

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. 25

Tuesday, March 6, 2012

Twenty-fifth Day

The House of Representatives meets at the State House in Providence, Tuesday, March 6, 2012 and is called to order at 4:26 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, 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, Watson, Williams, Winfield.

ABSENT - 1: Representative Naughton.

INVOCATION

The Honorable Speaker presents Representative Baldelli-Hunt 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, March 1, 2012 is approved.

**REPORTS OF COMMITTEES
TRANSFER OF BILLS**

Representative Kennedy, for the Committee on Corporations, reports back the following measure with recommendation of transfer to the Committee on Finance:

House Bill No. 7232**BY Slater**

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - DUTIES OF UTILITIES AND CARRIERS (would allow any anticipated arrearage & costs of administering repayment program to be recovered from all gas & electric customers through a funding mechanism which would be submitted annually by April 1st of each year to the PUC for review & approval.) {LC858/1}

03/01/2012 Committee transferred to House Finance.

Representative Williams, for the Committee on Labor, reports back the following measure with recommendation of transfer to the Committee on Corporations:

House Bill No. 7621**BY Lally, DaSilva, Kennedy**

ENTITLED, AN ACT RELATING TO INSURANCE (would authorize hospitals and health insurers to declare an impasse and submit to binding arbitration the terms of agreements between hospitals and commercial health insurers.) {LC1418/1}

03/06/2012 Committee transferred to House Corporations

COMMITTEE ON FINANCE

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

House Bill No. 7054**BY Edwards, Gallison, Reilly, Guthrie**

ENTITLED, AN ACT IN ACCORDANCE WITH RHODE ISLAND GENERAL LAWS SECTION 16-7-44 APPROVING THE ISSUANCE OF \$700,000 BONDS BY THE TOWN OF PORTSMOUTH TO FINANCE IMPROVEMENTS TO SCHOOL BUILDINGS INCLUDING BUT NOT LIMITED TO BONDS AND NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION (would serve as the enabling act required by RI General Laws section 16-7-44 in order for the principal and interest on bonds issued in support of school housing projects to be eligible for state housing aid reimbursement.) {LC137/1}

03/06/2012 Placed on House Calendar

House Bill No. 7594**BY Gordon**

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 {LC1770/1}
03/06/2012 Placed on House Calendar

NEW BUSINESS

House Bill No. 7888

BY Slater, Newberry, Ajello, Edwards, Diaz

ENTITLED, AN ACT RELATING TO FOOD AND DRUGS - THE EDWARD O. HAWKINS AND THOMAS C. SLATER MEDICAL MARIJUANA ACT (would fine-tune certain provisions of the chapter on medical marijuana) {LC1988/1}

03/06/2012 Introduced, referred to House H.E.W.

House Bill No. 7889

BY Bennett, Hull, McNamara, Medina, Gallison

ENTITLED, AN ACT RELATING TO THE BOARD OF MEDICAL LICENSURE AND DISCIPLINE (would add a definition for medical records to the current statute) {LC2107/1}

03/06/2012 Introduced, referred to House H.E.W.

House Bill No. 7890

BY Phillips, Johnston, Reilly, Ehrhardt, McLaughlin

ENTITLED, AN ACT RELATING TO EDUCATION - SCHOOL COMMITTEES AND SUPERINTENDENTS (would authorize and direct school committees to establish an audit subcommittee of the school board or committee to insure that sound fiscal practices are adhered to) {LC1645/1}

03/06/2012 Introduced, referred to House H.E.W.

House Bill No. 7891

BY Brien, Phillips, Martin

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- OPTICIANS (would eliminate the prohibition on the selling and replacing of contact lenses within the definition of the practice of opticianry) {LC1887/1}

03/06/2012 Introduced, referred to House Corporations

House Bill No. 7892

(Governor/Lt. Governor)

BY Kennedy, Naughton, Ferri, Tanzi, O`Grady

ENTITLED, AN ACT RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES (would make various amendments to healthcare chapters to ensure consistency with applicable federal law) {LC2083/1}

03/06/2012 Introduced, referred to House Corporations

House Bill No. 7893**BY** Brien, Reilly, Phillips**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - TOURISM AND DEVELOPMENT (would make changes in the percentage distribution of the proceeds of the hotel tax) {LC1946/1}

03/06/2012 Introduced, referred to House Finance

House Resolution No. 7894**BY** Brien**ENTITLED**, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY RHODE ISLAND'S MINIMUM PRICING STATUTES {LC2077/1}

03/06/2012 Introduced, referred to House Finance

House Bill No. 7895**BY** Brien, Phillips, Baldelli-Hunt**ENTITLED**, AN ACT RELATING TO EDUCATION -- TEACHERS' RETIREMENT (would provide that the amount of the state's contributions to the state retirement system would be at a rate determined each year as the state share ratio) {LC1901/1}

03/06/2012 Introduced, referred to House Finance

House Bill No. 7896**BY** Naughton**ENTITLED**, AN ACT RELATING TO TAXATION - OUTPATIENT FACILITY AND IMAGING SERVICES SURCHARGE (would include charges for medical supplies used for imaging surcharges as charges exempt from the determination of outpatient health care facilities surcharges) {LC2073/1}

03/06/2012 Introduced, referred to House Finance

House Bill No. 7897**BY** Slater**ENTITLED**, AN ACT RELATING TO ELECTIONS -- PRIMARY ELECTION (would allow federal, state and municipal employees to serve as appointed primary election officials) {LC2116/1}

03/06/2012 Introduced, referred to House Judiciary

House Bill No. 7898**BY** Malik**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Michael J. Trenn to join Holly M. Andrade and Scott L. Pacheco in marriage within the Town of Portsmouth, Rhode Island, on or about June 2, 2012) {LC2135/1}

03/06/2012 Introduced, referred to House Judiciary

House Resolution No. 7899**BY** Fox, Blazejewski, Keable, Ajello, Valencia**ENTITLED**, JOINT RESOLUTION URGING CONGRESS TO PASS AND SEND TO THE

STATES A CONSTITUTIONAL AMENDMENT PERMITTING STATE AND FEDERAL REGULATION AND RESTRICTION OF INDEPENDENT POLITICAL EXPENDITURES {LC2138/1}

03/06/2012 Introduced, referred to House Judiciary

House Bill No. 7900

BY Tomasso

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Amy Jelle to join Carla Jillson and David Colcord in marriage on or about September 8, 2012, within the town of West Greenwich, Rhode Island) {LC2124/1}

03/06/2012 Introduced, referred to House Judiciary

House Bill No. 7901

BY Ruggiero

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow the Honorable Lee Johansen to join Amanda Stephenson and Andre Binette in marriage within the Town of Jamestown, Rhode Island, on or about July 28, 2012) {LC2109/1}

03/06/2012 Introduced, referred to House Judiciary

House Bill No. 7902

BY Lally

ENTITLED, AN ACT RELATING TO CRIMINALS - CORRECTIONAL INSTITUTIONS - PAROLE {LC2134/1}

03/06/2012 Introduced, referred to House Judiciary

House Bill No. 7903

(Attorney General)

BY Reilly, Keable

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - THE STATE FALSE CLAIM ACT {LC2015/1}

03/06/2012 Introduced, referred to House Judiciary

House Bill No. 7904

BY Silva

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES {LC2131/1}

03/06/2012 Introduced, referred to House Municipal Government

House Bill No. 7905

BY Costa, Reilly, Mattiello, Gallison, Ehrhardt

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - REGISTRATION OF VEHICLES - GOLD STAR FAMILY PLATE {LC2106/1}

03/06/2012 Introduced, referred to House Veterans Affairs

House Bill No. 7906**BY** Newberry

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - STATE AID (would include residences for the mentally ill and/or developmentally disabled as entities exempt from local real property tax thus making the city or town in which the property lies eligible for a payment in lieu of taxes from the general assembly.) {LC2160/1}

03/06/2012 Introduced, referred to House Municipal Government

House Bill No. 7907**BY** Newberry

ENTITLED, AN ACT RELATING TO BEHAVIORAL HEALTH CARE DEVELOPMENTAL DISABILITIES AND HOSPITALS - GROUP HOMES (would prevent any one person or entity in which that person has more than a fifty percent interest from maintaining more than three community residences in any given city or town for each ten thousand inhabitants.) {LC630/1}

03/06/2012 Introduced, referred to House Municipal Government

House Resolution No. 7908**BY** Mattiello, Newberry

ENTITLED, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC2146/1}

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.

COMMUNICATION FROM THE SENATE

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

Senate Bill No. 2217**BY** Ottiano

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.) {LC741/1}

03/06/2012 Referred to House Judiciary

Senate Bill No. 2219**BY** Pinga

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow The Honorable Kathryn M. Herrick to join Michelle K. Toland and Todd A Herrick in marriage within the Town of Portsmouth, Rhode Island, on or about September 14, 2012.) {LC848/1}

03/06/2012 Referred to House Judiciary

Senate Bill No. 2221**BY** Goodwin**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow John C. Tormey to join Karina L. Ramkalawan and Matthew Robinson in marriage within the Town of West Greenwich, Rhode Island, on or about May 12, 2012.) {LC654/1}

03/06/2012 Referred to House Judiciary

Senate Bill No. 2256**BY** Nesselbush**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Joseph John McBurney to join Lauren Elizabeth Kacmar and Andrew Stephen DeCastro in marriage within the City of Newport, Rhode Island, on or about November 9, 2012.) {LC868/1}

03/06/2012 Referred to House Judiciary

Senate Bill No. 2261**BY** Bates**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow William Loehning to join Melissa Provencal and Anthony Figliola in marriage within the Town of Middletown, Rhode Island, on or about June 9, 2012.) {LC910/1}

03/06/2012 Referred to House Judiciary

Senate Bill No. 2329**BY** Perry**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC1154/1}

03/06/2012 Referred to House Judiciary

Senate Bill No. 2331**BY** Sheehan, Cote, Sosnowski**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC1302/1}

03/06/2012 Referred to House Judiciary

Senate Bill No. 2418**BY** Bates**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Eugene Carson to join Malissa Michelle White and Maarten Nagtegaal in marriage within the Town of Barrington, Rhode Island, on or about August 18, 2012.) {LC961/1}

03/06/2012 Referred to House Judiciary

Senate Bill No. 2516**BY** Kettle, Shibley**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC1501/1}

03/06/2012 Referred to House Judiciary

CALENDAR

From the Calendar are taken:

IN ORDER FOR TUESDAY, MARCH 06, 2012:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
HOUSE OF REPRESENTATIVES

STATEMENT OF CONFLICT OF INTEREST PURSUANT TO RIGL 36-14-6

I, Thomas Winfield, State Representative, District 53, hereby under oath depose and say:

1. (Matter requiring action) I expect to be called upon, in my capacity as State Representative, to participate in the consideration of, and to vote upon: 2012 H-7361

2. (Nature of the potential conflict) I have the following interest in the matter:

I am President of Anderson – Winfield Chauffeured Services.

3. (Complete and (A.) or (B.) and cross out whichever does not apply

B. In compliance with Section 36-14-6(1) & (2)A of the General laws, I hereby request the Speaker of the House of Representatives to excuse me from voting on or participating in the consideration of the matter described in paragraph 1 above.

T. Winfield
REPRESENTATIVE

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

Subscribed and sworn to under the penalties for perjury before me this 6th day of March, 2012.

Robert Flaherty
NOTARY PUBLIC

Representative Winfield is excused from voting on or participating in the consideration of the matter described in paragraph 1, above.

GORDON D. FOX
SPEAKER OF THE HOUSE OF REPRESENTATIVES

1. 2012-H 7361

BY Keable

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS

Committee on Corporations recommends passage.

Representative Keable moves passage of the act, seconded by Representatives Lally, Hull, San Bento, Medina, Johnston, Nunes, Tanzi and Bennett.

Representatives Reilly, Gordon and Lima discuss the act.

Read and passed, on a roll call vote, 66 members voting in the affirmative and 4 members voting in the negative as follows:

YEAS - 66: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, DaSilva, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Gallison, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Malik, Marcello, Martin, Mattiello, 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, Ucci, Valencia, Walsh, Williams.

NAYS - 4: Representatives Costa, Flaherty, Gordon, Watson.

2. 2012-H 7231

BY Slater

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

Committee on Corporations recommends passage.

Representative Kennedy moves passage of the act, seconded by Representatives O'Grady, Diaz, Medina, Johnston, Gordon and Slater.

Read and passed, on a roll call vote, 71 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 71: 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, Ferri, Flaherty, Gallison, Gordon, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Malik, Marcello, Martin, Mattiello, 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, Watson, Williams.

NAYS - 0.

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.

Representative Melo moves passage of the act, seconded by Representatives Williams, San Bento, Valencia, Jackson, Gallison, Edwards, Azzinaro, Brien, Bennett, Reilly, Savage, Malik, Palumbo, Slater, Ruggiero, Martin, Hearn and Mattiello.

Representatives Menard, Jacquard, Melo, Lima, Jackson, Martin, McLaughlin, Trillo and Chippendale discuss the act.

Read and passed, on a roll call vote, 70 members voting in the affirmative and 3 members voting in the negative as follows:

YEAS - 70: 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, Guthrie, Handy, Hearn, Hull, Jackson, Jacquard, Johnston, Keable, Kennedy, Lally, Lima, MacBeth, Malik, Martin, Mattiello, 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.

NAYS - 3: Representatives Gordon, Marcello, Watson.

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 announces that the Committee on Labor will meet at the rise of the House, in House Lounge of the State House.

Representative Tanzi introduces her new intern, Ali Wolfson, a student at Brown University.

Representative Walsh announces that the House Commission on Affordability and Accessibility will meet at 5:30 P.M., in Room 135 of the State House.

Representative Cimini announces the Girl Scouts will be celebrating their 100th Birthday with a party and cake on Tuesday and would like to match current Girl Scouts with legislators to learn the process of creating legislation.

Representative Ajello announces that the Committee on Judiciary will meet at the rise of the House, in Room 205 of the State House.

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

GUESTS

Representative O'Neill welcomes to the House Chamber as guests representatives from the March of Dimes.

Representative Keable welcomes to the House as a guest Louise Phaneuf, Burrillville Town Clerk.

Representative Serpa welcomes to the Chamber as guests animal rights activists from the ASPCA, the Humane Society of the United States and the Farm Sanctuary.

ADJOURNMENT

At 4:56 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 LISA BALDELLI-HUNT**

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 may also reap the benefits of this great State. Amen.

APPENDIX

CALENDAR

IN ORDER FOR TUESDAY, MARCH 13, 2012:

1. 2012-H 7054

BY Edwards

ENTITLED, AN ACT IN ACCORDANCE WITH RHODE ISLAND GENERAL LAWS SECTION 16-7-44 APPROVING THE ISSUANCE OF \$700,000 BONDS BY THE TOWN OF PORTSMOUTH TO FINANCE IMPROVEMENTS TO SCHOOL BUILDINGS INCLUDING BUT NOT LIMITED TO BONDS AND NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION

Committee on Finance recommends passage.

2. 2012-H 7594

BY Gordon

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

Committee on Finance recommends passage.

Francis McCabe
Clerk of the House

Tuesday, March 06, 2012