

# 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 third day of January in the year of Our Lord two thousand and twelve.

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Volume 139, No. 6

Thursday, January 12, 2012

Sixth Day

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The House of Representatives meets at the State House in Providence, Thursday, January 12, 2012 and is called to order at 4:21 o'clock P.M., by the Honorable Gordon D. Fox, Speaker.

The roll is called and a quorum is declared present with 68 members present and 7 members absent as follows:

**PRESENT** - 68: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Cimini, Coderre, Corvese, Costa, DaSilva, DeSimone, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lima, MacBeth, Malik, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Valencia, Walsh, Watson, Williams, Winfield.

**ABSENT** -7: Representatives Chippendale, Lally, Morgan, Palumbo, San Bento, Trillo, Ucci.

### **INVOCATION**

The Honorable Speaker presents Representative Guthrie who delivers the Invocation and Representative Ruggiero who introduces Girl Scout Troop 396 from Jamestown to lead 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 11, 2012 is approved.

**ANNOUNCEMENTS**

Please be informed that Representative Michael Chippendale will be unable to attend session, January 12<sup>th</sup>.

Please be informed that Representative William San Bento will be unable to attend session January 12<sup>th</sup>.

**APPOINTMENTS**

January 12, 2012

I hereby make the following appointments to the:

**LOCALLY ADMINISTERED PLANS STUDY COMMISSION, AS CREATED BY THE 2011 PENSION SECURITY ACT**

I appoint:

Antonio Pires

I appoint, jointly with the Senate President

Honorable Angel Taveras-Mayor of the City of Providence  
Honorable Joseph Polisena-Mayor of the Town of Johnston  
Bruce Keiser-Town Administrator of Jamestown

Received and placed on file.

**NEW BUSINESS****House Bill No. 7103**

**BY** McLaughlin, Silva, Blazejewski, DaSilva, Gallison

**ENTITLED**, AN ACT RELATING TO FINANCIAL INSTITUTIONS - BANK

STATEMENTS (would require financial institutions doing business within the state to provide their customers the option of receiving a printed bank statement by mail at no additional charge.)  
{LC302/1}

01/12/2012 Introduced, referred to House Corporations

**House Bill No. 7104**

**BY** Walsh, Ruggiero, Ferri, Coderre, Naughton

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- STATE LOTTERY {LC161/1}

01/12/2012 Introduced, referred to House Finance

**House Bill No. 7105****BY** Diaz, Slater, Silva, Gallison, Ferri**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES -- THE RHODE ISLAND WORKS PROGRAM (would allow people initially eligible for child care assistance to remain eligible so long as their income does not exceed 225% of the federal poverty level and child care is necessary in order to maintain employment.) {LC322/1}

01/12/2012 Introduced, referred to House Finance

**House Bill No. 7106****BY** Bennett, Blazejewski, Hull, Flaherty, Azzinaro**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES -- DEVELOPMENTAL DISABILITIES FUNDING (would restore the budget cut made to the developmental disabilities assisted living fund.) {LC477/1}

01/12/2012 Introduced, referred to House Finance

**House Bill No. 7107****BY** Costa, Fox, Williams, Carnevale, Medina**ENTITLED**, AN ACT RELATING TO TAXATION -- REFUND DEDUCTION FOR WATERFIRE {LC236/1}

01/12/2012 Introduced, referred to House Finance

**House Bill No. 7108****BY** McNamara, Jacquard, Malik**ENTITLED**, AN ACT RELATING TO EDUCATION - THE COLLEGE AND CAREER SUCCESS FOR ALL STUDENTS ACT (would require the establishment of clear training guidelines for teachers who will teach advanced placement classes in RI public schools.) {LC107/1}

01/12/2012 Introduced, referred to House H.E.W.

**House Bill No. 7109****BY** McNamara, O'Neill, Jacquard, Malik, Schadone**ENTITLED**, AN ACT RELATING TO INSURANCE (would provide that an entity providing a dental service plan or benefit shall offer a dental care savings account to its insured.) {LC256/1}

01/12/2012 Introduced, referred to House H.E.W.

**House Bill No. 7110****BY** Ajello, Blazejewski, Walsh, Handy, Cimini**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- SEARCH WARRANTS (would require search warrants be issued, subject to established exceptions, prior to obtaining information contained in portable electronic devices.) {LC263/1}

01/12/2012 Introduced, referred to House Judiciary

**House Bill No. 7111****BY** Ajello, Handy, Blazejewski, Cimini, Walsh**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - STATE POLICE (would make the definitions of disability, sexual orientation, gender identity and

expression the same as set forth in RI general laws section 11-24-2.1.) {LC151/1}  
01/12/2012 Introduced, referred to House Judiciary

**House Bill No. 7112**

**BY** Tanzi, Walsh, Lally, Dickinson, DaSilva

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -  
CORRECTIONS DEPARTMENT (would exclude certain offenses from eligibility for earned  
time for good behavior or program participation or completion.) {LC128/1}

01/12/2012 Introduced, referred to House Judiciary

**House Bill No. 7113**

**BY** Ajello, Walsh, Blazejewski, Marcello, Cimini

**ENTITLED**, AN ACT RELATING TO ELECTIONS - CONDUCT OF ELECTION (would  
make changes to the elections recount process. It would increase the number of provisional ballot  
votes to be counted....) {LC148/1}

01/12/2012 Introduced, referred to House Judiciary

**House Bill No. 7114**

**BY** Fellela, Corvese, Ucci, Edwards, McLaughlin

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY (would ban abortions solely  
as a means of sex selection.) {LC312/1}

01/12/2012 Introduced, referred to House Judiciary

**House Bill No. 7115**

**BY** McNamara, Corvese, Jacquard, Palumbo, Flaherty

**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS --  
CORRECTIONAL OFFICERS ARBITRATION (would expand the definition of correctional  
officer to include any bargaining unit in which correctional officers constitute a majority of the  
bargaining unit.) {LC105/1}

01/12/2012 Introduced, referred to House Labor

**House Bill No. 7116**

**BY** Guthrie, DaSilva, Messier, Tomasso, Johnston

**ENTITLED**, AN ACT RELATING TO EDUCATION - TEACHERS' TENURE {LC368/1}

01/12/2012 Introduced, referred to House Labor

**House Bill No. 7117**

**BY** Flaherty, Palumbo, Hull, Bennett, McLaughlin

**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES - MERIT  
SYSTEM {LC522/1}

01/12/2012 Introduced, referred to House Labor

**House Bill No. 7118**

**BY** Tomasso, Valencia, Chippendale

**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - RETIREMENT OF  
MUNICIPAL EMPLOYEES (would require that in the event that a municipality reports a

surplus at the end of its fiscal year but has not made its actuarially-required contribution to its pension system, then the municipality shall apply the surplus to pension system.) {LC436/1}  
01/12/2012 Introduced, referred to House Municipal Government

**House Resolution No. 7119**

**BY** Edwards, Fox, Mattiello, O'Neill, Coderre

**ENTITLED**, HOUSE RESOLUTION THANKING CHARLES M. MORAN FOR HIS DEDICATED SERVICE AS THE LONGEST-SERVING CHAIRMAN OF THE TIVERTON DEMOCRATIC TOWN COMMITTEE {LC471/1}

With the agreement of the majority and the minority, Representative Edwards requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Edwards seconded by Representatives Fox, Mattiello, O'Neill and Coderre by unanimous consent, on a voice vote.

**House Bill No. 7120**

(Secretary of State)

**BY** Marcello, Kennedy

**ENTITLED**, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS -- PARTNERSHIPS--FILING {LC453/1}

01/12/2012 Introduced, referred to House Corporations

**House Bill No. 7121**

(Secretary of State)

**BY** Marcello, Kennedy

**ENTITLED**, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS - RHODE ISLAND BUSINESS CORPORATION ACT {LC457/1}

01/12/2012 Introduced, referred to House Corporations

**House Bill No. 7122**

(Secretary of State)

**BY** Ruggiero, Valencia, Ehrhardt, Hull, Bennett

**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY - LOBBYING {LC450/1}

01/12/2012 Introduced, referred to House Judiciary

**House Bill No. 7123**

**BY** Walsh

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC580/1}

01/12/2012 Introduced, referred to House Judiciary

**COMMUNICATION FROM THE SENATE**

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

**Senate Bill No. 2022**

**BY** Algieri

**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF TSUNAMI AIRCRAFT SALES, INC. {LC235/1}

01/12/2012 Referred to House Corporations

**Senate Bill No. 2023**

**BY** Miller, Perry

**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF PADRIC M. MEAGHER REAL ESTATE INCORPORATED {LC36/1}

01/12/2012 Referred to House Corporations

**CALENDAR**

From the Calendar are taken:

**IN ORDER FOR THURSDAY, JANUARY 12, 2012:****1. 2012-H 7052**

**BY** Melo

**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- BUDGET COMMISSIONS

Committee on Finance recommends passage.

Representative Melo moves passage of the act, seconded by Representatives Ferri, Malik, Blazejewski, Valencia, Mattiello, Carnevale, DaSilva and Savage.

Representative Melo discusses the act.

By unanimous consent, Representative Ehrhardt, seconded by Representatives Newberry, Costa, Reilly and Watson offers a written motion to amend.

**FLOOR AMENDMENT  
TO  
2012 -- H 7052**

AN ACT RELATING TO TOWNS AND CITIES -- BUDGET COMMISSIONS

Mr. Speaker:

I hereby move to amend 2012 -- H 7052, entitled "AN ACT RELATING TO TOWNS

AND CITIES -- BUDGET COMMISSIONS", as follows:

1. On page 5, line 17, after the language "payments." by inserting the following language:  
"The certification to the department of revenue required under this subsection shall include a statement that the city or town is not in default under any obligation, contractual or otherwise, of said city or town to any third-party and shall further state that the commission or any other entity with authority to act on behalf of such city or town, is not contemplating either the filing of a petition or proceeding under any federal bankruptcy or insolvency or reorganization laws, and that the commission has no knowledge of any such petition or proceeding being filed with respect to the city or town for which the commission was established."

Respectfully submitted,

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REPRESENTATIVE EHRHARDT

=====  
LC00357/2  
=====

Representatives Ehrhardt, Melo, McLaughlin and Mattiello discuss the amendment.

The motion to amend fails on a roll call vote 7 members voting in the affirmative and 60 members voting in the negative as follows:

YEAS - 7: Representatives Costa, Ehrhardt, Gordon, MacBeth, Newberry, Reilly, Watson.

NAYS - 60: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Cimini, Coderre, Corvese, DaSilva, Diaz, Dickinson, Edwards, Fellela, Ferri, Flaherty, Gallison, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lima, Malik, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morrison, Naughton, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Ruggiero, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Valencia, Walsh, Williams, Winfield.

Read and passed, on a roll call vote, 65 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 65: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lima, MacBeth, Malik, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Phillips, Reilly, Ruggiero, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Valencia, Walsh, Williams, Winfield.

NAYS - 1: Representative Watson.

**TRANSMITTAL**

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

**ANNOUNCEMENTS**

The Honorable Speaker Fox wishes Representative J. Patrick O'Neill a Happy Birthday on January 14<sup>th</sup>.

The Honorable Speaker Fox wishes Representative Arthur Corvese a Happy Birthday on January 14<sup>th</sup>.

The Honorable Speaker Fox wishes his legal counsel, John Flynn, a Happy Birthday on January 14<sup>th</sup>.

Representative Kennedy announces that the Committee on Corporations will meet Tuesday, January 17<sup>th</sup>, at the rise of the House, in Room 203 of the State House.

Representative Cimini announces the Young Leaders Circle will be meeting in the State Room for their "Make an Impact Session" at the rise of the House.

Representative Lima congratulates Representative Keable and his wife Colleen who were recently married on December 3<sup>rd</sup>.

**GUESTS**

Representative Ruggiero welcomes to the House Chamber as guests 5<sup>th</sup> Grade Girl Scout Troop 396 from Lawn Avenue School in Jamestown as follows: Alex Adamiste, Kendra McGuirl Smith, Mary Bartelein, Julia Bush, Reagan Sanchez, Oola McCarthy, Emily Mikolay, Alyssa Gibbs, Mackenzie Montoya, Magadelena (Maggie) Owens, Galeyn Dwyer, Ahni Ayvazian, Sarah Mikolay; Troop Leader Michelle Gibbs and parents Joy Mikolay, Maureen McGuirl, Jane McCarthy and her son Fin Bar.

Representative Ferri welcomes to the House as guests members of the Board of Governors: Chair, Lorne Adraine; Government Relations, Eva Mancuso.

Representative Newberry welcomes to the Chamber his mother-in-law, Diane Rubacha and his wife, Beth.

Representative Williams welcomes to the House Chamber Mr. Mal Evans.

Representative Costa welcomes to the House her daughter, Gabrielle Reid.



Representative Naughton welcomes to the Chamber her family: her daughter Christine and her husband Bryan Barrington and grandchildren Bryan, John and Eileen.

**ADJOURNMENT**

At 4:53 o'clock P.M. on motion of Representative Newberry, and as a further mark of respect to the memory of Dennis M. Abbate; on motion of Representative Kennedy, and as a further mark of respect to the memories of Carl E. Lundbohm and Josephine T. Langworthy; on motion of Representative Serpa and as a further mark of respect to the memory of Pauline Giorgio; seconded by Representatives Mattiello and Newberry the House adjourns, on a unanimous rising vote.

**Linda M. McElroy**  
Recording Clerk

**APPENDIX****INVOCATION****REPRESENTATIVE SCOTT J. GUTHRIE**

Dear Heavenly Father: As we move forward into the legislative year let us all pause and take a moment to reflect on the natural beauty of this great state and thank you for giving this legislature the opportunity to protect its' bounty for all its citizens.

**APPENDIX****CALENDAR****IN ORDER FOR TUESDAY, JANUARY 17, 2012:**

1.     **2012-H 7007**  
       **BY** Gallison  
       **ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES  
  
       Committee on Judiciary recommends passage.
2.     **2012-H 7008**  
       **BY** Mattiello  
       **ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES  
  
       Committee on Judiciary recommends passage.
3.     **2012-H 7011**  
       **BY** Nunes  
       **ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES  
  
       Committee on Judiciary recommends passage.
4.     **2012-H 7012**  
       **BY** Martin  
       **ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES  
  
       Committee on Judiciary recommends passage.
5.     **2012-H 7038**  
       **BY** McNamara  
       **ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES  
  
       Committee on Judiciary recommends passage.
6.     **2012-H 7016 SUB A**  
       **BY** Martin  
       **ENTITLED**, AN ACT RELATING TO MOTOR VEHICLE OPERATOR LICENSES -  
       VETERANS  
  
       Committee on Veterans` Affairs recommends indefinite postponement of the  
       original bill and passage of Substitute A.

**7. 2012-H 7017 SUB A**

**BY** Martin

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -  
OPERATOR'S AND CHAFFEUR'S LICENSES - VETERAN DESIGNATION

Committee on Veterans` Affairs recommends indefinite postponement of the  
original bill and passage of Substitute A.

**Francis McCabe**  
Clerk of the House

**Thursday, January 12, 2012**