

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. 13

Tuesday, January 31, 2012

Thirteenth Day

The House of Representatives meets at the State House in Providence, Tuesday, January 31, 2012 and is called to order at 5:16 o'clock P.M., by the Honorable Gordon D. Fox, Speaker.

The roll is called and a quorum is declared present with 67 members present and 8 members absent as follows:

PRESENT - 67: 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, Flaherty, Gallison, Guthrie, Handy, Hearn, Hull, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, Malik, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, 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.

ABSENT - 8: Representatives Ferri, Gordon, Jackson, MacBeth, Menard, Messier, Watson, Winfield.

INVOCATION

The Honorable Speaker presents Representative Martin 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 26, 2012 is approved.

ANNOUNCEMENTS

Please be informed that Representative Mary Messier will be unable to attend session January 31st thru February 2nd.

Please be informed that Representative Frank Ferri will be unable to attend session January 31st thru February 2nd. He will be out of state on business.

REPORTS OF COMMITTEES**COMMITTEE ON FINANCE****House Bill No. 7055**

BY Carnevale, Hull, DaSilva, Messier, Ruggiero

ENTITLED, AN ACT RELATING TO ELECTIONS (would increase the No. of active voters served by the same polling place / local election board can increase the No. of voters at a single voting place above the voter limit as long as the effect would not result in a voting place serving less voters) {LC154/1}

01/31/2012 Placed on House Calendar

House Bill No. 7236

(By Request)

BY Costa, Ehrhardt, Lally

ENTITLED, AN ACT AUTHORIZING THE TOWN OF NORTH KINGSTOWN TO FINANCE REPLACEMENTS AND RENOVATIONS AND RELATED EQUIPMENT FOR THE DAVISVILLE MIDDLE SCHOOL AND THE FISHING COVE, HAMILTON, QUIDNESSET AND STONY LANE ELEMENTARY SCHOOLS AND TO ISSUE NOT MORE THAN \$6,465,000 BONDS AND NOTES THEREFOR {LC830/1}

01/31/2012 Placed on House Calendar

COMMITTEE ON MUNICIPAL GOVERNMENT**House Bill No. 7014**

BY Azzinaro

ENTITLED, AN ACT RELATING TO THE RETIREMENT OF POLICE OFFICERS IN THE TOWN OF WESTERLY (would eliminate mandatory retirement of the chief of police in the town of Westerly.) {LC27/1}

01/31/2012 Placed on House Calendar

House Bill No. 7047

BY Corvese, Schadone, San Bento, Hull

ENTITLED, AN ACT RELATING TO THE TOWN OF NORTH PROVIDENCE (would amend N. Prov. Town Charter by changing town council meetings to 7 PM, allowing for notices of meetings to be sent via electronic transmission & requiring that notices of all reg. & special meetings to be given pursuant to the RI Open Meeting) {LC139/1}

01/31/2012 Placed on House Calendar

House Bill No. 7048**BY** Kennedy, San Bento, Azzinaro, Lally, Valencia**ENTITLED**, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES (would establish an annual training institute for local tax collectors to be conducted by the department of revenue in cooperation with the RI association of collection officers.) {LC265/1}

01/31/2012 Placed on House Calendar

House Bill No. 7186 SUB A**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/A/1}

01/31/2012 Placed on House Calendar

House Bill No. 7273**BY** Malik, Morrison**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - PROBATE COURTS (would permit the town solicitor in the town of Warren to temporarily serve as the town's probate court judge in proceedings where the designated probate judge is unable to serve) {LC886/1}

01/31/2012 Placed on House Calendar

NEW BUSINESS**House Bill No. 7281****BY** Jackson, Keable, Petrarca, Edwards, Gallison**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY - LEVY AND SALE ON EXECUTION (would grant the homestead exemption provided by Rhode Island law to "manufactured homes".) {LC894/1}

01/31/2012 Introduced, referred to House Corporations

House Bill No. 7282**BY** McLaughlin, Hull, Gallison, Guthrie, Azzinaro**ENTITLED**, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- POWERS AND OPERATIONS (would prohibit a financial institution or credit union from charging a fee for use of a debit card for a purchase or cash withdrawal. Would also provide penalties for violations.) {LC884/1}

01/31/2012 Introduced, referred to House Corporations

House Bill No. 7283**BY** Mattiello, Azzinaro, Brien, Marcello, McLaughlin**ENTITLED**, AN ACT HEALTH AND SAFETY - THE HOSPITAL CONVERSIONS ACT (would amend the procedure allowing for-profit hospitals, their subsidiaries &/or affiliates to apply for & receive approval for conversions of more than one hospital in the same year or any

subsequent year, providing certain requirements are met.) {LC326/1}
01/31/2012 Introduced, referred to House Corporations

House Bill No. 7284

BY Handy, Johnston, Keable, Messier, McLaughlin

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS (would require that all natural gas emergencies be reported to a central dispatch office staffed by professionally trained gas dispatchers.) {LC770/1}

01/31/2012 Introduced, referred to House Environment and Natural Resources

House Bill No. 7285

BY Ferri, Walsh, Handy, Chippendale, Silva

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION -- INSPECTION OF DAMS AND RESERVOIRS (would make a number of procedural and substantive changes to the powers of the DEM with respect to the inspection and repair of dams and reservoirs.) {LC892/1}

01/31/2012 Introduced, referred to House Environment and Natural Resources

House Bill No. 7286

BY Costa, Brien, Reilly, Morgan, Chippendale

ENTITLED, AN ACT RELATING TO EDUCATION -- TEACHERS' RIGHT TO WORK (would enact the RI teachers' right to work act, making union membership and union dues voluntary, and enabling those exercising their rights thereunder to bargain independently with their employers.) {LC940/1}

01/31/2012 Introduced, referred to House H.E.W.

House Bill No. 7287

BY Diaz, Slater, McNamara, Silva, Cimini

ENTITLED, AN ACT RELATING TO EDUCATION - COMPULSORY ATTENDANCE (would prohibit schools from considering a students truancy or absenteeism as a basis for using an out-of-school suspension as a disciplinary action.) {LC765/1}

01/31/2012 Introduced, referred to House H.E.W.

House Bill No. 7288

(Board of Elections)

BY Carnevale, Medina, DeSimone, Ucci, Williams

ENTITLED, AN ACT RELATING TO ELECTIONS - IRREGULAR BALLOTS (all local boards of canvassers to count & record all irregular ballots cast for an individual race unless the total number of those write in ballots cast for that race is less than 10% of the total votes cast for the winning candidate(s).) {LC153/1}

01/31/2012 Introduced, referred to House Judiciary

House Bill No. 7289

BY Carnevale, Williams, Hull, DeSimone, Phillips

ENTITLED, AN ACT RELATING TO PUBLIC RECORDS - SPECIAL POLICE FOR PRIVATE INSTITUTIONS (would subject the records kept and maintained by special collegiate

police officers to release under certain specified conditions required by the access to public records law.) {LC600/1}

01/31/2012 Introduced, referred to House Judiciary

House Bill No. 7290

BY McNamara, Bennett

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE – EVIDENCE {LC871/1}

01/31/2012 Introduced, referred to House Judiciary

House Bill No. 7291

BY Edwards, Malik, Marcello, Gallison, Newberry

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS - HOISTING ENGINEERS (would exempt land trust, land conservation organizations and their employees and volunteers from the laws governing hoisting engineers.) {LC935/1}

01/31/2012 Introduced, referred to House Labor

House Bill No. 7292

BY Jacquard, Lima, Marcello, Handy

ENTITLED, AN ACT RELATING TO TAXATION - CRANSTON (would authorize the Cranston city council to enact ordinances granting an abatement of real estate taxes on a homeowner's primary residence for the period of time in which the home was uninhabitable due to the flooding in the spring of 2010.) {LC390/1}

01/31/2012 Introduced, referred to House Municipal Government

House Bill No. 7293

BY Ehrhardt

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - REGISTRATION OF VEHICLES (would allow the registry to issue special license plates to benefit the Wildlife Rehabilitators Association of RI.) {LC708/1} 01/31/2012 Introduced, referred to House Municipal Government

House Bill No. 7294

BY Malik, Morrison

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- SIZE, WEIGHT, AND LOAD LIMITS (would prohibit commercial motor trucks and tractors, over four tons, gross weight, from using route 114 in the town of Warren as a through route.) {LC906/1}

01/31/2012 Introduced, referred to House Municipal Government

House Resolution No. 7295

BY Mattiello, Newberry

ENTITLED, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC1025/1}

Representative Mattiello requests unanimous consent for immediate consideration.

There is no objection.

The resolution prevails, on a motion of Representative Mattiello seconded by Representative Newberry by unanimous consent, on a rising vote.

House Resolution No. 7296

BY Savage, DaSilva, Melo, Malik

ENTITLED, HOUSE RESOLUTION EXPRESSING PROFOUND SYMPATHY ON THE PASSING OF KAREN A. CARTIN {LC1056/1}

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

There is no objection.

The resolution prevails, on a motion of Representative Savage seconded by Representatives DaSilva, Melo and Malik.

House Resolution No. 7297

BY Hull, San Bento, Flaherty, Chippendale, Savage

ENTITLED, HOUSE RESOLUTION PROCLAIMING JANUARY 29 THROUGH FEBRUARY 4, 2012 AS CATHOLIC SCHOOLS WEEK IN THE STATE OF RHODE ISLAND {LC984/1}

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

There is no objection.

Read and passed, on a motion of Representative Hull seconded by Representatives San Bento, Flaherty, Chippendale, Savage, McLaughlin, Silva, McNamara, Lima, Brien, Marcello, Azzinaro, Johnston, Medina, Phillips, Reilly, Corvese, Gallison, Tomasso, Serpa, Mattiello, Jacquard, Guthrie, Dickinson, Malik, Keable, Coderre, Cimini, Nunes, Costa, Newberry, Morgan, O'Grady, Kennedy, DaSilva, Trillo, Melo and Valencia by unanimous consent, on a voice vote.

COMMUNICATION FROM THE SENATE

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

Senate Bill No. 2264

BY Perry

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER CEPEP CORP. {LC937/1}

01/31/2012 Referred to House Corporations

CALENDAR**IN ORDER FOR TUESDAY, JANUARY 31, 2012:****1.2012-H 7276****BY** Brien

ENTITLED, HOUSE RESOLUTION CREATING A SPECIAL LEGISLATIVE
COMMISSION TO STUDY WASTE AND ENERGY INCINERATION IN THE
STATE OF RHODE ISLAND

Ordered on the Calendar

Representative Brien moves passage of the resolution, seconded by Representatives Dickinson, Baldelli Hunt, Phillips, Martin, Chippendale, Morgan, Reilly and Edwards.

Read and passed, on a roll call vote, 58 members voting in the affirmative and 2 members voting in the negative as follows:

YEAS - 58: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Flaherty, Gallison, Handy, Hearn, Hull, Johnston, Keable, Kennedy, Lally, Lima, Malik, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Morgan, Morrison, Newberry, Nunes, O'Grady, O'Neill, Palumbo, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tarro, Tomasso, Trillo, Valencia, Williams.

NAYS - 2: Representatives Bennett and Guthrie.

2.2012-H 7277**BY** Ucci

ENTITLED, HOUSE RESOLUTION EXTENDING THE REPORTING DATE OF THE
SPECIAL HOUSE COMMISSION TO STUDY THE RHODE ISLAND RESOURCE
RECOVERY CORPORATION AS IT PERTAINS TO THE RHODE ISLAND
CENTRAL LANDFILL

Ordered on the Calendar

Representative Mattiello moves passage of the resolution, seconded by Representatives O'Grady, Fellela, Brien, Marcello and Johnston.

Read and passed, on a roll call vote, 61 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 61: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Flaherty, Gallison, Guthrie, Handy, Hearn, Hull,

Johnston, Keable, Kennedy, Lally, Lima, Malik, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Morgan, Morrison, Newberry, Nunes, O'Grady, O'Neill, Palumbo, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Valencia, Walsh, Williams.

NAYS - 0.

3.2012-S 2021

BY O'Neill

ENTITLED, JOINT RESOLUTION REINSTATING THE LIFE OF AND EXTENDING THE REPORTING AND EXPIRATION DATES OF THE SPECIAL LEGISLATIVE COMMISSION TO STUDY THE PURCHASE AND USE OF TEXTBOOKS IN PUBLIC SCHOOLS

Ordered to be placed on the calendar for passage in concurrence

Representative Mattiello moves passage of the resolution, seconded by Representatives Hearn, Hull and Bennett.

Read and passed, in concurrence, on a roll call vote, 60 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 60: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Dickinson, Edwards, Ehrhardt, Fellela, Flaherty, Gallison, Guthrie, Handy, Hearn, Hull, Johnston, Keable, Kennedy, Lally, Lima, Malik, Marcello, Martin, Mattiello, McLaughlin, Medina, Melo, Morgan, Morrison, Newberry, Nunes, O'Grady, O'Neill, Palumbo, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Valencia, Walsh, Williams.

NAYS - 0.

4.2012-S 2169

BY Crowley

ENTITLED, JOINT RESOLUTION EXTENDING THE REPORTING AND EXPIRATION DATES OF THE SPECIAL LEGISLATIVE COMMISSION TO STUDY THE WYATT DETENTION FACILITY

Ordered to be placed on the calendar for passage in concurrence

Representative Mattiello moves passage of the resolution, seconded by Representatives Silva, McLaughlin and Morgan.

Read and passed, in concurrence, on a roll call vote, 60 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 60: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Flaherty, Gallison, Guthrie, Handy, Hearn, Hull, Johnston, Keable, Kennedy, Lally, Lima, Malik, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Morgan, Morrison, Newberry, Nunes, O'Neill, Palumbo, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Schadone, Serpa, Silva, Slater, Tarro, Tomasso, Trillo, Valencia, Walsh, Williams.

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 Edwards congratulates his parents, John and Mary, on their 56th wedding anniversary.

Representative McLaughlin commends St. Margaret's school on the success of grandparent's day along with Representatives DaSilva, and Melo.

Representative Diaz introduces a new page, Sylvianne Quezada from her district.

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

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

Representative Tanzi introduces a Middletown resident, Linda Finn.

Representative Handy introduces his intern Marisabel Agosto, a student at Brown University.

Representative Melo announces that the Committee on Finance will meet at 2:30 P.M. on Wednesday.

AT EASE

At 5:34 o'clock P.M. the Honorable Speaker Fox declares the House to be at ease.

ORDER

At 6:48 o'clock P.M. the Honorable Speaker Fox calls the House to order.

APPOINTMENTS

The Honorable Speaker Fox appoints the following committee to escort the Honorable President of the Senate, and the members of the Honorable Senate, to the House Chamber to meet with the House of Representatives in Joint Session to hear the State of the State Address of the Governor. Representative Hull, Representative Keable, Representative Tomasso, Representative Morrison, Representative Reilly, Representative McNamara, Representative Corvese, Representative Tarro, Representative Silva.

ADJOURNMENT

At 6:49 o'clock P.M. on motion of Representative Mattiello seconded by Representative Newberry the House adjourns, on a voice vote.

Linda M. McElroy
Recording Clerk

APPENDIX**INVOCATION****REPRESENTATIVE PETER MARTIN**

Heavenly Father: Thank you for giving us the opportunity to serve the citizens of this great state. As we move forward to solve the problems of today. Help us to make the choices that will benefit our future and leave a strong, positive legacy for the benefit of our children. Amen

APPENDIX**CALENDAR****IN ORDER FOR WEDNESDAY, FEBRUARY 01, 2012:**

1. **2012-H 7209 SUB A**
BY Ucci
ENTITLED, AN ACT RELATING TO REDISTRICTING OF THE GENERAL ASSEMBLY

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

IN ORDER FOR THURSDAY, FEBRUARY 02, 2012:

1. **2012-H 7055**
BY Carnevale
ENTITLED, AN ACT RELATING TO ELECTIONS

Committee on Finance recommends passage.
2. **2012-H 7236**
BY Costa
ENTITLED, AN ACT AUTHORIZING THE TOWN OF NORTH KINGSTOWN TO FINANCE REPLACEMENTS AND RENOVATIONS AND RELATED EQUIPMENT FOR THE DAVISVILLE MIDDLE SCHOOL AND THE FISHING COVE, HAMILTON, QUIDNESSET AND STONY LANE ELEMENTARY SCHOOLS AND TO ISSUE NOT MORE THAN \$6,465,000 BONDS AND NOTES THEREFOR

Committee on Finance recommends passage.
3. **2012-H 7014**
BY Azzinaro
ENTITLED, AN ACT RELATING TO THE RETIREMENT OF POLICE OFFICERS IN THE TOWN OF WESTERLY

Committee on Municipal Government recommends passage.
4. **2012-H 7047**
BY Corvese
ENTITLED, AN ACT RELATING TO THE TOWN OF NORTH PROVIDENCE

Committee on Municipal Government recommends passage.

5. 2012-H 7186 SUB A**BY Ucci****ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- RETIREMENT OF MUNICIPAL EMPLOYEES**

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

6. 2012-H 7273**BY Malik****ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - PROBATE COURTS**

Committee on Municipal Government recommends passage.

IN ORDER FOR WEDNESDAY, FEBRUARY 08, 2012:**1. 2012-H 7048****BY Kennedy****ENTITLED, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES**

Committee on Municipal Government recommends passage.

Francis McCabe
Clerk of the House

Tuesday, January 31, 2012