

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. 35

Wednesday, March 28, 2012

Thirty-fifth Day

The House of Representatives meets at the State House in Providence, Wednesday, March 28, 2012 and is called to order at 4:20 o'clock P.M., by the Honorable Gordon D. Fox, Speaker.

The roll is called and a quorum is declared present with 73 members present and 2 members absent as follows:

PRESENT - 73: 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, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Palumbo, Petrarca, Phillips, Reilly, Ruggiero, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

ABSENT - 2: Representatives Gordon, San Bento.

INVOCATION

The Honorable Speaker presents Representative Ruggiero 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 27, 2012 is approved.

ANNOUNCEMENT

Please be informed that Representative Dan Gordon will be unable to attend session today and tomorrow, March 29th.

NEW BUSINESS

House Bill No. 8003

BY Marcello, Williams

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - NURSING HOME ADMINISTRATORS (would allow an applicant for a nursing home administrator's license from another jurisdiction to qualify for a license in Rhode Island) {LC2304/1}
03/28/2012 Introduced, referred to House Corporations

House Resolution No. 8004

BY Lima, Gallison, Melo, Nunes, Ruggiero

ENTITLED, HOUSE RESOLUTION REINSTATING THE LIFE OF AND EXTENDING THE REPORTING DATE AND EXPIRATION DATES OF THE SPECIAL HOUSE COMMISSION TO EXAMINE THE ISSUE OF LICENSING BUILDERS AND CONTRACTORS {LC2142/1}
03/28/2012 Introduced, referred to House Corporations

House Bill No. 8005

BY Lally

ENTITLED, AN ACT RELATING TO RETIREMENT -- TOWNS AND CITIES (would provide that police and fire fighters who meet certain requirements could retire, but would not be able to collect a pension until the member reached his or her social security retirement age or age 67, whichever would come first) {LC2263/1}
03/28/2012 Introduced, referred to House Finance

House Bill No. 8006

(Governor)

BY Brien, Newberry

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- DISTRESSED COMMUNITIES (would extend to communities which have been determined to be highly distressed communities by reference to section 45-13-12 of the general laws additional authorization to act in modification of police and fire labor contracts) {LC2226/1}
03/28/2012 Introduced, referred to House Finance

House Bill No. 8007

(Governor)

BY Brien, Newberry

ENTITLED, AN ACT RELATING TO EDUCATION -- STATE AID PROGRAMS (would change the dates for payment of the state's share of the basic program for foundational level school support and approved expenditures) {LC2222/1}
03/28/2012 Introduced, referred to House Finance

House Bill No. 8008

(Governor)

BY Brien, Newberry

ENTITLED, AN ACT RELATING TO EDUCATION - SCHOOL COMMITTEES AND SUPERINTENDENTS - SCHOOL DISTRICT ACCOUNTING COMPLIANCE (would require all school districts, regional school districts, state schools, and charter schools to implement a budget model approved by the commissioner of education) {LC2224/1}

03/28/2012 Introduced, referred to House Finance

House Bill No. 8009

(Governor)

BY Brien, Newberry

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - CRITICAL PLAN EMPOWERMENT ACT - MUNICIPAL PENSIONS (would allow a municipality with a locally administered pension which is in critical status, to suspend future benefit adjustments to retirees after certain findings are made) {LC2088/1}

03/28/2012 Introduced, referred to House Finance

House Bill No. 8010

(Governor)

BY Brien, Newberry

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES (would prohibit municipal ordinances, collective bargaining agreements, and interest arbitration awards from providing employee retirement benefits which exceed the actuarial value of benefits afforded under the municipal employees retirement system) {LC2087/1}

03/28/2012 Introduced, referred to House Finance

House Bill No. 8011

(Governor)

BY Brien, Newberry

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- ACCIDENTAL DISABILITY ALLOWANCE (would permit municipalities to provide accidental disability pensions of 50% of salary if the employee is not permanently and totally disabled and 66 2/3% of salary if the employee is permanently and totally disabled) {LC2223/1}

03/28/2012 Introduced, referred to House Finance

House Bill No. 8012

(Governor)

BY Brien, Newberry

ENTITLED, AN ACT RELATING TO EDUCATION -- FOUNDATION LEVEL SCHOOL SUPPORT (would provide supplemental appropriations made by a city, town or regional school district appropriating authority for payment of past annual expenditures would not be used in the computation of maintenance of effort requirements under section 16-7-4 23) {LC2225/1}

03/28/2012 Introduced, referred to House Finance

House Bill No. 8013

BY Winfield, Petrarca

ENTITLED, AN ACT RELATING TO INSURANCE - ACCIDENT AND SICKNESS
INSURANCE POLICIES (would provide for the safe disposal of human waste which may be contaminated by toxic chemicals present during the administration of chemotherapy with the expense to be paid by Medicare, Medicaid or private insurance) {LC2111/1}
03/28/2012 Introduced, referred to House H.E.W.

House Bill No. 8014

BY Serpa

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- SALE OR ADOPTION OF SPAYED OR NEUTERED CATS (would impose a fine of \$300 to be paid to the state department of environmental management on any licensed releasing agency offering unspayed or unneutered cats for sale or adoption) {LC2216/1}
03/28/2012 Introduced, referred to House Judiciary

House Resolution No. 8015

BY Kennedy, Fox, Mattiello, Coderre, Baldelli-Hunt

ENTITLED, HOUSE RESOLUTION COMMEMORATING THE 100TH ANNIVERSARY OF FENWAY PARK, HOME OF THE BOSTON RED SOX {LC2213/1}

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

There is no objection.

Read and passed, on a motion of Representative Kennedy seconded by Representatives Mattiello, Coderre, Baldelli-Hunt, Schadone, Brien, Lally, Keable, Reilly, Costa, Ferri, Messier, Phillips and Johnston by unanimous consent, on a voice vote.

House Bill No. 8016

BY Martin

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Kevin Pendergast to join Jessica Michelle Gruber and Ricardo Ramos in marriage within the City of Newport, Rhode Island, on or about April 14, 2012.) {LC2325/1}

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

There is no objection.

Read and passed, on a motion of Representative Martin seconded by Representatives Mattiello, Ucci and Handy on a roll call vote, 66 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 66: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Cimini, Corvese, DaSilva, DeSimone, Diaz, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Flaherty, Gallison, 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, Palumbo, Petrarca, Phillips, Reilly, Ruggiero, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Williams, Winfield.

NAYS - 0.

COMMUNICATION FROM THE SENATE

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

Senate Bill No. 2245 SUB A as amended

BY DaPonte

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - STATE POLICE (would increase the amount of service credit time a member of the state police may purchase for active military service from 2 years to 4 years and would allow credit for certain leaves of absence.) {LC873/A/2}

03/28/2012 Referred to House Finance

Senate Resolution No. 2750

BY Gallo, Paiva Weed

ENTITLED, JOINT RESOLUTION CREATING THE SENATOR CLAIBORNE PELL LEGISLATIVE COMMISSION ON THE HUMANITIES (would create a 12 member special legislative commission whose purpose it would be to examine the state of the humanities in Rhode Island, and who would report back annually to the general assembly.) {LC2153/1}

03/28/2012 Referred to House H.E.W.

Senate Bill No. 2301 SUB A

BY Fogarty, Ruggerio, McCaffrey, Bates, Goodwin

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS - RHODE ISLAND UNINSURED EMPLOYERS FUND (would provide that commencing in fiscal year ending June 30, 2013, the general assembly may appropriate up to \$2,000,000 for deposit into the uninsured employers fund.) {LC854/A/1}

03/28/2012 Referred to House Labor

CALENDAR

From the Calendar are taken:

IN ORDER FOR WEDNESDAY, MARCH 28, 2012:

1. 2012-H 8002**BY** Handy**ENTITLED, HOUSE RESOLUTION PROCLAIMING MARCH 28, 2012, AS
"SOCIAL WORK EDUCATION DAY" IN THE STATE OF RHODE ISLAND**

Ordered on the Calendar

Representative Handy moves passage of the resolution, seconded by Representatives Ajello, Valencia, Cimini, Phillips, Walsh, Tomasso, Mattiello, Ruggiero, Coderre, Medina, Martin, Ferri, Bennett, Hull and Azzinaro.

Read and passed, on a roll call vote, 62 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 62: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, Chippendale, Cimini, Coderre, Corvese, Costa, Dickinson, Edwards, Ehrhardt, Fellela, Ferri, Gallison, Guthrie, Handy, Hearn, Hull, Jackson, Johnston, Kennedy, Lima, MacBeth, Malik, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Petrarca, Phillips, Reilly, Ruggiero, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Valencia, Walsh, Williams, Winfield.

NAYS - 0.

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
HOUSE OF REPRESENTATIVES****STATEMENT OF CONFLICT OF INTEREST PURSUANT TO RIGL 36-14-6**

I, Peter Petrarca, State Representative, District 44, 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: 2012H 7692

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

Affects a business interest

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.

PETER PETRARCA
REPRESENTATIVE

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

Subscribed and sworn to under the penalties for perjury before me this 28th day of March, 2012.

MICHAEL R. EGAN
NOTARY PUBLIC

Representative Petrarca 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

2. 2012-H 7692

BY Corvese

**ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -
AUTOMOBILE BODY REPAIR SHOPS**

Committee on Corporations recommends passage.

Representative Kennedy moves passage of the act, seconded by Representatives Corvese, McLaughlin, Medina, Johnston and Phillips.

Representatives Kennedy and Watson discuss the act.

Representative Ucci rises on a point of order for Representative Watson to speak to the merits of the act. The Honorable Speaker Fox rules for Representative Watson to speak germane to the act.

Representatives Watson, McLaughlin, Menard and DaSilva continue discussion on the act.

Read and passed, on a roll call vote, 69 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 69: 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, Lima, MacBeth, Malik, Marcello, Martin, Mattiello, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Palumbo, Phillips, Reilly, Ruggiero, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Trillo, Ucci, Valencia, Walsh, Williams, Winfield.

NAYS - 1: Representative Watson.

3. 2012-H 7730 SUB A

BY Melo

**ENTITLED, JOINT RESOLUTION APPROVING THE ISSUANCE OF HARBOR,
PIER, AND PORT REVENUE BONDS BY THE RHODE ISLAND ECONOMIC
DEVELOPMENT CORPORATION FOR PURPOSES OF FINANCING**

IMPROVEMENTS IN AND AROUND THE PORT OF DAVISVILLE

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

Representative Melo moves passage of the resolution, seconded by Representatives Tanzi, Walsh, Valencia, Ruggiero, Mattiello, Tomasso, Slater Gallison, Azzinaro, Costa, Ehrhardt, Savage and Bennett.

Representatives Trillo, Ehrhardt and Ruggiero discuss the resolution.

The bill marked Substitute "A" is read and passed and the original bill indefinitely postponed, on a roll call vote, 71 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 71: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, 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, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Palumbo, Petrarca, Phillips, Reilly, Ruggiero, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Ucci, Valencia, Walsh, Watson, Williams, Winfield.

NAYS - 1: Representative Trillo.

4. 2012-H 7623

BY Diaz

ENTITLED, HOUSE RESOLUTION HONORING CÉSAR ESTRADA CHÁVEZ
(1927-1993)

Committee on Municipal Government recommends passage.

Representative Brien moves passage of the resolution, seconded by Representatives Diaz, Dickinson, Ajello, Bennett, McLaughlin, Silva, Edwards, Guthrie, Hull, McNamara, McCauley, Kennedy, Medina, Cimini and Valencia.

Read and passed, on a roll call vote, 69 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 69: The Honorable Speaker Fox and Representatives Ajello, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Brien, Carnevale, 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, Marcello, Martin, Mattiello, McCauley, McLaughlin, McNamara, Medina, Melo, Menard, Messier, Morgan, Morrison, Naughton, Newberry, Nunes, O'Grady, O'Neill, Palumbo, Petrarca, Phillips, Reilly, Ruggiero, Savage, Schadone, Serpa, Silva, Slater, Tanzi, Tarro, Tomasso, Ucci, Valencia, Walsh, Williams.

NAYS - 1: Representative Trillo.

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 Diaz announces that the Committee on Health, Education and Welfare will meet at the rise of the House, in Room 313 of the State House.

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

Representative Gallison announces that the Committee on Veterans Affairs will meet at the rise of the House, in Room 135 of the State House.

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

Representative Valencia announces that the Committee on Finance will meet tomorrow at 1:00 P.M., in Room 35 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.

GUESTS

Representative Handy welcomes to the House Chamber as guests Tom Mack, Wen McKinney and Jenny Norris, Masters of Social Work Students at Rhode Island College School of Social Work.

ADJOURNMENT

At 5:09 o'clock P.M. on motion of Representative Cimini, and as a further mark of respect to the memory of Loni McGrath; seconded by Representatives Mattiello and Newberry the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE DEBORAH RUGGIERO

Almighty God please grant us the grace and wisdom necessary to help us make our decisions based on your teachings of love, respect and compassion for all. Amen

APPENDIX

CALENDAR

IN ORDER FOR THURSDAY, MARCH 29, 2012:

1. 2012-H 7766

BY Reilly

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- SOVEREIGNTY AND JURISDICTION OF STATE

Committee on Municipal Government recommends passage.

2. 2012-H 7882

BY McCauley

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - OPERATION OF A STATE HOUSE VISITOR CENTER

Committee on Municipal Government recommends passage.

3. 2012-H 7429

BY Walsh

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- NEW SHOREHAM WARDEN'S COURT

Committee on Municipal Government recommends passage.

4. 2012-H 7512

BY Brien

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - COURTESY PLATES

Committee on Municipal Government recommends passage.

IN ORDER FOR TUESDAY, APRIL 03, 2012:

1. 2012-H 7471

BY Petrarca

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES

Committee on Municipal Government recommends passage.

2. 2012-H 7904

BY Silva

**ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL
LICENSES**

Committee on Municipal Government recommends passage.

3. 2012-S 2228

BY Ruggerio

**ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS --
EMPLOYMENT SECURITY**

Committee on Labor recommends passage in concurrence.

Francis McCabe

Clerk of the House

Wednesday, March 28, 2012