

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. 40

Thursday, April 23, 2009

Fortieth Day

The House of Representatives meets at the State House in Providence, Thursday, April 23, 2009 and is called to order at 4:18 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 71 members present and 4 members absent as follows:

PRESENT - 71: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Azzinaro, Baldelli-Hunt, Brien, Caprio, Carnevale, Coderre, Corvese, Costantino, DaSilva, Dennigan, DeSimone, Diaz, Driver, Edwards, Ehrhardt, Fellela, Ferri, Fierro, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Guthrie, Handy, Hearn, Jackson, Kennedy, Kilmartin, Lally, Lima, Loughlin, MacBeth, 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, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT - 4: Representatives Carter, Jacquard, Malik, San Bento.

POSTING OF COLORS

By the Middletown Police Department

INVOCATION

The Honorable Speaker presents Representative Jackson 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 22, 2009 is approved as printed.

REPORTS OF COMMITTEE**COMMITTEE ON MUNICIPAL GOVERNMENT**

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

House Bill No. 5053 SUB A

BY Corvese, Schadone, San Bento, Wasyluk

ENTITLED, AN ACT TO AUTHORIZE THE TOWN OF NORTH PROVIDENCE TO TAKE LAND BY EMINENT DOMAIN {LC23/2/A}

04/23/2009 Placed on House Calendar

House Bill No. 5595 (by request)

BY Edwards

ENTITLED, AN ACT RELATING TO THE NORTH TIVERTON FIRE DISTRICT {LC1874/1}

04/23/2009 Placed on House Calendar

House Bill No. 5596 (by request)

BY Edwards

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) {LC1776/1}

04/23/2009 Placed on House Calendar

House Bill No. 5957

BY Gallison, Gablinske

ENTITLED, AN ACT RELATING TO TAXATION - VEHICLE EXCISE TAX - BRISTOL (would permit the town of Bristol to list motor vehicle taxes due and owing on their municipal lien certificates) {LC2148/1}

04/23/2009 Placed on House Calendar

House Bill No. 6081

BY Driver

ENTITLED, AN ACT CREATING THE OAK RIDGE CONDOMINIUM WATER DISTRICT {LC2373/1}

04/23/2009 Placed on House Calendar

House Bill No. 6108

BY Edwards, Loughlin

ENTITLED, AN ACT RELATING TO THE TOWN OF TIVERTON {LC2440/1}

04/23/2009 Placed on House Calendar

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

House Bill No. 5861 (Revenue)

BY Ehrhardt

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- EMPLOYMENT SECURITY--GENERAL PROVISIONS {LC1625/1}

04/23/2009 Committee transferred to House Finance

NEW BUSINESS

House Bill No. 6130

BY O'Neill JP, Coderre E, San Bento, Baldelli-Hunt, Williams

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - TAXICABS (would require safety partitions in all taxicabs and limited public motor vehicles.) {LC2494/1}

04/23/2009 Introduced, referred to House Corporations

House Bill No. 6131

BY Caprio D, Lally, Kennedy, Azzinaro, Walsh

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- HOSPITAL PAYMENTS (would make changes in the cost of hospital licensing.) {LC2452/1}

04/23/2009 Introduced, referred to House Finance

House Bill No. 6132

BY O'Neill JP

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Reverend James Gertmenian to join Jessica D. Lanning and Judah H. Rome in marriage within the Town of Bristol, Rhode Island on or about August 15, 2009.) {LC2475/1}

04/23/2009 Introduced, referred to House Judiciary

House Bill No. 6133

BY Driver, MacBeth, Baldelli-Hunt, Dennigan, Gallison

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY (would prohibit the cruel confinement of farm animals in a manner that does not allow them to turn around freely, lie down, stand up, and fully extend their limbs.) {LC2477/1}

04/23/2009 Introduced, referred to House Judiciary

House Bill No. 6134

BY Caprio D

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGE {LC2457/1}

04/23/2009 Introduced, referred to House Judiciary

House Bill No. 6135

BY Rice A, Serpa, Menard, Gallison

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- DOGS {LC2484/1}

04/23/2009 Introduced, referred to House Judiciary

House Resolution No. 6136**BY** Jackson, Rice A, Ruggiero, Gallison, Loughlin**ENTITLED**, HOUSE RESOLUTION EXPRESSING DEEPEST CONDOLENCES ON THE PASSING OF MIDDLETOWN POLICE OFFICER THOMAS CABRAL {LC2488/1}

Representative Jackson requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Jackson seconded by Representatives Gallison, Edwards, Corvese, Loughlin, O'Neill, Lally, Pacheco, Giannini, DaSilva, Kilmartin, Almeida, Carnevale, Ruggiero and Martin by unanimous consent, on a voice vote.

House Resolution No. 6137**BY** Pacheco, Newberry, Murphy, Loughlin, Baldelli-Hunt**ENTITLED**, HOUSE RESOLUTION CONGRATULATING THE ELEANOR SLATER HOSPITAL/ZAMBARANO UNIT ON THE RECOGNITION OF ZAMBARANO DAY {LC2491/1}

Representative Pacheco requests unanimous consent for immediate consideration.

There is no objection.

Representative Pacheco discusses the resolution.

Read and passed, on a motion of Representative Pacheco seconded by Representative Newberry by unanimous consent, on a voice vote.

House Resolution No. 6138**BY** Corvese, Costantino, Schadone, McCauley, Kilmartin**ENTITLED**, HOUSE RESOLUTION PROCLAIMING APRIL 24, 2009 AS "ARMENIAN GENOCIDE REMEMBRANCE DAY" TO COMMEMORATE THE ARMENIAN GENOCIDE OF 1915 TO 1923 AND IN HONOR OF ARMENIAN-AMERICANS {LC43/1}

Representative Corvese requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Corvese seconded by Representatives Giannini, Fox, Handy, Ajello, Pacheco, M. Rice, Dennigan, Loughlin, Caprio and many other members of the House by unanimous consent, on a voice vote.

House Resolution No. 6139**BY** Melo, Costantino, Fox, Menard, Savage**ENTITLED**, HOUSE RESOLUTION EXPRESSING PROFOUND SYMPATHY ON THE PASSING OF LOIS ANN CASTRO {LC2539/1}

Representative Melo requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Melo seconded by Representatives Dennigan, Savage, Wasylyk, DaSilva and Giannini by unanimous consent, on a rising vote.

House Bill No. 6140

BY Kilmartin, Coderre E, Corvese, O'Neill JP, DaSilva

ENTITLED, AN ACT RELATING TO EDUCATION - SCHOOL COMMITTEES AND SUPERINTENDENTS {LC2455/1}

04/23/2009 Introduced, referred to House Finance

House Bill No. 6141

BY Kilmartin, Coderre E, DaSilva, Martin, Almeida

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLE OFFENSES - YIELDING TO EMERGENCY VEHICLES {LC2513/1}

04/23/2009 Introduced, referred to House Finance

RULE 17

The following bills were received pursuant to Rule 17:

Representative Kilmartin-An Act relating to Education & Superintendents School Commission

Representative Kilmartin-An Act relating to Motor Vehicles

CALENDAR

From the Calendar are taken:

IN ORDER FOR THURSDAY, APRIL 23, 2009:

1 2009-H 6128

BY Trillo

ENTITLED, HOUSE RESOLUTION PROCLAIMING WARWICK ICE CREAM THE OFFICIAL ICE CREAM OF THE STATE OF RHODE ISLAND

Ordered on the Calendar

Read, and by unanimous consent, ordered to be placed on the Calendar for Thursday, April 30, 2009.

2 2009-H 6129

BY Coderre E

ENTITLED, HOUSE RESOLUTION REQUESTING THE RHODE ISLAND PUBLIC TRANSIT AUTHORITY TO REPORT ON THE

ESTABLISHMENT OF A STATEWIDE WHEELCHAIR
ACCESSIBLE TRANSPORTATION SERVICE

Ordered on the Calendar

Representative Coderre moves passage of the resolution, seconded by Representatives Naughton, Petrarca, Kennedy, Diaz, Giannini, Lima, Pacheco, Almeida, Williams, Kilmartin, Walsh, Shallcross-Smith, Gemma and many other members of the House by unanimous consent on a voice vote.

3 2009-H 5055**BY Corvese****ENTITLED,** AN ACT RELATING TO THE TOWN OF NORTH PROVIDENCE

Committee on Municipal Government recommends passage.

Representative Gallison moves passage of the act, seconded by Representatives Corvese, Schadone and many other members of the House.

Read and passed, on a roll call vote, 68 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 68: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Azzinaro, Baldelli-Hunt, Brien, Caprio, Carnevale, Coderre, Corvese, Costantino, DaSilva, Dennigan, DeSimone, Diaz, Driver, Edwards, Ehrhardt, Fellela, Ferri, Fierro, Fox, Gablinske, Gallison, Gemma, Giannini, Guthrie, Handy, Hearn, Jackson, Kennedy, Kilmartin, Lally, Lima, MacBeth, Marcello, Martin, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, Newberry, O'Neill, Pacheco, Palumbo, Petrarca, Pollard, Rice, A., Rice, M., Ruggiero, Savage, Schadone, Segal, Serpa, Shallcross, Silva, Slater, Sullivan, Trillo, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

REQUEST

Representative Loughlin requests the journal to reflect that if he had voted on (09-H 5055), he would have voted in the affirmative.

4 2009-H 5057**BY Corvese****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- GENERAL
POWERS

Committee on Municipal Government recommends passage.

Representative Gallison moves passage of the act, seconded by Representative Corvese and many other members of the House.

Representatives Trillo, Schadone, Corvese and Watson discuss the act.

Representative Corvese moves to recommit to the Committee on Municipal Government seconded by Representative Schadone. There is no objection.

Read and recommitted to the Committee on Municipal Government.

TRANSMITTAL

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

ANNOUNCEMENTS

The Honorable Speaker Murphy wishes Representative Timothy Williamson a Happy Birthday.

The Honorable Speaker Murphy wishes Representative J. Russell Jackson a Happy Birthday on Saturday.

The Honorable Speaker Murphy wishes Representative Edith Ajello a Happy Birthday on Sunday.

Representative Dennigan congratulates Representative Joy Hearn on being elected Co-Chair of the Karla Harry Commission on Libraries in the state of RI.

Representative Fellela wishes her son, Kyle, a Happy "22nd" Birthday.

Representative Azzinaro announces that the Committee on Municipal Government will meet at the rise of the House, in Room 201 of the State House.

Majority Leader Fox announces tomorrow the Ethics Commission Financial Statement is due.

GUESTS

Representative Jackson welcomes to the House Chamber as guests the family of the late Officer Thomas Cabral, Parents-Thomas and Veronica Cabral, his siblings Troy and Tracy, Heather Donalin, Samantha Gosselin, Jeffrey Gosselin, John Paul Jones, Ms. Joey Jones, Paula Harrington, David Harrington, Middletown Senator Louis DiPalma and Middletown Police Chief Anthony Pesare.

Representative Giannini welcome to the House as a guest Kim Harris-Co-Director of RI Coalition Against Human Trafficking.

Representative DaSilva welcomes to the House as guests the family of Representative Edwards, his wife Donna, his daughter Kelsey and their friend Aaron Buckley.

Representative Pacheco welcomes to the Chamber on Zambarano Day his friends from Zambarano Hospital-Frank Beazely, President-Patients for Progress, Debbie Bradshaw, Rene Demers and Steven Zajchowski. Representative Pacheco also welcomes Craig Stenning-Director MHRH; Paul Depres-Acting Chief Operating Officer; John Young-Chief Executive Officer-Eleanor Slater Hospital; Sharon Sousa-Hospital Administrator; Staff: Kristin Raimond-Therapeutic Recreation, Debby Stockwekk-Facilities Management, Steve Westerman-Therapeutic Recreation; Volunteers: Irene Nichols, Charles Santos and Tina Caldwell.

The Honorable Speaker Murphy welcomes to the House Chamber Morris Cleary from Tipparary Ireland.

ADJOURNMENT

At 4:53 o'clock P.M. on motion of Representative Jackson, and as a further mark of respect to the memory of Officer Thomas Cabral; on motion of Representative Driver, and as a further mark of respect to the memories of Daniel P. Daley and Bassem Abu Rahme on motion of Representative Melo and as a further mark of respect to the memory of Lois Ann Castro; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE J. RUSSELL JACKSON

Almighty God as we begin today's session let us all remember and give thanks to our public servants, in particular, those in law enforcement who without any thought to themselves, offer their lives each and everyday to protect all of our citizens. Amen.

APPENDIX

CALENDAR

IN ORDER FOR TUESDAY, APRIL 28, 2009:

1 2009-H 6098**BY Ruggiero****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

IN ORDER FOR WEDNESDAY, APRIL 29, 2009:

1 2009-H 5053 SUB A**BY Corvese****ENTITLED,** AN ACT TO AUTHORIZE THE TOWN OF NORTH PROVIDENCE
TO TAKE LAND BY EMINENT DOMAINCommittee on Municipal Government recommends indefinite postponement of the
original bill and passage of Substitute A.**2 2009-H 5595****BY Edwards****ENTITLED,** AN ACT RELATING TO THE NORTH TIVERTON FIRE DISTRICT

Committee on Municipal Government recommends passage.

3 2009-H 5596**BY Edwards****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

Committee on Municipal Government recommends passage.

4 2009-H 5957**BY Gallison****ENTITLED,** AN ACT RELATING TO TAXATION - VEHICLE EXCISE TAX -
BRISTOL

Committee on Municipal Government recommends passage.

5 2009-H 6081**BY Driver****ENTITLED,** AN ACT CREATING THE OAK RIDGE CONDOMINIUM WATER
DISTRICT

Committee on Municipal Government recommends passage.

6 2009-H 6108

BY Edwards

ENTITLED, AN ACT RELATING TO THE TOWN OF TIVERTON

Committee on Municipal Government recommends passage.

IN ORDER FOR THURSDAY, APRIL 30, 2009:

1 2009-H 6128

BY Trillo

ENTITLED, HOUSE RESOLUTION PROCLAIMING WARWICK ICE CREAM
THE OFFICIAL ICE CREAM OF THE STATE OF RHODE ISLAND

Ordered on the Calendar

Francis P. McCabe
Clerk of the House

Thursday, April 23, 2009