

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. 10

Tuesday, January 24, 2012

Tenth Day

The House of Representatives meets at the State House in Providence, Tuesday, January 24, 2012 and is called to order at 4:17 o'clock P.M., by the Honorable Gordon D. Fox, Speaker.

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, Baldelli-Hunt, Bennett, 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, 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, Ucci, Valencia, Walsh, Williams, Winfield.

ABSENT - 4: Representatives Blazejewski, Menard, Trillo, Watson.

INVOCATION

The Honorable Speaker presents Representative Ucci 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 Thursday, January 19, 2012 is approved.

ANNOUNCEMENT

Please be informed that Representative Chris Blazejewski will be unable to attend session January 24th.

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. 7067 SUB A

(Secretary of State)

BY Petrarca, Ucci, Keable, Corvese

ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS -- THE RHODE ISLAND LIMITED LIABILITY COMPANY ACT (would amend certain provisions relative to the secretary of state filing procedures for documents received pursuant to this chapter dealing with corporations, associations and partnerships.) {LC456/A/1}

01/24/2012 Placed on House Calendar

House Bill No. 7068

(Secretary of State)

BY Petrarca, Ucci, Keable, Corvese

ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS - LIMITED PARTNERSHIPS (would clarify the authority of foreign limited liability limited partnerships.) {LC454/1}

01/24/2012 Placed on House Calendar

House Bill No. 7120

(Secretary of State)

BY Marcello, Kennedy

ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS -- PARTNERSHIPS--FILING (would remove a reference to an incorrect clause in a section of the general laws pertaining to partnerships.) {LC453/1}

01/24/2012 Placed on House Calendar

House Bill No. 7121

(Secretary of State)

BY Marcello, Kennedy

ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS - RHODE ISLAND BUSINESS CORPORATION ACT (would require that a foreign corporation in the state of RI which converts into another be required to file for authority to transact business in this state & the provisions set forth in the general laws which requires them to do so.) {LC457/1}

01/24/2012 Placed on House Calendar

House Bill No. 7149

(Secretary of State)

BY Corvese, Petrarca, Schadone, Azzinaro, Malik**ENTITLED**, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS, AND PARTNERSHIPS (would allow the tax administrator, subject to confidentiality restrictions, to disclose certain information to the secretary of state regarding any entity that files a tax return with the state) {LC458/1}

01/24/2012 Placed on House Calendar

House Bill No. 7150 SUB A

(Secretary of State)

BY Keable, Edwards, Nunes**ENTITLED**, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS -- RHODE ISLAND NON-PROFIT CORPORATION ACT (would provide for the filing of restated articles of incorporation previously amended with guidelines for restating said articles) {LC455/A/1}

01/24/2012 Placed on House Calendar

COMMITTEE ON FINANCE

Representative Melo, for the Committee on Finance, reports back the following measure, with recommendation of passage:

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}

01/24/2012 Placed on House Calendar

NEW BUSINESS**House Bill No. 7213****BY** Ucci, Bennett, Menard, McNamara, Keable**ENTITLED**, AN ACT BUSINESSES AND PROFESSIONS - PHARMACIES (would require pharmacies to provide prescription labels in Braille or enlarged fonts for visually impaired customers.) {LC720/1}

01/24/2012 Introduced, referred to House Corporations

House Bill No. 7214**BY** O'Grady, Valencia, Ajello, Cimini, Ferri**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES AND OPERATOR LICENSES - STATE TAX PAYMENTS (would allow those who are subject to license or registration non-renewal as a result of failure to pay taxes to obtain a conditional renewal during their period of unemployment.) {LC677/1}

01/24/2012 Introduced, referred to House Finance

House Bill No. 7215**BY** Jackson, Martin, Ruggiero, Gallison, Reilly**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.) {LC757/1}

01/24/2012 Introduced, referred to House Finance

House Bill No. 7216**BY** Menard, Winfield, MacBeth**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES - ALCOHOL ENERGY DRINKS (would prevent sale of alcohol energy drinks and would give wholesalers and retailers thirty days from the date of passage to remove these products from their shelves. It would impose a penalty for a violation.) {LC808/1}

01/24/2012 Introduced, referred to House H.E.W.

House Bill No. 7217**BY** Naughton, Palumbo, Morrison, Silva, Slater**ENTITLED**, AN ACT RELATING TO EDUCATION -- CHILDREN WITH DISABILITIES (would require that there be a referral to an IEP team for all children who have been suspended repeatedly or whose behavior, attendance or progress in school is unsatisfactory.) {LC650/1}

01/24/2012 Introduced, referred to House H.E.W.

House Bill No. 7218**BY** Naughton, Palumbo, Morrison, Silva, Slater**ENTITLED**, AN ACT RELATING TO EDUCATION -- CHILDREN WITH DISABILITIES {LC295/1}

01/24/2012 Introduced, referred to House H.E.W.

House Bill No. 7219**BY** Lima, Tanzi, Blazejewski, Messier, Bennett**ENTITLED**, AN ACT RELATING TO ELECTIONS - CONDUCT OF ELECTION AND VOTING EQUIPMENT AND SUPPLIES (would repeal certain provisions of the general laws pertaining to voter identification.) {LC623/1}

01/24/2012 Introduced, referred to House Judiciary

House Bill No. 7220**BY** Lima, Baldelli-Hunt, Ehrhardt, Costa, Dickinson**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY -- REDISTRICTING COMMISSION PROCEDURES (would require that all elected officials, general assembly employees and retained consultants to testify under oath when addressing the reapportionment commission.) {LC622/1}

01/24/2012 Introduced, referred to House Judiciary

House Bill No. 7221**BY** Martin

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Thomas A. Palombo to join Chelsea Lee Hebert and Matthew Ryan Force in marriage within the City of Newport, Rhode Island, on or about July 6, 2012.) {LC800/1}
01/24/2012 Introduced, referred to House Judiciary

House Bill No. 7222**BY** Menard, Winfield, Baldelli-Hunt

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES (would authorize a bail commissioner to order that a person's license be suspended immediately upon the report of a law enforcement officer that the person has refused a chemical test for driving while under the influence of alcohol.) {LC807/1}
01/24/2012 Introduced, referred to House Judiciary

House Bill No. 7223**BY** Guthrie, Menard, Edwards, Gallison, Tomasso

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - SAFETY AND HEALTH PROGRAMS FOR FIRE DEPARTMENTS {LC729/1}
01/24/2012 Introduced, referred to House Municipal Government

House Bill No. 7224**BY** Azzinaro, Corvese, DaSilva, Guthrie, Blazejewski

ENTITLED, AN ACT RELATING TO TAXATION -- EXCISE ON MOTOR VEHICLES AND TRAILERS {LC799/1}
01/24/2012 Introduced, referred to House Municipal Government

House Bill No. 7225**BY** Gallison, Silva, O'Neill, Keable, Jackson

ENTITLED, AN ACT RELATING TO PROPERTY - FORM AND EFFECT OF CONVEYANCES (would stay or prohibit the foreclosure on property owned by persons in the military under certain circumstances.) {LC746/1}
01/24/2012 Introduced, referred to House Veterans Affairs

House Resolution No. 7226**BY** Mattiello, Newberry

ENTITLED, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC845/1}

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 rising vote.

House Resolution No. 7227**BY** Mattiello, Newberry**ENTITLED**, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC847/1}

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.

CALENDAR

From the Calendar are taken:

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.

Representative Kennedy moves passage of the act, seconded by Representatives Petrarca, O'Grady, Marcello, San Bento, Walsh, Tanzi, Medina, Morrison, McLaughlin and Messier.

Read and passed, on a roll call vote, 63 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 63 The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Edwards, Ehrhardt, Fellela, Ferri, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Johnston, Kennedy, Lally, Lima, Macbeth, Malik, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Tanzi, Tarro, Tomasso, Ucci, Valencia, Walsh, Williams, Winfield.

NAYS - 0

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.

Representative Kennedy moves passage of the act, seconded by Representatives Medina and Hull.

Read and passed, in concurrence, on a roll call vote, 63 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 63 The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Edwards, Ehrhardt, Fellela, Ferri, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Johnston, Keable, Kennedy, Lally, Lima, Macbeth, Malik, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, Savage, Schadone, Serpa, Silva, Tanzi, Tarro, Tomasso, Ucci, Valencia, Walsh, Williams, Winfield.

NAYS - 0

3. 2012-S 2022

BY Algiere

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE
CHARTER OF TSUNAMI AIRCRAFT SALES, INC.

Committee on Corporations recommends passage in concurrence.

Representative Kennedy moves passage of the act, seconded by Representatives Medina and Azzinaro.

Read and passed, in concurrence, on a roll call vote, 64 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 64 The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Johnston, Keable, Kennedy, Lally, Lima, Macbeth, Malik, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Tanzi, Tarro, Tomasso, Ucci, Valencia, Walsh, Williams, Winfield.

NAYS - 0

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.

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

Read and passed, in concurrence, on a roll call vote, 65 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 65 The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Johnston, Keable, Kennedy, Lally, Lima, Macbeth, Malik, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Tanzi, Tarro, Tomasso, 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.

ANNOUNCEMENTS

Representative Ajello announces that the Committee on Judiciary will meet at the rise of the House, in Room 35 of the State House.

Representative Tanzi congratulates Representative Donna Walsh on receiving the Legislator of the Year Award from the RI Southern Firemen's League.

Representative Williams 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.

Representative Diaz announces tomorrow at 3:30 P.M. a Press Conference in Racial Profiling will be held in Room 313 of the State House.

Representative McLaughlin commends Representative Hull on a great job on the commemoration event, Martin Luther King Day at Ebenezer Baptist Church.

GUEST

Representative Keable and on behalf of Representatives Gallison and Newbury, welcome to the House Chamber as a guest Major Christopher Toti, RI Army National Guard. Major Toti is presented the retirement flag for Col. John Ducharme, USAF.

ADJOURNMENT

At 4:32 o'clock P.M. on motion of Representative McNamara, and as a further mark of respect to the memory of Michael J. O'Rourke; on motion of Representative Edwards, and as a further mark of respect to the memory of G. Scott Nebergall; seconded by Representatives Mattiello and Newberry the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE STEPHEN R. UCCI

Heavenly Father, look with favor on our deliberation and assist us by your grace to do what is just and wise. Amen.

APPENDIX**CALENDAR****IN ORDER FOR WEDNESDAY, JANUARY 25, 2012:**

1. **2012-H 7162**
 BY Coderre
 ENTITLED, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO ISSUE
 TAX ANTICIPATION NOTES PAYABLE IN FISCAL YEAR 2013

Committee on Finance recommends passage.

IN ORDER FOR THURSDAY, JANUARY 26, 2012:

1. **2012-H 7067 SUB A**
 BY Petrarca
 ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND
 PARTNERSHIPS -- THE RHODE ISLAND LIMITED LIABILITY COMPANY ACT

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

2. **2012-H 7068**
 BY Petrarca
 ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND
 PARTNERSHIPS - LIMITED PARTNERSHIPS

Committee on Corporations recommends passage.

3. **2012-H 7120**
 BY Marcello
 ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND
 PARTNERSHIPS -- PARTNERSHIPS--FILING

Committee on Corporations recommends passage.

4. **2012-H 7121**
 BY Marcello
 ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND
 PARTNERSHIPS - RHODE ISLAND BUSINESS CORPORATION ACT

Committee on Corporations recommends passage.

- 5. 2012-H 7149**
BY Corvese
ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS, AND PARTNERSHIPS

Committee on Corporations recommends passage.

- 6. 2012-H 7150 SUB A**
BY Keable
ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS -- RHODE ISLAND NON-PROFIT CORPORATION ACT

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

Francis McCabe
Clerk of the House

Tuesday, January 24, 2012

TRANSMITTED TO THE GOVERNOR

Senate Bill No. 2015

BY Jabour

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER EL DEE VENDING CORPORATION {LC215/1}

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}

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}