

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. 24

Thursday, March 1, 2012

Twenty-fourth Day

The House of Representatives meets at the State House in Providence, Thursday, March 1, 2012 and is called to order at 4:30 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, Blazejewski, Brien, Carnevale, Cimini, 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, 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 - 4: Representatives Chippendale, Coderre, Naughton, Watson.

INVOCATION

The Honorable Speaker presents Representative Keable 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, February 29, 2012 is approved.

NEW BUSINESS

House Bill No. 7872

BY Keable, Blazejewski, Kennedy

ENTITLED, AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE - SECURED TRANSACTIONS (would make certain amendments to the uniform commercial code to conform to the model act) {LC1808/1}

03/01/2012 Introduced, referred to House Corporations

House Bill No. 7873

BY Lally

ENTITLED, AN ACT RELATING TO INSURANCE - MINIMUM PHYSICIANS' PAYMENT ACT OF 2012 (would require health insurers to reimburse physicians no less than one hundred forty percent (140%) of what Medicare would pay the physician for providing the same service) {LC1847/1}

03/01/2012 Introduced, referred to House Corporations

House Bill No. 7874

BY Lally

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF BUSINESS REGULATION (mandate that only lawyers, realtors, and brokers licensed in RI may act as a broker for the sale of existing business/transfer all or substantial part of the materials, supplies, merchandise, or other inventory of title 6A for a fee, charge or commission) {LC1826/1}

03/01/2012 Introduced, referred to House Corporations

House Bill No. 7875

BY Morgan, Reilly, Ehrhardt, Newberry

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES - RETIREMENT SYSTEM - CONTRIBUTION AND BENEFITS (would prevent retirees moving from state to municipal employment or vice versa from accumulating pension credits in more than one system) {LC1070/1}

03/01/2012 Introduced, referred to House Finance

House Bill No. 7876

BY Corvese

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - PRIVATIZATION OF STATE SERVICES (would enable a 3 year private contractor employee, performing state employee work, to be automatically converted to a funded full-time equivalent position as long as it would be in the state's financial interest) {LC1822/1}

03/01/2012 Introduced, referred to House Finance

House Bill No. 7877

BY McNamara, Ferri, Malik

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- ALCOHOLISM (would establish a pilot alternative program, under the authority of the department of behavioral

healthcare, developmental disabilities and hospitals, to help those individuals impaired by substance abuse) {LC2125/1}

03/01/2012 Introduced, referred to House H.E.W.

House Bill No. 7878

BY Ajello

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- CRIMINAL RECORD BACKGROUND CHECKS (would amend various provisions of the general laws in order to provide more uniformity with regard to criminal background checks) {LC1755/1}

03/01/2012 Introduced, referred to House Judiciary

House Bill No. 7879

BY Lally

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS - ADOPTION OF CHILDREN (would provide that if a birth mother's/father's rights to consent to the adoption of their child is terminated and the other parent is unknown or has not consented, then the court shall proceed to terminate the other parent's right to consent) {LC1828/1}

03/01/2012 Introduced, referred to House Judiciary

House Resolution No. 7880

(by request)

BY Gallison

ENTITLED, HOUSE RESOLUTION RESPECTFULLY URGING THE STATE OF RHODE ISLAND TO COMMEMORATE THE 1992 KHOJALY MASSACRE {LC2122/1}

03/01/2012 Introduced, referred to House Judiciary

House Bill No. 7881

(Attorney General)

BY Cimini, Ajello, Carnevale, DaSilva, Williams

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - WEAPONS (would provide that anyone under the age of eighteen (18) years of age would not possess a firearm unless they fall within certain specific exceptions) {LC2001/1}

03/01/2012 Introduced, referred to House Judiciary

House Bill No. 7882

(Secretary of State/Governor)

BY McCauley

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - OPERATION OF A STATE HOUSE VISITOR CENTER (would permit the secretary of state, in conjunction with the office of the governor, to establish and operate a visitor center and gift shop within the state house) {LC2085/1}

03/01/2012 Introduced, referred to House Municipal Government

House Bill No. 7883

BY Nunes, Tomasso

ENTITLED, AN ACT RELATING TO TAXATION - FIRE DISTRICTS LOCATED IN

COVENTRY (would make any tax increases in any of the four (4) fire districts located within the town of Coventry subject to the maximum levy sections of the general laws, after a gradual six (6) year phase-in) {LC1558/1}

03/01/2012 Introduced, referred to House Municipal Government

House Bill No. 7884

BY Baldelli-Hunt, Brien, Palumbo

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS (would increase the payments under the workers' compensation provisions for specific injuries to not more than one hundred fifty dollars (\$150) per week and not less than seventy-five dollars (\$75.00) per week) {LC1937/1}

03/01/2012 Introduced, referred to House Labor

House Bill No. 7885

BY Carnevale, Ucci, Fellela, Petrarca, DaSilva

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- RHODE ISLAND RESOURCE RECOVERY CORPORATION ARBITRATION (would authorize all full-time employees of the Rhode Island resource recovery corporation to collectively bargain and engage in grievance and interest arbitrations) {LC1772/1}

03/01/2012 Introduced, referred to House Labor

House Resolution No. 7886

BY Menard, Fox, Coderre, Winfield, O'Grady

ENTITLED, HOUSE RESOLUTION EXPRESSING SINCERE CONDOLENCES ON THE PASSING OF THE HONORABLE ROGER VALOIS {LC2136/1}

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

There is no objection.

Read and passed, on a motion of Representative Menard seconded by Representatives Fox, Winfield, O'Grady, Carnevale, MacBeth and Hull by unanimous consent, on a rising vote.

House Resolution No. 7887

BY Ruggiero, Fox, Jackson, O'Neill, Petrarca

ENTITLED, HOUSE RESOLUTION CONGRATULATING THE HONORABLE FRANCIS J. DARIGAN, JR., ON THE OCCASION OF HIS RETIREMENT FROM THE RHODE ISLAND SUPERIOR COURT {LC2063/1}

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

There is no objection.

Read and passed, on a motion of Representative Ruggiero seconded by Representatives Fox, Jackson, O'Neill, Petrarca, Newberry, Mattiello, Hull, Reilly, Slater, Johnston, Carnevale, Valencia, Dickinson, Tarro, Ajello, Cimini, Handy, Ucci, Martin and Corvese 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. 2536

BY Tassoni

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF SCARBOROUGH ALLIANCE CORPORATION {LC2017/1}

03/01/2012 Referred to House Corporations

Senate Bill No. 2314

BY DiPalma

ENTITLED, AN ACT AUTHORIZING THE TOWN OF LITTLE COMPTON TO FINANCE HEALTH, SAFETY AND FIRE CODE-RELATED EMERGENCY REPAIRS, ALTERATIONS, RENOVATIONS, IMPROVEMENTS, LANDSCAPING AND EQUIPPING AND FURNISHING OF, THE WILBUR & MCMAHON SCHOOLS AND ALL ATTENDANT EXPENSES INCLUDING, BUT NOT LIMITED TO, ENGINEERING AND ARCHITECTURAL COSTS AND TO ISSUE NOT MORE THAN \$11,310,000 BONDS AND/OR NOTES THEREFOR (authorizes Little Compton to issue not more than \$11,310,000 bonds and notes to finance health, safety and fire code-related emergency repairs, alterations, renovations, Wilbur & McMahon schools) {LC1047/1}

03/01/2012 Referred to House Finance

Senate Bill No. 2031

BY Tassoni, Lynch, Doyle

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- PSITTACINE BIRDS (would permit birds exposed to psittacosis to be treated rather than destroyed. In addition, it would permit microchip identification of the breeder by whom they were bred) {LC44/1}

03/01/2012 Referred to House Judiciary

Senate Bill No. 2228

BY Ruggerio, Goodwin, Miller, Jabour, Pichardo

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- EMPLOYMENT SECURITY (would allow the department of labor and training to verify employee quarterly wage report information for the Workforce Investment Board.) {LC175/1}

03/01/2012 Referred to House Labor

Senate Bill No. 2095

(by request)

BY Algiere

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.) {LC446/1}

03/01/2012 Referred to House Municipal Government

Senate Bill No. 2039 SUB A as amended

(by request)

BY Algiere, Crowley

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 Dept. of Revenue in cooperation with the RI Association of Collection Officers) {LC230/A/1}

03/01/2012 Referred to House Municipal Government

CONSENT CALENDAR

From the Consent Calendar are taken:

IN ORDER FOR THURSDAY, MARCH 01, 2012:

1. 2012-H 7549

BY Ucci

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

2. 2012-H 7552

BY Gallison

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

3. 2012-H 7553

BY Gallison

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

4. 2012-H 7607

BY Azzinaro

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

5. 2012-H 7609

BY Serpa

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

Representative Mattiello moves passage of the Consent Calendar, seconded by Representatives Ajello, Newberry and Phillips.

The Consent Calendar prevails on a roll call vote, 67 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS -67: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Cimini, Corvese, Costa, DaSilva, 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, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, Savage, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Williams, Winfield.

NAYS - 0.

CALENDAR

From the Calendar are taken:

IN ORDER FOR THURSDAY, MARCH 01, 2012:

1. 2012-H 7361

BY Keable

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS

Committee on Corporations recommends passage.

Read, and by unanimous consent, ordered to be placed on the Calendar for Tuesday, March 6, 2012.

2. 2012-H 7066 SUB A

BY Gallison

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - REGULATION OF SALES

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

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

Representatives Ehrhardt and Kennedy discuss the act.

The bill marked Substitute “A” is read and passed, and the original bill indefinitely postponed, 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, Corvese, Costa, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Marcello, Martin, Mattiello, McCauley, McLaughlin, Medina, Melo, Menard, Messier, Morgan, Morrison, Newberry, Nunes, O’Grady, O’Neill, Petrarca, Phillips, Reilly, Ruggiero, San Bento, Savage, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Williams, Winfield.

NAYS - 1: Representative Jacquard.

3. 2012-H 7477

BY Kennedy

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - LOW AND MODERATE INCOME HOUSING

Committee on Corporations recommends passage.

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

Read and passed, 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, Blazejewski, Brien, Carnevale, Cimini, Corvese, Costa, 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, Newberry, Nunes, O’Neill, Petrarca, Phillips, Reilly, Ruggiero, Savage, 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.

ANNOUNCEMENTS

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

Representative Messier announces this Saturday will be Pawtucket's 30th Annual St. Patrick's Day Parade.

The Honorable Speaker Fox announces Representative Mary Duffy Messier will be the Grand Marshall of the Pawtucket St. Patrick's Day Parade.

Representative Williams announces that the Committee on Labor will meet at the rise of the House, in Room 203 of the State House.

Representative Brien announces that the Committee on Municipal Government will meet at the rise of the House, in the House Lounge of the State House

ADJOURNMENT

At 4:45 o'clock P.M. on motion of Representative Menard, and as a further mark of respect to the memory of Roger Valois; seconded by Representatives Mattiello and Newberry the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE CALE P. KEABLE

Dear Lord:

Fifty one years ago today a message of friendship, peace, and good will was sent out to the world when this country founded the Peace Corps. Let us always remember to honor their efforts and the efforts of all our citizens, who freely give of their time and resources to help those less fortunate. Amen.

APPENDIX

CALENDAR

IN ORDER FOR TUESDAY, MARCH 06, 2012:

1. 2012-H 7361

BY Keable

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS

Committee on Corporations recommends passage.

2. 2012-H 7231

BY Slater

ENTITLED, AN ACT RELATING TO WEIGHTS AND MEASURES -- PRODUCE SCALES IN MARKETS

Committee on Corporations recommends passage.

3. 2012-H 7543

BY Jackson

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- AUTHORIZING STATE-OPERATED CASINO GAMING AT NEWPORT GRAND SUBJECT TO STATEWIDE AND LOCAL VOTER APPROVAL

Committee on Finance recommends passage.

Francis McCabe

Clerk of the House

Thursday, March 1, 2012