

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. 9

Thursday, January 19, 2012

Ninth Day

The House of Representatives meets at the State House in Providence, Thursday, January 19, 2012 and is called to order at 4:27 o'clock P.M., by the Honorable Gordon D. Fox, Speaker.

The roll is called and a quorum is declared present with 74 members present and 1 member absent as follows:

PRESENT - 74: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, 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, Palumbo, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Williams, Winfield.

ABSENT - 1: Representative Watson.

INVOCATION

The Honorable Speaker presents Representative Hull 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 18, 2012 is approved.

NEW BUSINESS**House Bill No. 7193**

(By Request)

BY Valencia**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - INSURANCE RATES (would prevent insurance companies from considering an applicant's educational level or status of homeownership when setting his or her policy rate.) {LC114/1}

01/19/2012 Introduced, referred to House Corporations

House Bill No. 7194**BY** Petrarca, Winfield, Ucci**ENTITLED**, AN ACT RELATING TO PROPERTY -- SELF-SERVICE STORAGE FACILITIES (would allow the owner of a storage unit to take action 5 days after default & would expand the notice requirement to include verified email & would also provide clauses to be included in the rental agreement.) {LC632/1}

01/19/2012 Introduced, referred to House Corporations

House Bill No. 7195**BY** Winfield, Petrarca**ENTITLED**, AN ACT RELATING TO PARKS AND RECREATIONAL AREAS (would provide for the establishment of four-wheel drive (4x4) trails on state owned land.) {LC707/1}

01/19/2012 Introduced, referred to House Environment and Natural Resources

House Bill No. 7196**BY** Lima, Bennett, Morrison**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.) {LC624/1}

01/19/2012 Introduced, referred to House Finance

House Bill No. 7197**BY** MacBeth, McLaughlin, Costa, Newberry, Schadone**ENTITLED**, AN ACT RELATING TO THE GENERAL ASSEMBLY - LEGISLATIVE GRANTS (would prohibit legislative grants to nongovernmental and nonquasi-governmental entities.) {LC712/1}

01/19/2012 Introduced, referred to House Finance

House Bill No. 7198**BY** Valencia, Dickinson, Tanzi, Cimini, Walsh**ENTITLED**, AN ACT RELATING TO TAXATION -- TAX INCENTIVES FOR EMPLOYERS (would require all RI corporations to add back any amount to their taxable income they would deduct under the federal domestic production deduction. State forms would be changed in order to comply with this section.) {LC112/1}

01/19/2012 Introduced, referred to House Finance

House Bill No. 7199**BY** MacBeth, McLaughlin, Guthrie, Costa, Phillips**ENTITLED**, AN ACT RELATING TO TAXATION - SALES AND USE TAXES (would exempt package tour and scenic and sightseeing transportation services from sales and use taxes.) {LC732/1}

01/19/2012 Introduced, referred to House Finance

House Bill No. 7200**BY** Costa, Reilly, Tomasso, Corvese, Guthrie**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- PARKING FACILITIES AND PRIVILEGES (would clarify the use of parking placards by persons or agencies serving the disabled.) {LC631/1}

01/19/2012 Introduced, referred to House H.E.W.

House Bill No. 7201**BY** Savage, San Bento, DaSilva, Ajello, Blazejewski**ENTITLED**, AN ACT RELATING TO EDUCATION - MAYORAL ACADEMIES (would require that teachers, administrators and employees of mayoral academies participate in state teachers' retirement system.) {LC516/1}

01/19/2012 Introduced, referred to House H.E.W.

House Bill No. 7202**BY** Edwards, Gallison, Reilly**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Kevin F. Tripp to join Brittany Theresa Rodrigues and Paul Anthony Milnes in marriage on or about June 30, 2012, within the Town of Portsmouth, Rhode Island.) {LC718/1}

01/19/2012 Introduced, referred to House Judiciary

House Bill No. 7203**BY** Lima**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- OFFENSES (would bar checkpoints as a means to detect motorists under the influence.) {LC627/1}

01/19/2012 Introduced, referred to House Judiciary

House Bill No. 7204**BY** Lima, McNamara**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --

MISCELLANEOUS RULES (would provide for additional penalties for persons found guilty of texting while driving including the installation of a device in their vehicle which prevents text messaging and cell phone calls.) {LC625/1}

01/19/2012 Introduced, referred to House Judiciary

House Bill No. 7205**BY** MacBeth, McLaughlin, Corvese, Reilly, Schadone**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- INFORMED CONSENT FOR ABORTION (would require that an ultrasound fetal image be made of every fetus about to

be aborted for review by the woman seeking the abortion.) {LC714/1}
01/19/2012 Introduced, referred to House Judiciary

House Bill No. 7206

BY Petrarca, Corvese

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE - SENTENCE OF DEATH FOR CERTAIN FELONIES (would permit the death penalty in certain circumstances.) {LC536/1}

01/19/2012 Introduced, referred to House Judiciary

House Bill No. 7207

BY McLaughlin, Costa, Fellela, Tomasso, Coderre

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- THE MEDEIROS/CARPENTER SAFE DRIVING ACT ("Medeiros/Carpenter Safe Driving Act" which would enable the court to consider whether an operator was driving an unsafe motor vehicle when determining if he/she was driving so as to endanger, resulting in death or serious bodily injury.) {LC651/1}

01/19/2012 Introduced, referred to House Judiciary

House Bill No. 7208

(By Request)

BY Gallison, Fellela, Slater, Messier, Martin

ENTITLED, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX (would modify federal adjusted gross income by including military retirement income from the regular armed forces, reserves, & national guard paid by the US or RI to persons 65 years & older for the purposes of the RI income tax.) {LC731/1}

01/19/2012 Introduced, referred to House Veterans Affairs

House Bill No. 7209

BY Ucci

ENTITLED, AN ACT RELATING TO REDISTRICTING OF THE GENERAL ASSEMBLY {LC811/1}

01/19/2012 Introduced, referred to House Judiciary

House Resolution No. 7210

BY Brien, Baldelli-Hunt, Phillips

ENTITLED, HOUSE RESOLUTION HONORING MATTHEW GOYETTE FOR HIS VOLUNTEER WORK ON THE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR {LC430/1}

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

There is no objection.

Read and passed, on a motion of Representative Brien seconded by Representatives Baldelli-Hunt, Phillips and Newberry by unanimous consent, on a voice vote.

House Resolution No. 7211

BY Jackson, Martin, Ruggiero, Gallison, Reilly

ENTITLED, HOUSE RESOLUTION EXPRESSING OUR DEEPEST CONDOLENCES ON THE PASSING OF ROBERT J. MCKENNA {LC794/1}

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

There is no objection.

Read and passed, on a motion of Representative Jackson seconded by Representatives Martin, Ruggiero, Gallison, Reilly and Dickinson by unanimous consent, on a rising vote.

House Resolution No. 7212

BY Keable, Winfield, Chippendale, McCauley, Newberry

ENTITLED, HOUSE RESOLUTION EXPRESSING OUR DEEPEST CONDOLENCES ON THE PASSING OF MARTHA JANE FOGARTY {LC737/1}

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

There is no objection.

Read and passed, on a motion of Representative Keable seconded by Representatives Winfield, Chippendale, McCauley, Mattiello, Lally, Petrarca, Jackson, Marcello, Hearn, Newberry and Costa by unanimous consent, on a rising vote.

CALENDAR

From the Calendar are taken:

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.

Representative Melo moves passage of the act, seconded by Representatives Naughton, Coderre, Valencia, Medina, Hearn, Ajello, Ferri and Savage.

Read and passed, on a roll call vote, 69 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 69: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, DeSimone, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Johnston, Keable, Lally, MacBeth, Malik, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Palumbo, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Williams, Winfield.

NAYS - 0.

Representative Ajello moves to bundle items 2-5 on today's Calendar, seconded by Representatives Ucci, Marcello, Williams and Phillips. The motion to bundle prevails 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 Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, DeSimone, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Johnston, Keable, Lally, Lima, MacBeth, Malik, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Naughton, Newberry, Nunes, O'Grady, O'Neill, Palumbo, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Williams, Winfield.

NAYS - 0.

Representative Ajello moves passage of the bundle (items 2-5), seconded by Representatives Marcello, Brien and Walsh.

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.

The passage of the bundle prevails, 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 Fox and Representatives Ajello, Baldelli-Hunt, Bennett, Blazejewski, Brien, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, DeSimone, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Johnston, Keable, Lally, Lima, MacBeth, Malik, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Palumbo, Petrarca, Phillips, Reilly, Ruggiero, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Williams, Winfield.

NAYS - 0.

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 Ajello announces that the Committee on Judiciary will meet next Tuesday at the rise of the House, in Room 35 of the State House to hear the Redistricting Bill.

GUESTS

Representative Brien welcomes to the House Chamber as guests Matthew Goyette, John Goyette, Doreen Goyette, Pamela Goyette, Valerie Paul, Michael Scalzi III and Jan Reitsma.

ADJOURNMENT

At 4:52o'clock P.M. on motion of Representative McNamara, and as a further mark of respect to the memory of Ed Wagner; on motion of Representative Keable, and as a further mark of respect to the memory of Martha Jane Fogarty; on motion of Representatives Morgan and Serpa, and as a further mark of respect to the memory of Bruce Vanasse; on motion of Representative Baldelli-

Hunt, and as a further mark of respect to the memory of Pauline Allard; on motion of Representatives Gallison and Morrison, and as a further mark of respect to the memory of Camille Parolisi; on motion of Representative McLaughlin, and as a further mark of respect to the memory of Eugene Rose; seconded by Representatives Mattiello and Trillo the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX**INVOCATION****REPRESENTATIVE RAYMOND A. HULL**

Dear God, we are grateful for the privilege of serving in this House of Representatives. Keep us ever mindful that we are here to serve those who elected us and all of the people of Rhode Island. Amen.

APPENDIX

CALENDAR

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

Thursday, January 19, 2012