

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 first day of January in the year of Our Lord two thousand and thirteen.

Volume 140, No. 13

Wednesday, January 30, 2013

Thirteenth Day

The House of Representatives meets at the State House in Providence, Wednesday, January 30, 2013 and is called to order at 4:18 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 Ackerman, Ajello, Almeida, Amore, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Canario, Carnevale, Casey, Chippendale, Cimini, Coderre, Corvese, Costa, Costantino, Craven, DeSimone, Diaz, Dickinson, Edwards, Fellela, Ferri, Finn, Gallison, Giarrusso, Guthrie, Handy, Hearn, Hull, Jacquard, Johnston, Kazarian, Keable, Kennedy, Lally, Lima, Lombardi, MacBeth, Malik, Marcello, Marshall, Martin, Mattiello, McLaughlin, McNamara, Melo, Messier, Morgan, Naughton, Newberry, Nunes, O'Brien, O'Grady, O'Neill, Palangio, Palumbo, Phillips, Ruggiero, San Bento, Serpa, Shekarchi, Silva, Slater, Tanzi, Tomasso, Trillo, Ucci, Valencia, Walsh, Williams, Winfield.

ABSENT - 1: Representative Abney.

INVOCATION

The Honorable Speaker presents Representative Costa 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, January 29, 2013 is approved.

REPORTS OF COMMITTEE**COMMITTEE ON JUDICIARY**

Representative Ajello, for the Committee on Judiciary, reports back the following measures, with recommendation of passage:

House Bill No. 5142**BY** Keable

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Jesse Maynard to join Ashley Maynard and Gregory McVeigh in marriage on or about July 13, 2013, within the Village of Pascoag, Rhode Island) {LC614/1}
01/30/2013 Placed on the House Consent Calendar

House Bill No. 5143**BY** Ruggiero

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow The Honorable M. Aida Ciro to join Sherri Span and William Hanningan in marriage within the Town of Jamestown, Rhode Island, on or about July 6, 2013) {LC530/1}
01/30/2013 Placed on the House Consent Calendar

House Bill No. 5144**BY** Ruggiero

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Ross Bluestein to join Jessica Cerullo and David Merrill in marriage within the Town of Jamestown, Rhode Island, on or about September 7, 2013) {LC602/1}
01/30/2013 Placed on the House Consent Calendar

NEW BUSINESS**House Bill No. 5190****BY** Nunes, Tanzi, Marcello, Keable, Costantino

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - MANUFACTURING AND WHOLESALE LICENSES (would amend the current law so that a farmer-winery and a farmer-brewery may, under certain conditions, be licensed to sell wine/beer for off-premises consumption at a farmers' market, similar to that permitted in Massachusetts) {LC129/1}
01/30/2013 Introduced, referred to House Corporations

House Bill No. 5191**BY** Shekarchi

ENTITLED, AN ACT RELATING TO PARKS AND RECREATIONAL AREAS (would provide for the establishment of one four-wheel drive (4x4) trail on state owned land) {LC437/1}
01/30/2013 Introduced, referred to House Environment and Natural Resources

House Bill No. 5192**BY** Chippendale, Morgan, Newberry, Trillo, Giarrusso**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - ORDINANCES (would prohibit cities and towns from enacting ordinances which are more restrictive than regulations established and enforced by the department of environmental management or the coastal resources management council) {LC623/1}

01/30/2013 Introduced, referred to House Environment and Natural Resources

House Bill No. 5193**BY** Amore, Melo, Kazarian**ENTITLED**, AN ACT RELATING TO EDUCATION -- CHILDREN WITH DISABILITIES (would provide that for any child attending the East Providence campus of Bradley Hospital, the child's residence district and/or sending district would be responsible for payments to Bradley Hospital) {LC762/1}

01/30/2013 Introduced, referred to House Finance

House Bill No. 5194**BY** Serpa, Silva, McNamara, Shekarchi, Morgan**ENTITLED**, AN ACT RELATING TO TAXATION - PERSONAL INCOME TAX (would provide for a capital gains tax exemption with respect to investments made in Rhode Island businesses) {LC593/1}

01/30/2013 Introduced, referred to House Finance

House Bill No. 5195**BY** McNamara, Corvese, Bennett, Palumbo, Serpa**ENTITLED**, AN ACT RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND HOSPITALS - DIVISION OF DEVELOPMENTAL DISABILITIES (would require that the executive director of the dept of behavioral healthcare, developmental disabilities and hospitals to promulgate/adopt a reimbursement system at a rate prescribed by current state law) {LC555/1}

01/30/2013 Introduced, referred to House Finance

House Bill No. 5196**BY** Guthrie, Bennett, Dickinson, Tanzi, Casey**ENTITLED**, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX (require that general revenue sharing with cities/towns not be less than \$65,111,876/impose a 2% tax increase for personal income over \$250,000 for residents, non-residents, including estates and credits and other special rates for other types of income) {LC499/1}

01/30/2013 Introduced, referred to House Finance

House Bill No. 5197**BY** Costa, Canario, Newberry, Chippendale, Bennett**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - ADMINISTRATION OF STATE DEPARTMENTS (would prevent any agency or quasi-public agency charged with collecting fees for the issuance or renewal of a license from restricting the form of payment which the licensee chooses to employ) {LC390/1}

01/30/2013 Introduced, referred to House Finance

House Resolution No. 5198**BY** Newberry, Costa, Giarrusso, Chippendale, Morgan**ENTITLED**, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (GENERAL ASSEMBLY) {LC801/1}

01/30/2013 Introduced, referred to House Finance

House Bill No. 5199**BY** Carnevale, Guthrie, Johnston, Hull, Jacquard**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - OPTIONAL RETIREMENT FOR MEMBERS OF POLICE FORCE AND FIRE FIGHTERS (would remove the requirement that police and fire fighters reach the age of fifty-five (55) before retiring on service allowance) {LC635/1}

01/30/2013 Introduced, referred to House Finance

House Bill No. 5200**BY** Newberry, Chippendale, Trillo, Giarrusso**ENTITLED**, AN ACT RELATING TO TAXATION -- FRANCHISE TAX (would eliminate the franchise fee paid annually by corporations) {LC520/1}

01/30/2013 Introduced, referred to House Finance

House Bill No. 5201**BY** Trillo, Newberry, Chippendale, Giarrusso, Costa**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - DIVISION OF FIRE SAFETY (would repeal the existing fee structure schedule for plan review by the state fire marshal's office of fire safety code plans and replace it with a fee structure based on cost of construction under and over \$20,000) {LC643/1}

01/30/2013 Introduced, referred to House Finance

House Bill No. 5202**BY** Newberry, Costa, Giarrusso, Chippendale, Morgan**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY -- JOINT COMMITTEE ON LEGISLATIVE SERVICES (require senators/representatives to pay a share for their health insurance equal to 20% of the cost/prohibit payment for waiving health insurance benefits/prevent those who have similar state/municipality benefit to forego emolument in lieu thereof) {LC800/1}

01/30/2013 Introduced, referred to House Finance

House Bill No. 5203**BY** Canario, Edwards, Finn, Gallison, Ferri**ENTITLED**, AN ACT RELATING TO EDUCATION - THE EDUCATION EQUITY AND PROPERTY TAX RELIEF ACT (would limit the amount by which schools providing special education services to students from other districts, including, but not limited to, private schools providing special education services, could raise their fees for providing said services) {LC767/1}

01/30/2013 Introduced, referred to House Finance

House Bill No. 5204**BY** McNamara, Bennett, Palumbo, Serpa, Malik**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - STATE PALLIATIVE CARE AND QUALITY OF LIFE ACT (would establish the "RI Palliative Care and Quality of Life Interdisciplinary Advisory Council" within the department of health and would require healthcare organizations to provide information about palliative care to appropriate patients) {LC393/1}

01/30/2013 Introduced, referred to House H.E.W.

House Bill No. 5205**BY** Kennedy, Coderre, Williams, Palumbo, Chippendale**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) {LC488/1}

01/30/2013 Introduced, referred to House Judiciary

House Bill No. 5206

(by request)

BY Edwards**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES (would give the division of motor vehicles the ability to grant a conditional work license to offenders who have had not more than two (2) convictions in driving under the influence cases) {LC759/1}

01/30/2013 Introduced, referred to House Judiciary

House Bill No. 5207**BY** Edwards, Canario, Newberry, Ucci, Azzinaro**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY - JOINT COMMITTEE OF THE REPEALER (would create the joint committee of the repealer to compile suggestions for repeal of statutes, regulations, and executive orders received from citizens, businesses, and government agencies) {LC761/1}

01/30/2013 Introduced, referred to House Judiciary

House Bill No. 5208**BY** Diaz, Slater, Ajello, Cimini, Valencia**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- POSSESSION OF FIREARMS BY MINORS (would deem the possession of any firearm by a minor unlawful unless the minor holds a proper permit and unless the minor is in the presence of a parent or guardian or supervising adult at all times) {LC280/1}

01/30/2013 Introduced, referred to House Judiciary

House Bill No. 5209**BY** Newberry**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Jacob Robert Atteridge to join Kayla Marie Davis and Erik Thomas Rambacher in marriage on

or about September 21, 2013, within the Village of Pascoag, Rhode Island) {LC766/1}
01/30/2013 Introduced, referred to House Judiciary

House Bill No. 5210

BY Chippendale, Costa, Serpa, Nunes, Tomasso

ENTITLED, AN ACT IN AMENDMENT OF AN ACT PASSED AT THE JANUARY SESSION A.D. 1942 ENTITLED "AN ACT TO INCORPORATE THE WESTERN COVENTRY FIRE DISTRICT" {LC744/1}

01/30/2013 Introduced, referred to House Municipal Government

House Resolution No. 5211

BY Chippendale, Gallison, Winfield, Marshall, Keable

ENTITLED, HOUSE RESOLUTION CONGRATULATING RUBY COX ON THE CELEBRATION OF HER ONE HUNDRED AND NINTH BIRTHDAY {LC792/1}

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

There is no objection.

Read and passed, on a motion of Representative Chippendale seconded by Representatives Gallison, Winfield, Marshall and Keable by unanimous consent, on a voice vote.

CALENDAR

From the Calendar are taken:

IN ORDER FOR WEDNESDAY, JANUARY 30, 2013:**1. 2013-H 5016**

BY Mattiello

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF MICHAEL J. HAYDEN, D.O., INC.

Committee on Corporations recommends passage.

Representative Kennedy moves passage of the act, seconded by Representatives Nunes and Ucci.

Read and passed, on a roll call vote, 69 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 69: The Honorable Speaker Fox and Representatives Ackerman, Ajello, Almeida, Amore, Azzinaro, Baldelli-Hunt, Bennett, Blazejewski, Canario, Carnevale, Casey, Chippendale, Cimini, Coderre, Corvese, Costa, Costantino, Craven, DeSimone, Dickinson, Edwards, Fellela, Ferri, Finn, Gallison, Giarrusso, Guthrie, Handy, Hearn, Hull, Johnston, Kazarian, Keable, Kennedy, Lally, Lombardi, MacBeth, Malik, Marcello, Martin, Mattiello, McLaughlin,

McNamara, Melo, Messier, Morgan, Naughton, Newberry, Nunes, O'Grady, O'Neill, Palangio, Palumbo, Phillips, Ruggiero, San Bento, Serpa, Shekarchi, Silva, Slater, Tanzi, 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 Chippendale wishes his constituent, Lynn Poirier's grandmother, Rubye Cox a Happy "109th" Birthday tomorrow, January 31st. (for Representative Chippendale's remarks see appendix of this Journal)

Representative McLaughlin recognizes during Catholic School Week, St. Margaret's in East Providence for their efforts with the homeless.

Representative DeSimone announces that the Committee on Municipal Government will meet at the rise of the House, in Room 203 of the State House.

Representative Ferri introduces his intern, Dwayne Parris a senior at Brown University.

Representative Azzinaro announces that the Committee on Health, Education and Welfare will meet at the rise of the House, in Room 135 of the State House.

Representative Handy introduces his intern, Max Ernst a student at Brown University.

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 meet at the rise of the House, in Room 35 of the State House.

Representative Corvese announces that the Committee on Oversight will meet tomorrow, at the rise of the House, in Room 135 of the State House.

ADJOURNMENT

At 4:34 o'clock P.M. on motion of Representative Casey, and as a further mark of respect to the memory of Paul G. Guilbert; on motion of Representative Messier and as a further mark of respect to the memory of Charles Kelley; on motion of Representatives Craven and Tanzi and as a further mark of respect to the memory of Gloria Spears; on motion of Representative Azzinaro, and as a further mark of respect to the memory of James Lepico; seconded by Representatives Mattiello and Newberry the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE DOREEN M. COSTA

Dear God, we are grateful for the privilege of serving in this House of Representatives. Keep us ever mindful that we are here to serve those who elected us and all of the people of Rhode Island. Amen.

APPENDIX

CALENDAR

IN ORDER FOR THURSDAY, JANUARY 31, 2013:

1. 2013-H 5099

BY Palumbo

ENTITLED, JOINT RESOLUTION CREATING A SPECIAL JOINT COMMISSION TO STUDY THE QUALITY OF LIFE AND CREATE POSITIVE OUTCOMES FOR INDIVIDUALS WITH AUTISM IN THE STATE OF RHODE ISLAND

Committee on Health, Education & Welfare recommends passage.

Francis McCabe
Clerk of the House

Tuesday, January 29, 2013

APPENDIX

CONSENT CALENDAR

IN ORDER FOR TUESDAY, FEBRUARY 05, 2013:

1. **2013-H 5142**
 BY Keable
 ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

 Committee on Judiciary recommends passage.

2. **2013-H 5143**
 BY Ruggiero
 ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

 Committee on Judiciary recommends passage.

3. **2013-H 5144**
 BY Ruggiero
 ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

 Committee on Judiciary recommends passage.

Francis McCabe
Clerk of the House

Wednesday, January 30, 2013

APPENDIX**Representative Chippendale's Remarks**

Charlie and Lynn Poirier

Lynn Poirier's grandmother Rubye Cox was born in Arkansas on January 31, 1904-she shares her birth year with the year the Rhode Island State House was first opened to the public as our capitol building.

Mrs. Cox moved to Muskogee, Oklahoma in a covered wagon as a young girl.

Worked in a library to put herself through college to become a teacher and taught in a one-room school house

Rubye and her husband ran a small grocery store from 1931 until they retired in 1967.

They were the type of people who were gifted in hospitality and would extend credit to poor customers during the Depression and always be a strong part of their community.

Mrs. Cox has strong recollection of actually living through what those of us in this room can only claim to have read about, and that is the "Dust Bowl", one of the worst man-made ecological disasters of the past two centuries.

Mrs. Cox moved to Bristol, RI to live with her daughter in 2002 and has lived at Silver Creek Nursing Home in Bristol since 2006.

In her earlier years, Mrs. Cox was;

- An avid flower gardener,
- A member of a lady's missionary group, constantly welcoming and feeding anyone who came through the church-missionaries, including students and traveling pastors,
- She is great woman of faith, and a Sunday School teacher and superintendent for 40 years, and loves to tell you who she has read the entire Bible through and through many, many times.
- Mrs. Cox was a true patriotic American who was very vocal about voting and always encouraged young people to exercise their voting rights.

As amazing as it may seem to know Mrs. Cox at the age of 109 years, it's quite incredible to learn that she has two little sisters; Ruth, 103; and Rose, 100.

If you ask Rubye how they've managed to live such long lives she'll tell you the simple formula is "faith, prayer, and no carousing."