

**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 fifth day of January in the year of Our Lord two thousand and ten.**

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Volume 137, No. 6

Tuesday, January 19, 2010

Sixth Day

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The House of Representatives meets at the State House in Providence, Tuesday, January 19, 2010 and is called to order at 4:07 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 69 members present and 6 members absent as follows:

PRESENT - 69: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Azzinaro, Baldelli-Hunt, Brien, Caprio, Carnevale, Carter, Coderre, Corvese, Costantino, DaSilva, DeSimone, 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, Messier, Naughton, Newberry, O'Neill, Pacheco, Petrarca, Pollard, A. Rice, M. Rice, Ruggiero, Savage, Schadone, Segal, Serpa, Shallcross, Silva, Slater, Trillo, Ucci, Vaudreuil, Walsh, Wasyluk, Watson, Williams, Winfield.

ABSENT - 6: Representatives Diaz, Jackson, Palumbo, San Bento, Sullivan, Williamson.

**INVOCATION**

The Honorable Speaker presents Representative Gallison 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, January 13, 2010 is approved as printed.

**ANNOUNCEMENTS**

Representative Timothy A. Williamson will be unable to attend session Tuesday, January 19, through Thursday, January 21, 2010.

Representative Grace Diaz will be unable to attend session Tuesday, January 19, 2010.

Representative William San Bento will be unable to attend session Tuesday, January 19, 2010.

**REPORTS OF COMMITTEES****COMMITTEE ON CORPORATIONS**

Representative Kennedy, for the Committee on Corporations, reports back the following measures, with recommendation of passage:

**House Bill No. 7059****BY** Coderre E**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER SARDELLI REALTY COMPANY {LC388/1}

01/19/2010 Placed on House Calendar

**House Bill No. 7102****BY** Kilmartin**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF S & K REALTY, INC. {LC445/1}

01/19/2010 Placed on House Calendar

**COMMITTEE ON JUDICIARY**

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

**House Bill No. 7115****BY** Ruggiero**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Judith Swift to join Abigail Walker Anthony and Ethan Spencer Brown in marriage) {LC464/1}

01/19/2010 Placed on House Calendar

**House Bill No. 7116****BY** Ajello, Ferri, Handy**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (The Honorable Timothy Morey to join Megan Daunais and Vincent Milano in marriage) {LC425/1}

01/19/2010 Placed on House Calendar

**House Bill No. 7119****BY** Lally**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES ( Honorable Donald Lally, Jr., to join Jennifer Marie Kurtz and Mark Ryan Calner in marriage) {LC195/1}  
01/19/2010 Placed on House Calendar**NEW BUSINESS****House Bill No. 7130****BY** Walsh, Azzinaro, Rice M**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- MOTOR CARRIERS OF PROPERTY (would increase the maximum diesel price emergency surcharge cap from three dollars to five dollars) {LC507/1}  
01/19/2010 Introduced, referred to House Corporations**House Bill No. 7131****BY** Carnevale, Fellela, Almeida, Petrarca, Williams**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION - PUBLIC DRINKING WATER SUPPLY (would repeal the section of the law "Public Drinking Water Supply") {LC446/1}  
01/19/2010 Introduced, referred to House Corporations**House Bill No. 7132****BY** McNamara, Carter, Gallison, Corvese, Martin**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- GENERAL PROVISIONS (would allow the promotion of incentive programs or discounts for alcoholic beverages for any person 65 years of age or older, active duty members of the armed forces of the United States, and members of the National Guard or Reserves) {LC499/1}  
01/19/2010 Introduced, referred to House Corporations**House Bill No. 7133****BY** Naughton, Lally, Almeida, Giannini**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES (would provide that upon appropriation of sufficient funds and resources by the general assembly the DCYF initiate the process for seeking council and accreditation standard by July 1, 2011 and submit an accreditation plan by July 1, 2012) {LC377/1}  
01/19/2010 Introduced, referred to House Finance**House Bill No. 7134****BY** Guthrie, Segal, Williams, Fierro, Melo**ENTITLED**, AN ACT RELATING TO TAXATION - ALTERNATIVE FLAT TAX (would set the alternative minimum tax rate at 7 percent) {LC321/1}  
01/19/2010 Introduced, referred to House Finance

**House Bill No. 7135****BY** Serpa, Mattiello**ENTITLED**, AN ACT RELATING TO EDUCATION - CARULO ACT (would repeal the Carulo Act) {LC391/1}

01/19/2010 Introduced, referred to House Finance

**House Bill No. 7136****BY** Lima, Wasylyk, Rice A, Ucci, Giannini**ENTITLED**, AN ACT RELATING TO TAXATION (would require business tax credit recipients to provide the state with financial business records to document any benefit to the state from the issuance of the tax credit) {LC95/1}

01/19/2010 Introduced, referred to House Finance

**House Bill No. 7137****BY** Guthrie, Fierro, Williams, DaSilva, Sullivan**ENTITLED**, AN ACT RELATING TO TAXATION -- ALTERNATIVE FLAT TAX (would eliminate the flat tax) {LC350/1}

01/19/2010 Introduced, referred to House Finance

**House Bill No. 7138****BY** Guthrie**ENTITLED**, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX (would limit election of the alternative flat tax rate to taxpayers who are residents of the State of Rhode Island) {LC353/1}

01/19/2010 Introduced, referred to House Finance

**House Bill No. 7139****BY** Costantino, Carter, Melo, Giannini, Silva**ENTITLED**, AN ACT RELATING TO PUBLIC FINANCE -- THE AMERICAN RECOVERY AND REINVESTMENT ACT--BONDS {LC469/1}

01/19/2010 Introduced, referred to House Finance

**House Bill No. 7140****BY** Edwards, Pollard, Azzinaro, Rice A, Fierro**ENTITLED**, AN ACT RELATING TO TAXATION - SALES AND USE TAXES - LIABILITY AND COMPUTATION (would lower the sales tax rate to four percent and reduce the items exempt from the tax) {LC159/1}

01/19/2010 Introduced, referred to House Finance

**House Bill No. 7141****BY** McNamara**ENTITLED**, AN ACT RELATING TO PROPERTY -- LEASED LAND DWELLINGS {LC100/1}

01/19/2010 Introduced, referred to House Judiciary

**House Bill No. 7142****BY** Gallison, Gablinske**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (The Honorable Justice of the Commonwealth of Virginia Julie Cannon to join Carly Sokol and Alexander Michel in marriage) {LC607/1}

01/19/2010 Introduced, referred to House Judiciary

**House Bill No. 7143****BY** Gablinske, Corvese**ENTITLED**, AN ACT RELATING TO EDUCATION ( would amend the notification requirements regarding the dismissal, suspension or lay-off of teachers in the event of a fiscal exigency or program reorganization) {LC498/1}

01/19/2010 Introduced, referred to House Labor

**House Bill No. 7144****BY** Gallison, Fellela, Serpa, Kilmartin, Carter**ENTITLED**, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE - RHODE ISLAND VETERANS' HOME (would create a 7 member permanent legislative oversight commission to oversee all aspects of the Rhode Island Veterans' Home) {LC351/1}

01/19/2010 Introduced, referred to House Veterans Affairs

**House Resolution No. 7145****BY** Fox, Watson**ENTITLED**, JOINT RESOLUTION INVITING HER HONOR, THE PRESIDENT OF THE SENATE, AND THE HONORABLE SENATE TO JOIN THE HOUSE OF REPRESENTATIVES IN JOINT SESSION FOR THE PURPOSE OF RECEIVING THE STATE OF THE STATE ADDRESS OF HIS EXCELLENCY THE GOVERNOR {LC718/1}

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. 7146****BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC720/1}

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.

**House Resolution No. 7147****BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC719/1}

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.

**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.

**COMMUNICATION FROM THE SENATE**

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

**Senate Bill No. 2007****BY** Perry**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF BENEFIT SQUARE CORPORATION {LC23/1}

01/19/2010 Referred to House Corporations

**CALENDAR**

From the Calendar are taken:

**IN ORDER FOR TUESDAY, JANUARY 19, 2010:****1 2010-H 7025****BY** Naughton**ENTITLED**, HOUSE RESOLUTION AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES FOR THE YEARS 2009-2010

Committee on Rules recommends passage.

Representative Naughton moves passage of the resolution, seconded by Representatives Kilmartin and Fox.

By unanimous consent, Representative Driver, seconded by Representative Ehrhardt offers a written motion to amend.

**FLOOR AMENDMENT  
TO  
2010 -- H 7025**

HOUSE RESOLUTION AMENDING THE RULES OF THE HOUSE OF  
REPRESENTATIVES FOR THE YEARS 2009-2010

Mr. Speaker:

I hereby move to amend 2010 -- H 7025, entitled "HOUSE RESOLUTION AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES FOR THE YEARS 2009-2010", as follows:

On page 1, by inserting the following language after line 17:

"Be It Further Resolved, That Rule 13(e) is amended to read as follows:

(e) Upon receipt of a written request from the principal House sponsor of a bill or resolution, a copy of which is to be given to the recording clerk, the committee shall grant to said principal House sponsor a hearing on any said bill or resolution within thirty (30) calendar days of the request, and provided further, that said committee shall grant to the principal House sponsor consideration of his or her bill or resolution prior to the deadline for committee action on such bill or resolution. The principal sponsor, with the concurrence of the Chair, may cancel a scheduled hearing with twenty-four (24) hours' notice to the Chair, which notice shall be posted electronically. A hearing postponed twice at the sponsor's request need not be re-scheduled. For the purpose of the rule, consideration shall mean a majority vote on one (1) of the following:

(i) a motion to report the bill or resolution to the House with a recommendation of passage;

(ii) a motion to report the bill or resolution as amended, or in substitute form, to the House with a recommendation of passage; or

(iii) a motion to report the bill or resolution to the House without recommendation; or

(iv) a motion to report the bill or resolution to the House with a recommendation of no passage; ~~or~~

~~(v) a motion to report the bill or resolution to the House with a recommendation that it be held for further study.~~

In the event of a tie vote on any of the motions specified in (i), (ii), (iii), or (iv) ~~or (v)~~ hereof, the bill or resolution shall be lost.

The originals of bills or resolutions which have failed in committee shall be transmitted by the committee clerks to the Secretary of State for the State Archives, with an appropriate notation thereon.

Be It Further Resolved, that Rules which were suspended on June 24, 2009 are hereby reinstated."

Respectfully submitted,

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REPRESENTATIVE DRIVER

=====  
LC00253/2  
=====

Representatives Driver, Naughton, Watson, M. Rice, Newberry and Trillo discuss the amendment.

The motion to amend fails on a roll call vote 30 members voting in the affirmative and 33 members voting in the negative as follows:

YEAS - 30: Representatives Azzinaro, Corvese, DaSilva, Driver, Edwards, Ehrhardt, Flaherty, Gemma, Giannini, Guthrie, Hearn, Lima, Loughlin, MacBeth, Malik, Marcello, Menard, Messier, Newberry, Pollard, Rice, A., Savage, Schadone, Trillo, Ucci, Walsh, Wasylyk, Watson, Williams, Winfield.

NAYS - 33: The Honorable Speaker Murphy and Representatives Ajello, Baldelli-Hunt, Caprio, Carnevale, Carter, Coderre, Costantino, Fellela, Ferri, Fierro, Fox, Gablinske, Gallison, Handy, Kilmartin, Martin, Mattiello, McCauley, McNamara, Melo, Naughton, O'Neill, Pacheco, Petrarca, Rice, M., Ruggiero, Segal, Serpa, Shallcross, Silva, Slater, Vaudreuil.

Representatives Ucci, Watson and Trillo discuss the resolution.

Read and passed, on a roll call vote, 61 members voting in the affirmative and 6 members voting in the negative as follows.

YEAS - 61: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Azzinaro, Baldelli-Hunt, Brien, Caprio, Carnevale, Carter, Coderre, Corvese, Costantino, DaSilva, DeSimone, Driver, Edwards, Fellela, Ferri, Fierro, Fox, Gablinske, Gallison, Giannini, Guthrie, Handy, Hearn, Kennedy, Kilmartin, Lally, Lima, Loughlin, MacBeth, Malik, Marcello, Martin, Mattiello, McCauley, McNamara, Melo, Menard, Messier, Naughton, Newberry, O'Neill, Pacheco, Petrarca, Pollard, Rice, A., Rice, M., Ruggiero, Savage, Schadone, Segal, Serpa, Shallcross, Silva, Slater, Vaudreuil, Walsh, Wasylyk, Williams.

NAYS - 6: Representatives Ehrhardt, Flaherty, Trillo, Ucci, Watson, Winfield.

### TRANSMITTAL

By unanimous consent, (10-H 7025), on the clerk's desk is ordered to be transmitted to the Honorable Secretary of State, forthwith.

**2 2010-H 7017**

**BY Ehrhardt**

**ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

Representative O'Neill moves passage of the act, seconded by Representative Watson.

Read and passed, on a roll call vote, 67 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 67: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Azzinaro, Baldelli-Hunt, Brien, Caprio, Carnevale, Carter, Coderre, Corvese, Costantino, DaSilva,

DeSimone, Driver, Edwards, Ehrhardt, Fellela, Ferri, Fierro, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Guthrie, Handy, Hearn, Kennedy, Kilmartin, Lally, Lima, Loughlin, MacBeth, Malik, Marcello, Martin, Mattiello, McCauley, McNamara, Melo, Menard, Messier, Naughton, Newberry, O'Neill, Pacheco, Pollard, Rice, A., Rice, M., Ruggiero, Savage, Schadone, Segal, Serpa, Shallcross, Silva, Slater, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

**3 2010-H 7018**

**BY Serpa**

**ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

Representative O'Neill moves passage of the act, seconded by Representative Serpa.

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, Carter, Coderre, Corvese, Costantino, DaSilva, DeSimone, Driver, Edwards, Ehrhardt, Fellela, Ferri, Fierro, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Guthrie, Handy, Hearn, Kennedy, Kilmartin, Lally, Lima, Loughlin, MacBeth, Malik, Marcello, Martin, Mattiello, McCauley, McNamara, Melo, Menard, Messier, Naughton, Newberry, O'Neill, Pacheco, Petrarca, Pollard, Rice, A., Rice, M., Ruggiero, Savage, Schadone, Segal, Serpa, Shallcross, Silva, Slater, Trillo, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Winfield.

NAYS - 0.

**With the agreement of Majority Leader Fox and Minority Leader Watson, Representative Williams requests to bundle the remainder of the Calendar items 4-7. There is no objection.**

**4 2010-H 7019**

**BY Melo**

**ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

**5 2010-H 7020**

**BY Marcello**

**ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

**6 2010-H 7039****BY Gallison****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

**7 2010-H 7043****BY Ruggiero****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

Representative O'Neill moves passage of the bundle, seconded by Representatives Watson and Fox.

The bundle is read and passed, on a roll call vote, 67 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 67: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Azzinaro, Baldelli-Hunt, Brien, Caprio, Carnevale, Carter, Coderre, Corvese, Costantino, DaSilva, DeSimone, Driver, Edwards, Ehrhardt, Fellela, Ferri, Fierro, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Guthrie, Handy, Hearn, Kennedy, Kilmartin, Lally, Lima, Loughlin, MacBeth, Malik, Marcello, Martin, Mattiello, McCauley, McNamara, Melo, Menard, Messier, Naughton, Newberry, O'Neill, Pacheco, Petrarca, Pollard, Rice, A., Rice, M., Ruggiero, Savage, Schadone, Segal, Serpa, Shallcross, Silva, Slater, Trillo, Ucci, Vaudreuil, Walsh, Watson, Williams, Winfield.

NAYS - 0.

**TRANSMITTAL**

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

**ANNOUNCEMENTS**

Representative McNamara announces a briefing on the high school dropout problem will be held for legislators tomorrow at 2 P.M. in the House Lounge. The briefing will be conducted by Dr. Robert Balfanz, from John Hopkins University in Baltimore and Sunny Deye, from the National Conference of State Legislatures.

Representative Corvese announces that the Committee on Labor will meet at the rise of the House, in Room 201 of the State House.

Representative Kennedy announces that the Committee on Corporations will meet at the rise of the House, in Room 203 of the State House

**ADJOURNMENT**

At 4:39 o'clock P.M. on motion of Representative Kilmartin, and as a further mark of respect to the memory of Deirdre Horan; on motion of Representative Gablinske, and as a further mark of respect to the memory of Forrest A. Edward; on motion of Representative Azzinaro and as a further mark of respect to the memories of Harrison Day and Theodore Dorsey, Sr.; on motion of Representative Gallison, and as a further mark of respect to the memory of John Martin; on motion of Representative Coderre, and as a further mark of respect to the memory of John A. DeAngelis, father of former Speaker of the House, Joseph DeAngelis; on motion of Representative Giannini, and as a further mark of respect to the memory of Joseph Iozzi; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

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

**APPENDIX**

**INVOCATION**

**REPRESENTATIVE RAYMOND E. GALLISON, JR.**

Dear God, we ask that you be with us today in our thoughts and actions as we try to work for the benefit of all our constituents. Amen.

## APPENDIX

## CALENDAR

## IN ORDER FOR THURSDAY, JANUARY 21, 2010:

**1 2010-H 7059****BY Coderre E****ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER SARDELLI REALTY COMPANY

Committee on Corporations recommends passage.

**2 2010-H 7102****BY Kilmartin****ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF S & K REALTY, INC.

Committee on Corporations recommends passage.

**3 2010-H 7115****BY Ruggiero****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

**4 2010-H 7116****BY Ajello****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

**5 2010-H 7119****BY Lally****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

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

Tuesday, January 19, 2010