

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. 26

Wednesday, March 7, 2012

Twenty-sixth Day

The House of Representatives meets at the State House in Providence, Wednesday, March 7, 2012 and is called to order at 4:29 o'clock P.M., by the Honorable Gordon D. Fox, Speaker.

The roll is called and a quorum is declared present with 72 members present and 3 members absent as follows:

PRESENT - 72: 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, 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, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

ABSENT - 3: Representatives Flaherty, Naughton, Silva.

INVOCATION

The Honorable Speaker presents Representative Bennett 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 Tuesday, March 6, 2012 is approved.

APPOINTMENTS

I hereby make the following appointments to the:

PERMANENT LEGISLATIVE COMMISSION ON CHILD CARE IN RHODE ISLAND

Representative Maria Cimini and

Representative Patricia Morgan

Received and placed on file.

Also:

I hereby make the following appointments to the:

RATEPAYORS ADVISORY BOARD

Elizabeth Morancy

Virginia Neves Gonsalves

Vivian G. Weisman

Received and placed on file.

**REPORTS OF COMMITTEE
COMMITTEE ON LABOR**

Representative Williams, for the Committee on Labor, reports back the following measures, with recommendation of passage:

House Bill No. 7394

(Labor and Training)

BY Corvese, Petrarca, Schadone, Malik, Hull

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS (would repeal term limits for and reduce the length of the terms of members of the board of examination and licensing of telecommunications system contractors, technicians and installers from seven to five years) {LC1157/1}

03/07/2012 Placed on House Calendar

House Bill No. 7510

(Human Services)

BY Lally, Keable

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS - REPORTING OF NEW HIRES (would decrease the time requirement in which a person is considered a rehire from twelve (12) consecutive weeks to a minimum of sixty (60) days to comply with federal requirements.) {LC1404/1}

03/07/2012 Placed on House Calendar

House Bill No. 7562

(Labor & Training)

BY Cimini, Hull, Bennett**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS - TEMPORARY DISABILITY INSURANCE (would eliminate the seven day waiting period that an individual must currently serve prior to receiving temporary disability insurance benefits) {LC1419/1}

03/07/2012 Placed on House Calendar

House Bill No. 7563

(Labor & Training)

BY Cimini, Hull, Bennett**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- EMPLOYMENT SECURITY--BENEFITS (would allow individuals to participate in the entrepreneurial training assistance program while receiving federal emergency unemployment compensation benefits. Currently, individuals can only receive regular benefits while participating in the program.) {LC1421/1}

03/07/2012 Placed on House Calendar

House Bill No. 7612

(Labor & Training)

BY Williams, Slater, Cimini, Serpa, Edwards**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS - BOILER INSPECTION AND PRESSURE VESSELS (would amend the hearing procedure for boiler and pressure vessel violations by eliminating hearings before compensated arbitration panels and permitting hearings before the occupational safety and health review board.) {LC1423/1}

03/07/2012 Placed on House Calendar

House Bill No. 7759**BY** Carnevale, Slater, Palumbo, Menard**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) {LC1492/1}

03/07/2012 Placed on House Calendar

NEW BUSINESS**House Bill No. 7909**

(Governor/Lt.Governor)

BY Kennedy, San Bento, Coderre, Ferri, Tanzi**ENTITLED**, AN ACT RELATING TO INSURANCE -- HEALTH INSURANCE - CONSUMER PROTECTION {LC2084/1}

03/07/2012 Introduced, referred to House Corporations

House Bill No. 7910**BY** Ucci, Fellela, Petrarca, Carnevale**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - REFUSE DISPOSAL {LC2114/1}

03/07/2012 Introduced, referred to House Environment and Natural Resources

House Bill No. 7911

(Governor)

BY Tomasso, Handy, Cimini, Morgan, Ruggiero

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ENERGY EFFICIENCY {LC2082/1}

03/07/2012 Introduced, referred to House Environment and Natural Resources

House Bill No. 7912

BY Ucci, Fellela, Petrarca, Carnevale

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - RHODE ISLAND RESOURCE RECOVERY CORPORATION (would increase the Resource Recovery Corporation tipping fee per vehicle.) {LC2113/1}

03/07/2012 Introduced, referred to House Finance

House Bill No. 7913

BY Guthrie, DaSilva, Cimini, Lima, Azzinaro

ENTITLED, AN ACT RELATING TO TAXATION - PERSONAL INCOME TAX - DEDUCTIONS (would restore the ability of a Rhode Island taxpayer to use, in calculating personal income tax, the federal deductions. It repeals changes made in 2010.) {LC2081/1}

03/07/2012 Introduced, referred to House Finance

House Bill No. 7914

BY Tomasso, Chippendale, Guthrie, Nunes, Serpa

ENTITLED, AN ACT AUTHORIZING THE TOWN OF COVENTRY TO FINANCE AIR QUALITY AND ENERGY EFFICIENCY IMPROVEMENTS AND OTHER REPAIRS AND RENOVATIONS TO SCHOOL BUILDINGS AND OTHER MUNICIPAL BUILDINGS IN THE TOWN AND ALL ATTENDANT EXPENSES, INCLUDING BUT NOT LIMITED TO ENGINEERING COSTS, BY THE ISSUANCE OF NOT MORE THAN \$5,000,000 BONDS, NOTES AND/OR OTHER EVIDENCES OF INDEBTEDNESS THEREFOR {LC2126/1}

03/07/2012 Introduced, referred to House Finance

House Bill No. 7915

(by request)

BY Carnevale, Williams, Hull, Palumbo, Winfield

ENTITLED, AN ACT TAXATION - PROPERTY SUBJECT TO TAXATION (would exclude from tax exemption any property, income or profits owned by any educational institution or library, where any of the property, income or profits are derived from any activity not involving education.) {LC1462/1}

03/07/2012 Introduced, referred to House Finance

House Resolution No. 7916

BY Gordon, Savage, Hull, Carnevale, Lally

ENTITLED, HOUSE RESOLUTION TO PRESERVE HABEAS CORPUS AND CIVIL LIBERTIES OF THE CITIZENS OF RHODE ISLAND {LC1308/1}

03/07/2012 Introduced, referred to House Judiciary

House Bill No. 7917

BY Tomasso, Nunes, Serpa, Guthrie, Morgan

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - INDEBTEDNESS OF TOWNS AND CITIES (would increase the amount that the town of Coventry may borrow to finance a court judgment or settlement from five percent (5%) to ten percent (10%) of Coventry's most recently adopted municipal budget.) {LC2118/1}

03/07/2012 Introduced, referred to House Municipal Government

House Bill No. 7918

BY MacBeth, Gallison, McLaughlin, Ehrhardt, Menard

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - HONOR AND REMEMBRANCE FLAG (would designate an official flag for United States military service members and any rescue personnel involved in a terrorist-related response who have died in the line of duty and the dates and places of the flag's display.) {LC2115/1}

03/07/2012 Introduced, referred to House Veterans Affairs

House Resolution No. 7919

BY Tanzi, Lally, Walsh, Dickinson

ENTITLED, HOUSE RESOLUTION CONGRATULATING ERIKA VAN PELT ON BEING SELECTED FOR AMERICAN IDOL AND WISHING HER THE VERY BEST OF LUCK {LC2158/1}

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

There is no objection.

Read and passed, on a motion of Representative Tanzi seconded by Representatives Lally, Walsh and Dickinson by unanimous consent, on a voice vote.

House Resolution No. 7920

BY Mattiello, Newberry

ENTITLED, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC2147/1}

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.

COMMUNICATION FROM THE SENATE

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

Senate Bill No. 2593

BY Crowley, Nesselbush

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF KILMARTIN CHARITABLE CORPORATION {LC1916/1}

03/07/2012 Referred to House Corporations

Senate Bill No. 2592

BY Sosnowski

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF RHODE ISLAND CHAPTER, INTERNATIONAL ASSOCIATION OF ARSON INVESTIGATORS, INC. {LC1958/1}

03/07/2012 Referred to House Corporations

Senate Bill No. 2061

BY Bates, Walaska, Hodgson, McCaffrey, Algieri

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- DNA DETECTION OF SEXUAL AND VIOLENT OFFENDERS (would require the collection of DNA samples for any person arrested for a crime of violence as defined in this act or any felony/this act would expand the list of crimes for which a DNA sample is required) {LC304/1}

03/07/2012 Referred to House Judiciary

Senate Bill No. 2153

BY Gallo, Goodwin

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS - DIVORCE AND SEPARATION (would eliminate the waiting requirement for a grandparent to file a miscellaneous petition for visitation) {LC475/1}

03/07/2012 Referred to House Judiciary

Senate Bill No. 2132

BY Bates

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- GENERAL POWERS -- BARRINGTON MUNICIPAL COURT (would authorize the Town of Barrington to establish a municipal court.) {LC447/1}

03/07/2012 Referred to House Municipal Government

Senate Bill No. 2372

BY Sosnowski

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- NEW SHOREHAM WARDENS' COURT (would raise the maximum fine which could be imposed by the New Shoreham wardens' court from \$20.00 to \$200.) {LC1438/1}

03/07/2012 Referred to House Municipal Government

Senate Bill No. 2254**BY** Felag

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.) {LC885/1}

03/07/2012 Referred to House Municipal Government

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 313 of the State House.

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

Representative Ruggiero announces the Chamber of Commerce and members will be holding their annual Legislative Reception tomorrow, March 8th at the rise until 7P.M. in the Governor's State Room.

Representative Diaz announces that the Committee on Health, Education and Welfare will meet at the rise of the House, in House Lounge of the State House.

Representative McNamara introduces his intern, Estafan Rojas, a student at Providence College to the House Chamber.

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

Representative Kennedy announces that the Joint Committee on Health Care Oversight will meet tomorrow at 2:30 P.M., in Room 313 of the State House.

Majority Leader Mattiello wishes Frank McCabe, House clerk a Happy and Healthy Birthday.

GUESTS

Representative Messier welcomes to the House Chamber as guests student officers of the East Providence High School and East Providence Career Technical Center-Chapter of DECOA- Daniel Isabel, Ryan Brown, Andrew Butler, along with his parents-Mr. & Mrs. John Butler, Chrystine Caffrey and Patricia Dionne.

PERSONAL PRIVILEGE

Representative MacBeth rises on a point of personal privilege in regards to a newspaper article in the New York Times.

ADJOURNMENT

At 4:50 o'clock P.M. on motion of Representative Dickinson, and as a further mark of respect to the memory of Milton Stanzler; seconded by Representatives Mattiello and Newberry the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX**INVOCATION****REPRESENTATIVE DAVID A. BENNETT**

Dear Lord: We thank you for giving us the opportunity to serve as public servants for this great state. As the days get longer, and the pressure of our legislative duties competes with our own personal lives, grant us the wisdom and patience to work together for the benefit of all our citizens. 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.

IN ORDER FOR WEDNESDAY, MARCH 14, 2012:**1. 2012-H 7394****BY** Corvese

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS

Committee on Labor recommends passage.

2. 2012-H 7510**BY** Lally

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS - REPORTING OF NEW HIRES

Committee on Labor recommends passage.

3. 2012-H 7562**BY** Cimini

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS - TEMPORARY DISABILITY INSURANCE

Committee on Labor recommends passage.

- 4. 2012-H 7563**
BY Cimini
ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS --
EMPLOYMENT SECURITY--BENEFITS

Committee on Labor recommends passage.

- 5. 2012-H 7612**
BY Williams
ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -
BOILER INSPECTION AND PRESSURE VESSELS

Committee on Labor recommends passage.

- 6. 2012-H 7759**
BY Carnevale
ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS --
EMPLOYMENT SECURITY

Committee on Labor recommends passage.

Francis McCabe
Clerk of the House

Wednesday, March 07, 2012