

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. 35

Thursday, April 2, 2009

Thirty-fifth Day

The House of Representatives meets at the State House in Providence, Thursday, April 2, 2009 and is called to order at 4:25 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, 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, A. Rice, M. Rice, Ruggiero, Savage, Schadone, Segal, Serpa, Shallcross-Smith, Silva, Slater, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasyluk, Watson, Williams, Williamson, Winfield.

ABSENT - 3: Representatives DeSimone, Jackson, San Bento.

INVOCATION

The Honorable Speaker presents Representative Gemma 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, April 1, 2009 is approved as printed.

ANNOUNCEMENT

Representative William San Bento will be unable to attend session Thursday, April 2, 2009.

REPORTS OF COMMITTEES

COMMITTEE ON MUNICIPAL GOVERNMENT

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

House Bill No. 5110 (by request)

BY Gablinske, Gallison

ENTITLED, AN ACT AMENDING AN ACT EXEMPTING FROM TAXATION AND AUTHORIZING THE HERRESHOFF MARINE MUSEUM TO INCREASE ITS HOLDING TO AN AMOUNT NOT EXCEEDING \$10,000,000 {LC138/1}

04/02/2009 Placed on House Calendar

House Bill No. 5683

BY Lally

ENTITLED, AN ACT RELATING TO AUTHORIZATION FOR SANITARY SEWER LINE FROM BONNET SHORES BEACH CLUB CONDOMINIUM TO TOWN OF NARRAGANSETT WASTEWATER TREATMENT SYSTEM (would allow the Bonnet Shores Beach Club Condo Association to construct, use, operate, maintain & repair a sanitary sewer line located at 175 Bonnet Point Road in Narragansett) {LC1869/1}

04/02/2009 Placed on House Calendar

House Bill No. 5681 SUB A

BY Rice M, Lally, Walsh, Caprio D

ENTITLED, AN ACT RELATING TO IN AMENDMENT OF AND IN ADDITION TO THE ACT, PASSED AT THE JANUARY SESSION, A.D. 1883,

ENTITLED "AN ACT TO INCORPORATE THE UNION FIRE DISTRICT OF SOUTH KINGSTOWN", AS AMENDED {LC819/1/A}

04/02/2009 Placed on House Calendar

House Bill No. 6005

BY Gemma, Ferri, Naughton, Flaherty

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- GENERAL POWERS (act would increase the maximum fine authorized to be imposed by the Warwick municipal court from \$300 to \$500) {LC2288/1}

04/02/2009 Placed on House Calendar

House Bill No. 6006

BY Gemma, Ferri, Naughton, Flaherty, McNamara

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY - DOGS (would increase the fines imposed by the Municipal Court for a violation of the dog ordinances) {LC2287/1}

04/02/2009 Placed on House Calendar

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}

04/02/2009 Placed on House Calendar

COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

Representative Malik, for the Committee on Environment and Natural Resources, reports back the following measures, with recommendation of passage:

House Bill No. 5986**BY** Fox, Fierro, Rice A, Sullivan, DaSilva**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - THE STATE ENERGY CONSERVATION CODE - ADOPTING OF CODE (would mandate the adopting of a state energy conservation code.) {LC2184/1}

04/02/2009 Placed on House Calendar

NEW BUSINESS**House Bill No. 6073****BY** Gemma, Schadone, Diaz, Ferri, Baldelli-Hunt**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES - REGISTRATION OF MOTOR VEHICLES - BREAST CANCER SUPPORT LICENSE PLATES {LC2369/1}

04/02/2009 Introduced, referred to House Constituent Services

House Bill No. 6074 (Board of Elections)**BY** San Bento**ENTITLED**, AN ACT RELATING TO ELECTIONS - RECOUNT ELIGIBILITY {LC1471/1}

04/02/2009 Introduced, referred to House Judiciary

House Bill No. 6075**BY** Gallison**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2381/1}

04/02/2009 Introduced, referred to House Judiciary

House Bill No. 6076**BY** McNamara**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2375/1}

04/02/2009 Introduced, referred to House Judiciary

House Bill No. 6077 (Board of Elections)**BY** San Bento**ENTITLED**, AN ACT RELATING TO ELECTIONS -- CONDUCT OF ELECTION AND VOTING EQUIPMENT AND SUPPLIES {LC1378/1}

04/02/2009 Introduced, referred to House Judiciary

House Bill No. 6078 (Board of Elections)**BY** San Bento**ENTITLED**, AN ACT RELATING TO ELECTIONS -- RETURNS {LC1798/1}

04/02/2009 Introduced, referred to House Finance

House Bill No. 6079**BY** Handy, Mattiello, O'Neill JP, Slater, Silva**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT {LC1959/1}

04/02/2009 Introduced, referred to House Finance

House Bill No. 6080**BY** Gallison, Rice A, Edwards, Malik, Dennigan**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - DISTRESSED AREAS ECONOMIC REVITALIZATION ACT {LC2385/1}

04/02/2009 Introduced, referred to House Finance

House Bill No. 6081**BY** Driver**ENTITLED**, AN ACT CREATING THE OAK RIDGE CONDOMINIUM WATER DISTRICT {LC2373/1}

04/02/2009 Introduced, referred to House Municipal Government

House Bill No. 6082**BY** Menard, MacBeth**ENTITLED**, AN ACT RELATING TO TAXATION - TAX SALES {LC2372/1}

04/02/2009 Introduced, referred to House Municipal Government

House Bill No. 6083**BY** Murphy, Fox, Costantino, Watson, Rice M**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY -- PERMANENT JOINT COMMITTEE ON NAMING ALL NEW BUILDINGS, BRIDGES, EDIFICES AND OTHER STATE CONSTRUCTIONS {LC2133/1}

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 on a roll call vote, 63 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 63: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Azzinaro, Brien, Caprio, Carnevale, Carter, Coderre, Corvese, Costantino, DaSilva, Dennigan, Diaz, Driver, Edwards, Ehrhardt, Fellela, Ferri, Fierro, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Guthrie, Hearn, Kennedy, Lally, Lima, MacBeth, Malik, Marcello, Martin, Mattiello,

McCauley, McNamara, Melo, Menard, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Pollard, Rice, A., Rice, M., Ruggiero, Savage, Schadone, Segal, Serpa, Shallcross, Silva, Slater, Sullivan, Trillo, Vaudreuil, Walsh, Wasylyk, Williams, Winfield.

NAYS - 0.

With the agreement of the Majority and the Minority, Representative Corvese requests to place (09-H 6084) on the top of the Calendar for Tuesday, April 7, 2009. There is no objection.

House Bill No. 6084

BY Corvese, Schadone, Wasylyk

ENTITLED, AN ACT AUTHORIZING THE TOWN OF NORTH PROVIDENCE TO IMPOSE A SUPPLEMENTAL TAX FOR THE FISCAL YEAR 2008-2009 {LC2405/1}
04/02/2009 Placed on House Calendar

TRANSMITTAL

By unanimous consent, (09-H 6083) on the Clerk's desk is ordered to be transmitted to the Honorable Senate, forthwith.

COMMUNICATION FROM THE SENATE

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

Senate Bill No. 20

BY Picard, Cote

ENTITLED, AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS (would give authority to the school board for Woonsocket to establish a dress code for elementary, middle and high school students.) {LC144/1}
04/02/2009 Referred to House Municipal Government

ANNOUNCEMENTS

The Honorable Speaker Murphy wishes Representative Deborah Ruggiero a Happy Birthday.

Representative Lally announces that the Committee on Judiciary will meet at the rise of the House, in Room 205 of the State House.

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 Diaz announces that the Committee on Health, Education and Welfare will meet at the rise of the House, in Room 135 of the State House.

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

ADJOURNMENT

At 4:35 o'clock P.M. on motion of Representative Fox seconded by Representative Trillo the House adjourns, on a voice vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE AL GEMMA

Help us to acknowledge our dependence on You, Lord. Instill in us Your truth so that we may be true public servants to the people of our State. Amen.

APPENDIX

CALENDAR

IN ORDER FOR TUESDAY, APRIL 7, 2009:

1 2009-H 6084**BY Corvese****ENTITLED,** AN ACT AUTHORIZING THE TOWN OF NORTH PROVIDENCE TO IMPOSE A SUPPLEMENTAL TAX FOR THE FISCAL YEAR 2008-2009

Ordered on the Calendar

2 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.

3 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.

4 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.

5 2009-H 6031**BY Ferri****ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF ST. MARY'S CHURCH

Committee on Corporations recommends passage.

6 2009-H 5990**BY Kilmartin****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

7 2009-H 6020**BY Lally****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

8 2009-S 12**BY Miller****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

9 2009-S 41**BY Walaska****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

10 2009-S 163**BY Connors****ENTITLED,** AN ACT RELATING SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

11 2009-S 197**BY Perry****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

12 2009-S 265**BY Paiva-Weed****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

13 2009-S 266**BY Paiva-Weed****ENTITLED,** AN ACT RELATING SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

14 2009-S 577**BY DiPalma****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

15 2009-S 609**BY Levesque C****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage in concurrence.

16 2009-S 615**BY Bates****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage in concurrence.

IN ORDER FOR WEDNESDAY, APRIL 8, 2009:**1 2009-H 5340****BY Gallison****ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- CEMETERIES
-- VETERAN HEADSTONE MEMORIALS**

Committee on Veterans' Affairs recommends passage.

2 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.

3 2009-H 5110**BY Gablinske****ENTITLED, AN ACT AMENDING AN ACT EXEMPTING FROM TAXATION
AND AUTHORIZING THE HERRESHOFF MARINE MUSEUM TO
INCREASE ITS HOLDING TO AN AMOUNT NOT EXCEEDING
\$10,000,000**

Committee on Municipal Government recommends passage.

4 2009-H 5681 SUB A**BY Rice M****ENTITLED, AN ACT RELATING TO IN AMENDMENT OF AND IN ADDITION
TO THE ACT, PASSED AT THE JANUARY SESSION, A.D. 1883,
ENTITLED "AN ACT TO INCORPORATE THE UNION FIRE
DISTRICT OF SOUTH KINGSTOWN", AS AMENDED**

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

5 2009-H 5683**BY Lally****ENTITLED,** AN ACT RELATING TO AUTHORIZATION FOR SANITARY SEWER LINE FROM BONNET SHORES BEACH CLUB CONDOMINIUM TO TOWN OF NARRAGANSETT WASTEWATER TREATMENT SYSTEM

Committee on Municipal Government recommends passage.

6 2009-H 6005**BY Gemma****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- GENERAL POWERS

Committee on Municipal Government recommends passage.

7 2009-H 6006**BY Gemma****ENTITLED,** AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY - DOGS

Committee on Municipal Government recommends passage.

8 2009-H 6013**BY Azzinaro****ENTITLED,** AN ACT RELATING TO THE RETIREMENT OF POLICE OFFICERS OF THE TOWN OF WESTERLY

Committee on Municipal Government recommends passage.

9 2009-H 5986**BY Fox****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY - THE STATE ENERGY CONSERVATION CODE - ADOPTING OF CODE

Committee on Environment and Natural Resources recommends passage.

Francis P. McCabe
Clerk of the House

Thursday, April 2, 2009