

# 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. 52

Thursday, May 21, 2009

Fifty-second Day

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The House of Representatives meets at the State House in Providence, Thursday, May 21, 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 65 members present and 10 members absent as follows:

**PRESENT - 65:** The Honorable Speaker Murphy and Representatives Ajello, Almeida, Azzinaro, Baldelli-Hunt, Caprio, Carnevale, Carter, Coderre, Corvese, Costantino, DaSilva, DeSimone, Diaz, Driver, Edwards, Ehrhardt, Fellela, Ferri, Fierro, Flaherty, Fox, Gallison, Gemma, Giannini, Guthrie, Hearn, Jacquard, Kennedy, Kilmartin, Lally, Lima, Loughlin, MacBeth, Marcello, Martin, Mattiello, McCauley, McNamara, Melo, Menard, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Pollard, A. Rice, M. Rice, Ruggiero, San Bento, Savage, Schadone, Segal, Serpa, Shallcross-Smith, Slater, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Winfield.

**ABSENT - 10:** Representatives Brien, Dennigan, Gablinske, Handy, Jackson, Malik, Newberry, Silva, Watson, Williamson.

## INVOCATION

The Honorable Speaker presents Representative Melo who delivers the Invocation. The Honorable Speaker presents Robert MacBeth who 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, May 20, 2009 is approved as printed.

**REPORTS OF COMMITTEE****COMMITTEE ON JUDICIARY**

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

**House Bill No. 5490**

**BY** Lally, Jackson

**ENTITLED**, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE - COLLECTION AND MANAGEMENT OF DECEDENTS' ESTATES (would allow any executor or administrator of an estate to donate a conservation easement on real estate to obtain the benefit of a federal state tax exclusion) {LC989/1}

05/21/2009 Placed on House Calendar

**House Bill No. 5488**

**BY** Lally, Jackson

**ENTITLED**, AN ACT RELATING TO FIDUCIARIES -- TRUSTEE POWERS ( would expand the powers of a trustee to allow them to donate a conservation easement on any real property in order to obtain the benefit of the state tax exclusion) {LC987/1}

05/21/2009 Placed on House Calendar

**House Bill No. 5730 SUB A**

**BY** Marcello, Hearn, Pollard

**ENTITLED**, AN ACT RELATING TO ELECTIONS - VOTING DISTRICTS AND OFFICIALS {LC2022/1/A}

05/21/2009 Placed on House Calendar

**NEW BUSINESS****House Bill No. 6203**

**BY** Lima, Wasylyk, Melo, Gallison, Ruggiero

**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- CONTRACTORS' REGISTRATION AND LICENSING BOARD {LC2587/1}

05/21/2009 Introduced, referred to House Corporations

**House Bill No. 6204**

**BY** Lima, Coderre E, Giannini, Fellela, Almeida

**ENTITLED**, AN ACT RELATING TO EDUCATION -- RESIDENCE OF CHILDREN FOR SCHOOL PURPOSES {LC2577/1}

05/21/2009 Introduced, referred to House Finance

**House Bill No. 6205**

**BY** Fox

**ENTITLED**, AN ACT RELATING TO EDUCATION - HIGHER EDUCATION ASSISTANCE AUTHORITY {LC2665/1}

05/21/2009 Introduced, referred to House Finance

**House Bill No. 6206**

**BY** San Bento, Malik, Coderre E, Jacquard

**ENTITLED**, AN ACT RELATING TO TAXATION - SETOFF OF REFUND OF PERSONAL INCOME TAX {LC2585/1}

05/21/2009 Introduced, referred to House Finance

**House Bill No. 6207**

**BY** Rice M, Naughton, Malik, Lally, Walsh

**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - RENEWABLE ENERGY STANDARD {LC2651/1}

05/21/2009 Introduced, referred to House Environment and Natural Resources

**House Bill No. 6208**

**BY** Shallcross Smith, Walsh, Williams, Almeida, Menard

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES--FOSTER PARENTS BILL OF RIGHTS {LC2628/1}

05/21/2009 Introduced, referred to House H.E.W.

**House Bill No. 6209**

**BY** Lally

**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICIALS, CITY AND TOWN EMPLOYEES AND ELECTED OR APPOINTED OFFICIALS {LC2641/1}

05/21/2009 Introduced, referred to House Judiciary

**House Bill No. 6210**

**BY** Martin, DaSilva, Kilmartin, Carnevale, Shallcross Smith

**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- INTERNET SERVICE PROVIDERS -- DUTY TO DISCLOSE INFORMATION {LC2647/1}

05/21/2009 Introduced, referred to House Judiciary

**House Bill No. 6211**

**BY** Lally

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2642/1}

05/21/2009 Introduced, referred to House Judiciary

**House Resolution No. 6212**

**BY** Pacheco, Winfield, Pollard, Trillo

**ENTITLED**, HOUSE RESOLUTION CONGRATULATING GEORGE M. JACQUES ON HIS RETIREMENT AFTER SERVING AS THE DIRECTOR OF CAMP RUGGLES FOR THIRTY-EIGHT YEARS AND FOR THE CREATION OF THE GEORGE M. JACQUES CAMPSHIP FUND {LC2614/1}

Representative Pacheco requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Pacheco seconded by Representatives Winfield, Pollard, Kilmartin and many other members of the House by unanimous consent, on a voice vote.

#### TRANSMITTAL

By unanimous consent, (09-H 6212), on the clerk's desk is ordered to be transmitted to the Honorable Secretary of State, forthwith.

#### RULE 17

#### The following bills were received pursuant to Rule 17:

Representative Lima-An Act relating to Education

Representative Lima-An Act relating to Businesses and Professions

Representative San Bento-An Act relating to Taxation

#### COMMUNICATION FROM THE SENATE

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

**Senate Bill No. 292** SUB A as amended  
**BY** Sheehan, Lenihan, Tassoni, Miller, Pichardo  
**ENTITLED**, AN ACT RELATING TO THE RHODE ISLAND ECONOMIC DEVELOPMENT (would clarify that the Rhode Island Economic Development Corporation and its subsidiaries must conform to applicable provisions of the state guide plan.) {LC1426/1/A}  
05/21/2009 Referred to House Corporations

**Senate Bill No. 474** SUB A as amended  
**BY** DeVall, DiPalma, Sosnowski, Fogarty P, Gallo  
**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- UNDERGROUND UTILITY FACILITIES {LC1193/1/A}  
05/21/2009 Referred to House Corporations

**Senate Bill No. 672** SUB A  
**BY** Lenihan  
**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES (would require the chief purchasing officer as well as all public corporations and quasi-public agencies to monitor all state contracts with a value of greater than five hundred thousand dollars (\$500,000) {LC1419/3/A}  
05/21/2009 Referred to House Finance

**Senate Bill No. 726****BY** Raptakis, Lenihan**ENTITLED**, AN ACT RELATING TO EDUCATION -- EAST GREENWICH (would allow the East Greenwich school department or school committee to accept donations, gifts or grants for specific purposes) {LC1905/1}

05/21/2009 Referred to House H.E.W.

**CALENDAR**

From the Calendar are taken:

**IN ORDER FOR THURSDAY, MAY 21, 2009:****1 2009-H 5449 SUB A****BY** Naughton**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - LONG TERM CARE COORDINATING COUNCIL

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

Representative Kennedy moves passage of the act, seconded by Representatives DeSimone, Naughton, Gemma and M. Rice.

The bill marked Substitute "A" is read and passed and the original bill indefinitely postponed, 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, Carnevale, Carter, Coderre, Corvese, Costantino, DaSilva, DeSimone, Driver, Edwards, Ehrhardt, Fellela, Ferri, Fierro, Flaherty, Fox, Gallison, Gemma, Giannini, Guthrie, Hearn, Jacquard, Kennedy, Kilmartin, Lima, MacBeth, Marcello, Martin, Mattiello, McNamara, Melo, Menard, Naughton, O'Neill, Pacheco, Petrarca, Pollard, Rice, A., Rice, M., Ruggiero, San Bento, Savage, Schadone, Serpa, Shallcross-Smith, Slater, Trillo, Vaudreuil, Walsh, Wasylyk, Williams, Winfield.

NAYS - 0.

**REQUEST**

Representative Caprio requests the journal to reflect that if he had voted on (09-H 5449 SUB A), he would have voted in the affirmative.

**2 2009-H 5901 SUB A****BY** Marcello**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --

DEPARTMENT OF BUSINESS REGULATIONS -- MALPRACTICE  
INSURANCE

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

Representative Kennedy moves passage of the act, seconded by Representatives Marcello and Gemma.

Representatives Flaherty, Marcello, Driver, Petrarca, Corvese and Lima discuss the act.

The bill marked Substitute "A" is read and passed and the original bill indefinitely postponed, on a roll call vote, 58 members voting in the affirmative and 3 members voting in the negative as follows.

YEAS - 58: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Azzinaro, Baldelli-Hunt, Carnevale, Coderre, Corvese, Costantino, DaSilva, DeSimone, Diaz, Driver, Edwards, Ehrhardt, Fellela, Ferri, Fierro, Flaherty, Fox, Gallison, Gemma, Giannini, Guthrie, Hearn, Jacquard, Kennedy, Kilmartin, Lima, MacBeth, Marcello, Martin, Mattiello, McNamara, Melo, Menard, Naughton, O'Neill, Pacheco, Palumbo, Pollard, Rice, A., Rice, M., Ruggiero, San Bento, Savage, Schadone, Segal, Serpa, Shallcross-Smith, Slater, Trillo, Ucci, Vaudreuil, Walsh, Wasyluk, Williams, Winfield.

NAYS - 3: Representatives Caprio, Carter, Petrarca.

**TRANSMITTAL**

By unanimous consent, (09-H 5449 SUB A), & (09-H 5901 SUB A) on the Clerk's desk are ordered to be transmitted to the Honorable Senate, forthwith.

**3 2009-H 6151****BY Edwards****ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF  
THE CHARTER OF THE PORTSMOUTH DEMOCRATIC WOMEN'S  
CLUB

Committee on Corporations recommends passage.

Read, and by unanimous consent, ordered to be placed on the Calendar for Tuesday, May 26, 2009.

**4 2009-H 6162****BY Jackson****ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF  
THE CHARTER OF THE NEWPORT FIREMAN'S RELIEF  
ASSOCIATION

Committee on Corporations recommends passage.

Read, and by unanimous consent, ordered to be placed on the Calendar for Tuesday, May 26, 2009.

**5 2009-H 6170**

**BY Mattiello**

**ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF LEW'S AUTO BODY, INC.

Committee on Corporations recommends passage.

Representative Kennedy moves passage of the act, seconded by Representative Mattiello.

Read and passed, on a roll call vote, 60 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 60: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Azzinaro, Baldelli-Hunt, Caprio, Carnevale, Carter, Coderre, Corvese, Costantino, DaSilva, DeSimone, Diaz, Driver, Edwards, Ehrhardt, Fellela, Ferri, Fierro, Flaherty, Fox, Gallison, Gemma, Giannini, Guthrie, Hearn, Jacquard, Kennedy, Kilmartin, Lima, MacBeth, Marcello, Martin, Mattiello, McNamara, Melo, Menard, Naughton, O'Neill, Palumbo, Petrarca, Pollard, Rice, A., Rice, M., Ruggiero, San Bento, Savage, Schadone, Segal, Serpa, Shallcross-Smith, Slater, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Winfield.

NAYS - 0.

**6 2009-H 6171**

**BY Mattiello**

**ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF LEW'S AUTO SALES, INC.

Committee on Corporations recommends passage.

Representative Kennedy moves passage of the act, seconded by Representative Mattiello.

Read and passed, on a roll call vote, 61 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 61: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Azzinaro, Baldelli-Hunt, Caprio, Carnevale, Carter, Coderre, Corvese, Costantino, DaSilva, DeSimone, Diaz, Driver, Edwards, Ehrhardt, Fellela, Ferri, Fierro, Flaherty, Fox, Gallison, Gemma, Giannini, Guthrie, Hearn, Jacquard, Kennedy, Kilmartin, Lima, MacBeth, Marcello, Martin, Mattiello, McNamara, Melo, Menard, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Pollard, Rice, A., Rice, M., Ruggiero, San Bento, Savage, Schadone, Segal, Serpa, Shallcross-Smith, Slater, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Williams, Winfield.

NAYS - 0.

### TRANSMITTAL

By unanimous consent, (09-H 6170), & (09-H 6171) on the Clerk's desk are ordered to be transmitted to the Honorable Senate, forthwith.

### ANNOUNCEMENTS

The Honorable Speaker Murphy wishes Representative Thomas Slater a Happy Birthday.

The Honorable Speaker Murphy congratulates Representative Brian Newberry and his wife Elizabeth on their Anniversary.

The Honorable Speaker Murphy congratulates Representative John DeSimone and his wife Diane on their Anniversary on May 24<sup>th</sup>.

The Honorable Speaker Murphy congratulates Representative Arthur Handy and his wife Patricia on their Anniversary on May 24<sup>th</sup>.

Representative Carter announces that the Committee on Finance will reconvene at the rise of the House, in Room 35 of the State House

### MOMENT OF SILENCE

Representative Carter requests a Moment of Silence for all serving us and all deceased on Memorial Day Weekend.

### GUESTS

Representative Pacheco welcomes to the House Chamber as guests the Director of Camp Ruggles-George Jacques, Mrs. Jacques along with their family and friends.

Representative Naughton welcomes to the House as a guest Mrs. Ping Rice, wife of Representative Michael Rice.

Representative Ferri congratulates George Jacques and also welcomes to the Chamber as guests Sue & Chip Andrews. Representative Ferri thanks the Speaker for allowing the 3<sup>rd</sup> grade class from John Green School along with their teachers-Mrs Fountain and Mrs. Bonetti to visit the House Chamber.

Representative M. Rice welcomes to the House Chamber as guests Dan Gudahl, Ana Guarte Gudahl and Jennifer Gudahl.



**ADJOURNMENT**

At 4:53 o'clock P.M. on motion of Representative Edwards, and as a further mark of respect to the memory of Marjorie Macaulay Hirshler; on motion of Representative Carter, and as a further mark of respect to the memory of Gabrielle Dawn Schoeneweis; on motion of Representative Martin and as a further mark of respect to the memory of Joe Dias; on motion of Representative Carter, and as a further mark of respect to the memories of all the deceased on Memorial Day Weekend seconded by Representatives Fox and Savage the House adjourns, on a unanimous rising vote.

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

**APPENDIX**

**INVOCATION**

**REPRESENTATIVE HELIO MELO**

Dear God, we thank Thee for the gift of this new day with its opportunities for growth in nobility of character and in service to others. Amen

## APPENDIX

## CALENDAR

## IN ORDER FOR TUESDAY, MAY 26, 2009:

1. **2009-H 6151****BY Edwards****ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF THE PORTSMOUTH DEMOCRATIC WOMEN'S CLUB

Committee on Corporations recommends passage.

2. **2009-H 6162****BY Jackson****ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF THE NEWPORT FIREMAN'S RELIEF ASSOCIATION

Committee on Corporations recommends passage.

3. **2009-H 5453 SUB A****BY Kennedy****ENTITLED,** AN ACT RELATING TO INSURANCE -- RENTAL NETWORK CONTRACT ARRANGEMENTS

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

4. **2009-H 5798 SUB A****BY Naughton****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- STROKE PREVENTION ACT OF 2009

Committee on Health, Education &amp; Welfare recommends indefinite postponement of the original bill and passage of Substitute A.

5. **2009-H 5398****BY Ajello****ENTITLED,** AN ACT RELATING TO INSURANCE

Committee on Corporations recommends passage.

6. **2009-H 5772 SUB A****BY Watson****ENTITLED,** AN ACT RELATING TO INSURANCE

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

7. **2009-H 5797**

**BY Carnevale**

**ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY - DEPARTMENT OF HEALTH

Committee on Health, Education & Welfare recommends passage.

**IN ORDER FOR WEDNESDAY, MAY 27, 2009:**

1. **2009-H 5097 as amended**

**BY Brien**

**ENTITLED,** AN ACT RELATING TO ELECTIONS - VOTER IDENTIFICATION

Ordered on the Calendar.

2. **2009-H 5685 SUB A**

**BY San Bento**

**ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS --  
INSTALLERS OF INDIVIDUAL SEWAGE DISPOSAL SYSTEMS

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

3. **2009-H 5488**

**BY Lally**

**ENTITLED,** AN ACT RELATING TO FIDUCIARIES -- TRUSTEE POWERS

Committee on Judiciary recommends passage.

4. **2009-H 5490**

**BY Lally**

**ENTITLED,** AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE  
- COLLECTION AND MANAGEMENT OF DECEDENTS' ESTATES

Committee on Judiciary recommends passage.

5. **2009-H 5730 SUB A**

**BY Marcello**

**ENTITLED,** AN ACT RELATING TO ELECTIONS - VOTING DISTRICTS AND  
OFFICIALS

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

**IN ORDER FOR THURSDAY, MAY 28, 2009:****1. 2009-H 5902 SUB A****BY Sullivan****ENTITLED, AN ACT RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS**

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

**IN ORDER FOR THURSDAY, JUNE 4, 2009:****1. 2009-H 5774****BY Watson****ENTITLED, AN ACT RELATING TO INSURANCE -- ADMINISTRATIVE SUPERVISION**

Committee on Corporations recommends passage.

**2. 2009-H 5775 SUB A****BY Watson****ENTITLED, AN ACT RELATING TO INSURANCE - FRAUD PREVENTION**

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

**3. 2009-H 5290****BY O'Neill JP****ENTITLED, AN ACT RELATING TO ELECTIONS -- ELECTIVE MEETINGS**

Committee on Judiciary recommends passage.

**4. 2009-H 5345****BY McCauley****ENTITLED, AN ACT RELATING TO SPORTS RACING AND ATHLETICS -- MIXED MARTIAL ARTS**

Committee on Corporations recommends passage.

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

**Thursday, May 21, 2009**