

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

Volume 139, No. 8

Wednesday, January 18, 2012

Eighth Day

The House of Representatives meets at the State House in Providence, Wednesday, January 18, 2012 and is called to order at 4:21 o'clock P.M., by the Honorable Elaine A. Coderre, Speaker Tempore.

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 Fox and Representatives Ajello, Azzinaro, Bennett, Brien, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, DeSimone, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Malik, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

ABSENT - 4: Representatives Baldelli-Hunt, Blazejewski, Carnevale, Palumbo.

INVOCATION

The Honorable Speaker presents Representative Tanzi 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 Tuesday, January 17, 2012 is approved.

NEW BUSINESS**House Bill No. 7149**

(Secretary of State)

BY Corvese, Petrarca, Schadone, Azzinaro, Malik**ENTITLED**, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS, AND PARTNERSHIPS {LC458/1}

01/18/2012 Introduced, referred to House Corporations

House Bill No. 7150

(Secretary of State)

BY Keable, Edwards, Nunes**ENTITLED**, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS -- RHODE ISLAND NON-PROFIT CORPORATION ACT {LC455/1}

01/18/2012 Introduced, referred to House Corporations

House Bill No. 7151**BY** Walsh, Ajello, Cimini, Tanzi, Naughton**ENTITLED**, AN ACT RELATING TO INSURANCE -- GENDER RATING (would provide that insurance companies shall not vary the premium rates charged for a health coverage plan based on the gender of the individual policy holder, enrollee, subscriber, or member.) {LC577/1}

01/18/2012 Introduced, referred to House Corporations

House Bill No. 7152**BY** Palumbo, Messier, Corvese, Naughton, Coderre**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - LICENSING OF BEHAVIOR ANALYSTS (would add a chapter to the general laws governing the licensing of behavior analysts.) {LC679/1}

01/18/2012 Introduced, referred to House Corporations

House Bill No. 7153**BY** Petrarca, Winfield, Brien, Carnevale, Silva**ENTITLED**, AN ACT RELATING TO TAXATION -- BUSINESS CORPORATION TAX (would require certain corporations claiming an exemption as a nonprofit to provide internal revenue service filings as proof that the corporation is using its associated personal property exclusively for educational purposes.) {LC641/1}

01/18/2012 Introduced, referred to House Corporations

House Bill No. 7154**BY** DaSilva, Savage**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- REAL ESTATE BROKERS AND SALESPERSONS (would require that real estate commissions be paid at the closing.) {LC543/1}

01/18/2012 Introduced, referred to House Corporations

House Bill No. 7155**BY** Slater, Diaz**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- PUBLIC UTILITIES COMMISSION {LC667/1}

01/18/2012 Introduced, referred to House Corporations

House Bill No. 7156**BY** Edwards, Azzinaro, DaSilva, Brien, Lally**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- RETIREMENT SYSTEM -- CONTRIBUTIONS AND BENEFITS {LC233/1}

01/18/2012 Introduced, referred to House Finance

House Bill No. 7157**BY** Walsh, Naughton**ENTITLED**, AN ACT RELATING TO TAXATION - GROSS RECEIPTS EXEMPT FROM SALES AND USE TAXES (would exempt animal feed, used for animals in the production of food for human consumption, from the sales and use tax.) {LC579/1}

01/18/2012 Introduced, referred to House Finance

House Bill No. 7158**BY** Winfield, Petrarca, Carnevale**ENTITLED**, AN ACT RELATING TO TAXATION (would provide that a non-profit educational institution which does not enter into a tax treaty with the municipality wherein it is located shall not be considered tax exempt.) {LC340/1}

01/18/2012 Introduced, referred to House Finance

House Bill No. 7159**BY** Ruggiero, Reilly, Walsh, Tanzi, O`Grady**ENTITLED**, AN ACT RELATING TO TAXATION - RENEWABLE ENERGY TAX CREDIT (would reinstate the residential renewable energy system tax credit.) {LC612/1}

01/18/2012 Introduced, referred to House Finance

House Bill No. 7160**BY** Messier, Johnston, DaSilva, San Bento, Coderre**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES {LC648/1}

01/18/2012 Introduced, referred to House Finance

House Bill No. 7161**BY** Petrarca, Winfield, Carnevale, Palumbo, Ucci**ENTITLED**, AN ACT RELATING TO TAXATION (would provide that a non-profit educational institution which does not enter into a tax treaty with the municipality wherein it is located shall not be considered tax exempt.) {LC644/1}

01/18/2012 Introduced, referred to House Finance

House Bill No. 7162**BY** Coderre, O'Neill, San Bento, Johnston, Messier**ENTITLED**, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO ISSUE TAX ANTICIPATION NOTES PAYABLE IN FISCAL YEAR 2013 {LC652/1}

01/18/2012 Introduced, referred to House Finance

House Bill No. 7163**BY** Coderre, Johnston, O'Neill, San Bento, O'Grady**ENTITLED**, AN ACT RELATING TO DEPARTMENT OF TRANSPORTATION - HIGHWAYS (would require the department of transportation to perform a structural study of the Division Street Bridge, within six months after the detour is needed, and then to make all the repairs and upgrades needed.) {LC575/1}

01/18/2012 Introduced, referred to House Finance

House Bill No. 7164**BY** Coderre, Messier, Johnston, O'Neill, San Bento**ENTITLED**, AN ACT RELATING TO DEPARTMENT OF TRANSPORTATION - HIGHWAYS (would require the economic dev. corp. to administer a fund established to compensate qualified businesses which have suffered financial loss as a result of the disruption to traffic caused by the Pawt. River Bridge Project.) {LC606/1}

01/18/2012 Introduced, referred to House Finance

House Bill No. 7165**BY** Palumbo, Morrison, Corvese, Naughton, Coderre**ENTITLED**, AN ACT RELATING TO INSURANCE - AUTISM SPECTRUM DISORDERS (would include coverage for psychology, psychiatry and pharmaceutical services.) {LC681/1}

01/18/2012 Introduced, referred to House H.E.W.

House Bill No. 7166**BY** Morrison, Naughton, Gallison, McNamara**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- OUTDOOR SMOKING (would prohibit smoking in certain outdoor areas.) {LC474/1}

01/18/2012 Introduced, referred to House H.E.W.

House Bill No. 7167**BY** Petrarca, Winfield, O'Neill, Brien, Palumbo**ENTITLED**, AN ACT RELATING TO EDUCATION -- CELL PHONES IN SCHOOL (would require the department of elementary and secondary education to adopt a statewide policy prohibiting texting during school hours, except in certain circumstances.) {LC643/1}

01/18/2012 Introduced, referred to House H.E.W.

House Bill No. 7168**BY** Mattiello, Ruggiero, Hearn, McNamara, Morgan**ENTITLED**, AN ACT RELATING TO EDUCATION -- PRIVATE SCHOOLS (would grant Neumont University authority to grant associate and bachelor degrees provided that it is in compliance with regulations and standards for approval adopted by the board of governors for

higher education.) {LC163/1}

01/18/2012 Introduced, referred to House H.E.W.

House Bill No. 7169

BY Petrarca

ENTITLED, AN ACT RELATING TO FOOD AND DRUGS -- UNIFORM CONTROLLED SUBSTANCES ACT {LC642/1}

01/18/2012 Introduced, referred to House H.E.W.

House Bill No. 7170

BY Palumbo, Brien, Corvese, Slater

ENTITLED, AN ACT RELATING TO FOOD AND DRUGS - UNIFORM CONTROLLED SUBSTANCES ACT (would place Methydone, MDPV, Mephedrone and other compounds commonly known and marketed as "bath salts", on Schedule 1 of the Uniform Controlled Substances Act.) {LC584/1}

01/18/2012 Introduced, referred to House H.E.W.

House Bill No. 7171

BY Walsh, Tanzi, Valencia, Handy, Ruggiero

ENTITLED, AN ACT RELATING TO PROPERTY -- CONSERVATION AND PRESERVATION RESTRICTIONS ON REAL PROPERTY {LC578/1}

01/18/2012 Introduced, referred to House Judiciary

House Bill No. 7172

BY McNamara, Bennett

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - EVIDENCE (would provide that expressions of sympathy, statements by a health care provider to a patient or to the patient's family regarding the outcome of such patient's medical care and treatment outcomes as required, be in accordance with JCAHO's standards) {LC672/1}

01/18/2012 Introduced, referred to House Judiciary

House Bill No. 7173

BY Blazejewski, Tanzi, Cimini, Handy, Ajello

ENTITLED, AN ACT RELATING TO PROPERTY - RHODE ISLAND FAIR HOUSING PRACTICES ACT (would create a Homeless Bill of rights in order to provide all residents with an equal opportunity to live in decent, safe and sanitary accommodations regardless of housing status) {LC539/1}

01/18/2012 Introduced, referred to House Judiciary

House Bill No. 7174

BY Petrarca

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- FAILURE TO PAY CHILD SUPPORT (would decrease the amount of child support arrearage constituting a felony from ten thousand dollars (\$10,000) to five thousand dollars (\$5,000) {LC645/1}

01/18/2012 Introduced, referred to House Judiciary

House Bill No. 7175**BY** Petrarca

ENTITLED, AN ACT RELATING TO DELINQUENT AND DEPENDENT CHILDREN - PROCEEDINGS IN FAMILY COURT (would give foster parents, pre-adoptive parents or relatives providing care for a child the right to attend hearings with respect to the child, file reports with the court and receive verbal and written notice of the results of the hearing) {LC640/1}

01/18/2012 Introduced, referred to House Judiciary

House Bill No. 7176

(By Request)

BY Slater, Diaz

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- COMMUNITY OBLIGATIONS AND BANKING OFFENSES --THEFT, EMBEZZLEMENT, FALSE PRETENSES, AND MISAPPROPRIATIONS (would amend the larceny and unlawful conversion provisions of the general laws pertaining to when a crime is to be treated as a felony, by increasing the threshold amount from \$500 to \$1,500) {LC145/1}

01/18/2012 Introduced, referred to House Judiciary

House Bill No. 7177**BY** Petrarca, Trillo, Jackson, Lally

ENTITLED, AN ACT RELATING TO PROPERTY - RESIDENTIAL LANDLORD TENANT ACT (would allow a landlord who has a tenant that is more than 10 days in arrears in rent, as opposed to the current 15 days, to send a letter to the tenant giving them 5 more days to pay their rent before filing a complaint for eviction) {LC639/1}

01/18/2012 Introduced, referred to House Judiciary

House Bill No. 7178

(Attorney General)

BY Walsh, Hearn, Edwards, Martin

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MOTOR VEHICLE OFFENSES (would increase the imprisonment penalties for section 31-27-1, driving so as to endanger, resulting in death, and section 31-27-1.1, driving so as to endanger, resulting in personal injury) {LC123/1}

01/18/2012 Introduced, referred to House Judiciary

House Bill No. 7179

(Attorney General)

BY Walsh, DaSilva, Martin

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MOTOR VEHICLE OFFENSES (would change the "lookback" period for second and subsequent offenses under section 31-27-2, driving under influence of liquor or drugs, and section 31-27-2.1, refusal to submit to chemical test, from five (5) to ten (10) years) {LC119/1}

01/18/2012 Introduced, referred to House Judiciary

House Bill No. 7180**BY** Serpa, Silva, Fellela, Gallison, Coderre**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- UNLAWFUL CONFINEMENT OF A COVERED ANIMAL (would prohibit the unlawful confinement of calves raised for veal or sows during gestation) {LC581/1}

01/18/2012 Introduced, referred to House Judiciary

House Bill No. 7181**BY** Diaz, Reilly, Messier, Hull, Slater**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- MERIT SYSTEM (would eliminate the provision that prohibits classified employees or members of the personnel appeal board from seeking nomination or becoming a candidate for elective state office) {LC321/1}

01/18/2012 Introduced, referred to House Judiciary

House Bill No. 7182**BY** Corvese, Schadone, Brien, Edwards, Flaherty**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - REGISTRATION OF VEHICLES (would authorize the division of motor vehicles to issue special license plates in recognition of "Choose Life") {LC138/1}

01/18/2012 Introduced, referred to House Judiciary

House Bill No. 7183**BY** Tomasso, Watson**ENTITLED**, AN ACT RELATING TO TAXATION - WEST GREENWICH (would permit the West Greenwich town council to exempt or stabilize taxes on qualified property used for manufacturing or commercial purposes in the town of West Greenwich) {LC257/1}

01/18/2012 Introduced, referred to House Municipal Government

House Bill No. 7184**BY** Ehrhardt, Ruggiero, Costa, Lally**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- PLUM BEACH LIGHTHOUSE LICENSE PLATE (would empower the administrator of the division of motor vehicles to make available "Plum Beach Lighthouse" license plates for commercial vehicles) {LC316/1}

01/18/2012 Introduced, referred to House Municipal Government

House Bill No. 7185**BY** Petrarca, Winfield, Carnevale, O'Neill**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - PUPIL TRANSPORTATION VEHICLES (would authorize the school committee of any city, town or regional school district to sell advertising space on school buses) {LC548/1}

01/18/2012 Introduced, referred to House Municipal Government

House Bill No. 7186**BY** Ucci, Petrarca, Carnevale, Fellela**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- RETIREMENT OF MUNICIPAL EMPLOYEES (would, with respect to police officers employed by the town of Johnston, limit membership in the Municipal Employees' Retirement System to those officers hired on or after July 1, 2011) {LC550/1}

01/18/2012 Introduced, referred to House Municipal Government

House Bill No. 7187**BY** Petrarca, Winfield, Silva, O'Neill**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- PUBLIC BUILDINGS (would require public buildings to provide designated parking spaces for motorcycles at the rate of one space per total of thirty (30) spaces) {LC633/1}

01/18/2012 Introduced, referred to House Municipal Government

House Bill No. 7188**BY** Gallison, Messier, Azzinaro, Fellela, Martin**ENTITLED**, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -- ORGANIZATION AND COMMAND OF MILITARY AND NAVAL FORCES (would allow the office of adjutant general of RI to accept and administer monetary contributions from donors to charitable organizations for and on behalf of the RI National Guard that benefit state military program/military families) {LC629/1}

01/18/2012 Introduced, referred to House Veterans Affairs

House Bill No. 7189**BY** Gallison, Messier, Azzinaro, Fellela, Martin**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES - MERIT SYSTEM (would define a veteran as any honorably discharged veteran of any conflict or undeclared war who has earned campaign or expeditionary medal for such service as evidenced by his or her DD-214) {LC616/1}

01/18/2012 Introduced, referred to House Veterans Affairs

House Bill No. 7190**BY** McLaughlin**ENTITLED**, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE - EXTENSION OF VETERANS' BENEFITS (would create a position of coordinator within the division of veterans' affairs to assist veterans with transportation to and from his or her home and the Providence veterans' hospital) {LC666/1}

01/18/2012 Introduced, referred to House Veterans Affairs

House Resolution No. 7191**BY** Melo, McLaughlin**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF EUGENE L. ROSE {LC673/1}

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

There is no objection.

Read and passed, on a motion of Representative McLaughlin seconded by Representative Melo by unanimous consent, on a rising vote.

House Resolution No. 7192

BY Mattiello, Newberry

ENTITLED, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC670/1}

Representative Mattiello requests unanimous consent for immediate consideration.

There is no objection.

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

COMMUNICATION

The Honorable Speaker announces the receipt of the following communication:

January 18, 2012

Honorable Gordon D. Fox
Speaker of the House
Office of the Speaker
Room 323, State House
Providence, RI 02903

Dear Speaker Fox:

Unfortunately, I will be unable to attend today's House Session due to my representation of a client at trial.

Thank you,

Sincerely,

Christopher R. Blazejewski
State Representative
District 2-Providence/East Providence

Received and placed on file.

COMMUNICATION FROM THE SENATE

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

Senate Bill No. 2025

BY McCaffrey

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC429/1}

01/18/2012 Referred to House Judiciary

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.

ANNOUNCEMENT

Representative Kennedy announces that the Joint Committee on Health Care Oversight will meet at the rise of the House and Senate, in Room 313 of the State House.

ADJOURNMENT

At 4:31 o'clock P.M. on motion of Representatives Dickinson, Jackson and McNamara, and as a further mark of respect to the memory of Robert J. McKenna; seconded by Representatives Mattiello and Newberry the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX**INVOCATION****REPRESENTATIVE TERESA ANN TANZI**

Dear Lord: As we all work to better our state please bless us with your grace and help us to continue to keep in our prayers those of our citizens who are less fortunate. Help us to assist them with all their needs so they also may reap the benefits of this great State. Amen

APPENDIX

CALENDAR

IN ORDER FOR THURSDAY, JANUARY 19, 2012:

1. **2012-H 7069**
 BY Melo
 ENTITLED, AN ACT RELATING TO PUBLIC FINANCE - STATE BUDGET

Committee on Finance recommends passage.

2. **2012-H 7083**
 BY Ferri
 ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

3. **2012-H 7088**
 BY Menard
 ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

4. **2012-H 7094**
 BY Flaherty
 ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

5. **2012-H 7123**
 BY Walsh
 ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

IN ORDER FOR TUESDAY, JANUARY 24, 2012:

1. **2012-H 7026**
 BY Kennedy
 ENTITLED, AN ACT RELATING TO INSURANCE -- MOTOR VEHICLE
 DAMAGE APPRAISERS

Committee on Corporations recommends passage.

2. 2012-S 2015**BY** Jabour**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER EL DEE VENDING CORPORATION

Committee on Corporations recommends passage in concurrence.

3. 2012-S 2022**BY** Algieri**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF TSUNAMI AIRCRAFT SALES, INC.

Committee on Corporations recommends passage in concurrence.

4. 2012-S 2023**BY** Miller**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF PADRIC M. MEAGHER REAL ESTATE INCORPORATED

Committee on Corporations recommends passage in concurrence.

Francis McCabe
Clerk of the House**Wednesday, January 18, 2012**