ABANDONED PROPERTY

Committee on Veterans' Affairs recommends passage.

4 2009-H 5054 SUB A**BY Corvese****ENTITLED,** AN ACT RELATING TO EDUCATION -- COMPULSORY
ATTENDANCE

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

5 2009-H 5237 SUB A**BY Carter****ENTITLED,** AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT
OF LOCAL TAXES

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

6 2009-H 5267 SUB A**BY Ruggiero****ENTITLED,** AN ACT RELATING TO EDUCATION -- COMPULSORY
ATTENDANCE

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

7 2009-H 5268**BY Shallcross-Smith****ENTITLED,** AN ACT IN AMENDMENT OF THE ACT, PASSED AT THE JANUARY SESSION, A.D. 1948, ENTITLED "AND ACT TO INCORPORATE THE LIME ROCK FIRE DISTRICT IN THE TOWN OF LINCOLN," AS AMENDED

Committee on Municipal Government recommends passage.

8 2009-H 5447**BY Jackson****ENTITLED,** AN ACT RELATING TO THE CITY OF NEWPORT

Committee on Municipal Government recommends passage.

9 2009-H 5511 SUB A**BY Marcello****ENTITLED,** AN ACT RELATING TO PUBLIC FINANCE -- FISCAL YEAR

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

10 2009-H 5951**BY Ehrhardt****ENTITLED,** AN ACT AUTHORIZING THE TOWN OF NORTH KINGSTOWN TO ISSUE BONDS AND NOTES FOR AN AMOUNT NOT EXCEEDING \$10,000,000 TO FINANCE THE CONSTRUCTION OF SEWERS AND SEWERAGE SYSTEMS IN THE TOWN INCLUDING THE ACQUISITION OF LAND THEREFOR AND AUTHORIZING THE IMPOSITION OF SEWER ASSESSMENTS AND SERVICE FEES

Committee on Municipal Government recommends passage.

11 2009-H 5451**BY Pacheco****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES - NEW ENGLAND PATRIOTS CHARITABLE FOUNDATION

Committee on Constituent Services recommends passage.

12 2009-H 5599**BY Kennedy****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- REGISTRATION OF VEHICLES -- BOSTON RED SOX/JIMMY FUND LICENSE PLATES

Committee on Constituent Services recommends passage.

13 2009-H 5600 SUB A

BY Naughton

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -
REGISTRATION OF VEHICLES

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

Francis P. McCabe

Clerk of the House

Tuesday, March 24, 2009