

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 nineteen.

Volume 146, No. 16

Wednesday, February 6, 2019

Sixteenth Day

The House of Representatives meets at the State House in Providence, Wednesday, February 6, 2019 and is called to order at 4:14 o'clock P.M., by the Honorable Nicholas A. Mattiello, 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 Mattiello and Representatives Abney, Ackerman, Ajello, Almeida, Alzate, Amore, Azzinaro, Barros, Bennett, Blazejewski, Caldwell, Canario, Carson, Casey, Casimiro, Cassar, Chippendale, Cortvriend, Corvese, Costantino, Craven, Donovan, Edwards, Fellela, Filippi, Handy, Hawkins, Hull, Jackson, Jacquard, Johnston, Kazarian, Kennedy, Kislak, Knight, Lima, Lombardi, Lyle, Maldonado, Marshall, Marszalkowski, McEntee, McKiernan, McLaughlin, McNamara, Mendez, Messier, Millea, Nardone, Newberry, Noret, O'Brien, Phillips, Place, Price, Quattrocchi, Ranglin-Vassell, Roberts, Ruggiero, Serodio, Serpa, Shanley, Shekarchi, Slater, Solomon, Tanzi, Tobon, Ucci, Vella-Wilkinson, Walsh, Williams.

ABSENT – 3: Representatives Diaz, Fogarty, Morin.

INVOCATION

The Honorable Speaker presents Representative Caldwell 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, February 5, 2019, is approved.

ANNOUNCEMENTS

Representative Kathleen Fogarty is unable to attend session today, Wednesday, February 6, 2019.

Representative Michael Morin is unable to attend session today, Wednesday, February 6, 2019.

Representative Grace Diaz is unable to attend session today, Wednesday, February 6, 2019.

COMMUNICATION FROM THE SENATE

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

Senate Bill No. 75

BY DiPalma

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Allows Daniel R. Baker to join Christy Caroline Baker and Amber Lynn Stewart in marriage on or about August 25, 2019, within the City of Newport, Rhode Island.) {LC682/1}

02/06/2019 Referred to House Judiciary

Senate Bill No. 87

BY Lynch Prata

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Allows Dina Spaziano to join Lauren Ann Garrity and Richard James Duquette in marriage on or about October 26, 2019, within the City of Warwick, Rhode Island.) {LC96/1}

02/06/2019 Referred to House Judiciary

NEW BUSINESS**House Bill No. 5286**

BY Casimiro, Shekarchi, Alzate, Kazarian, Maldonado

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY - JURY LISTS (Provides an exemption from jury service to any breastfeeding mother.) {LC1221/1}

02/06/2019 Introduced, referred to House Judiciary

House Bill No. 5287

BY Shekarchi, McKiernan, O'Brien, Slater, Diaz

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- NON-ERISA COVERED PENSION PLANS (Requires that all defined pension plans which are not covered by the ERISA and have at least two hundred (200) members, comply with ERISA's annual reporting provisions.) {LC1206/1}

02/06/2019 Introduced, referred to House Judiciary

House Bill No. 5288**BY** Blazejewski, Kazarian, Casimiro, Marszalkowski, Alzate**ENTITLED**, AN ACT RELATING TO DOMESTIC RELATIONS - DOMESTIC ABUSE PREVENTION (Allows family court plaintiffs to seek domestic abuse protective order of minor children not related to the defendant by blood or marriage rather than in district or superior court.) {LC1030/1}

02/06/2019 Introduced, referred to House Judiciary

House Bill No. 5289**BY** McNamara, Ajello, Jackson, Ackerman, Amore**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - APPROPRIATE DISABILITY LANGUAGE (Ensures appropriate disability language is used in all job descriptions and statutes.) {LC1158/1}

02/06/2019 Introduced, referred to House Judiciary

House Bill No. 5290**BY** Slater**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS -- THE EDWARD O. HAWKINS AND THOMAS C. SLATER MEDICAL MARIJUANA ACT (Prevents employers from refusing to hire or discriminating against individuals for marijuana use and positive test results.) {LC672/1}

02/06/2019 Introduced, referred to House Judiciary

House Bill No. 5291**BY** Nardone, Filippi, Lyle, Quattrocchi, Price**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - STATE REGISTER (Requires secretary of state to collect/publish governor's executive orders on website arranged by topic rather than in numerical/chronological order.) {LC986/1}

02/06/2019 Introduced, referred to House Judiciary

House Bill No. 5292**BY** Solomon, Blazejewski, Barros, Phillips, Hawkins**ENTITLED**, AN ACT RELATING TO ELECTIONS -- CONDUCT OF ELECTION AND VOTING EQUIPMENT, AND SUPPLIES (Creates a process for in-person early voting to be conducted at locations determined by local boards and approved by the state board and would amend provisions related to mail ballots.) {LC1215/1}

02/06/2019 Introduced, referred to House Judiciary

House Bill No. 5293**BY** Canario, Edwards, Donovan, Johnston, Cortvriend**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES-MOTOR VEHICLE OFFENSES (Imposes \$300 substance abuse education assessment for conviction of driving under the influence or a violation for refusal to submit to a breathalyzer. Funds would be allocated to department of behavioral health and used to fund substance abuse programs.) {LC1258/1}

02/06/2019 Introduced, referred to House Judiciary

House Bill No. 5294**BY** Slater, Diaz, Cassar**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- EXPUNGEMENT OF CRIMINAL RECORDS (Allows persons with multiple misdemeanors and felonies to seek expungement of up to six convictions provided that convictions for multiple alcohol related offenses or domestic violence offenses and crime of violence are not eligible.) {LC669/1}

02/06/2019 Introduced, referred to House Judiciary

House Bill No. 5295**BY** Ucci, Corvese**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Allows Janine Hesford to join Sabra M. Lepore and Ralph E. Orlandi in marriage on or about May 4, 2019, within the Town of Lincoln, Rhode Island.) {LC1263/1}

02/06/2019 Introduced, referred to House Judiciary

House Bill No. 5296**BY** Edwards, Shekarchi, Bennett, Canario, Jacquard**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- PHARMACIES (Provides that pharmacists shall disclose lesser price drug substitutions unless directed otherwise by the doctor. Exempts pharmacists automatically charging the lowest available price.) {LC1228/1}

02/06/2019 Introduced, referred to House H.E.W.

House Bill No. 5297**BY** McNamara, Jackson, Amore, Serodio, Noret**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- ANIMAL CARE (Regulates unlicensed animal care providers by subjecting them to inspection by DEM or RISPCA for animal care facilities violations with \$350 civil fine per day for denial of access to premises and grants access issuance of search warrant.) {LC373/1}

02/06/2019 Introduced, referred to House H.E.W.

House Bill No. 5298**BY** McNamara, Jackson, Amore, Ackerman, Corvese**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - NURSE ANESTHETISTS (Permits a registered nurse who is enrolled in an accredited nurse anesthesia program to practice as a nurse anesthetist under the supervision of a certified registered nurse anesthetist or an anesthesiologist.) {LC232/1}

02/06/2019 Introduced, referred to House H.E.W.

House Bill No. 5299**BY** Hawkins, Lima, Phillips, Noret, Serodio**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES - EQUAL RIGHTS OF BLIND AND DEAF PERSONS TO PUBLIC FACILITIES (Prohibits misrepresentation of the status of an animal as a service animal in order to acquire any right or privilege afforded disabled persons.) {LC1237/1}

02/06/2019 Introduced, referred to House H.E.W.

House Bill No. 5300**BY** Diaz, Maldonado, Ranglin-Vassell, Ajello, Noret**ENTITLED**, AN ACT RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS

(Provides students attending public schools enrolled in grades K-12 with a student's bill of rights prohibiting discrimination based on race, sex, gender, economic status or mental, physical, developmental or sensory disabilities.) {LC1013/1}

02/06/2019 Introduced, referred to House H.E.W.

House Bill No. 5301**BY** Diaz, Bennett, McLaughlin**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - PUBLIC HEALTH AND

WORKPLACE SAFETY ACT (Provides that any law or regulations which prohibits or protects a person from exposure to second-hand smoke would include second-hand marijuana smoke.)

{LC1157/1}

02/06/2019 Introduced, referred to House H.E.W.

House Resolution No. 5302**BY** Carson, Kazarian, Newberry**ENTITLED**, HOUSE RESOLUTION AMENDING THE RULES OF THE HOUSE OF

REPRESENTATIVES FOR THE YEARS 2019-2020 (Requires that all legislative grants allocated to the senate be distributed in accordance with the rules of the Senate and that all legislative grants allocated to the House of Representatives be divided equally among the (75) legislative districts.)

{LC1242/1}

02/06/2019 Introduced, referred to House Rules Committee

House Bill No. 5303**BY** Casey, Morin, Vella-Wilkinson, Azzinaro, Tobon**ENTITLED**, AN ACT RELATING TO TAXATION - PROPERTY SUBJECT TO TAXATION-

VETERANS' EXEMPTIONS (Gives cities and towns the option of entirely exempting the homestead of a disabled veteran or their surviving spouse from taxation.) {LC665/1}

02/06/2019 Introduced, referred to House Municipal Government

House Bill No. 5304**BY** Fellela, Ucci, Mendez, Costantino**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - LOCAL PLANNING BOARD OR

COMMISSION (Authorizes the Johnston town council to appoint two (2) alternate members to the Johnston planning board.) {LC1159/1}

02/06/2019 Introduced, referred to House Municipal Government

House Bill No. 5305**BY** Williams, Blazejewski, Fellela, Ucci**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS - RHODE ISLAND

UNINSURED PROTECTION FUND (Extends the effective date of the Rhode Island Uninsured Protection Fund from February 1, 2019 to September 1, 2019.) {LC1185/1}

02/06/2019 Introduced, referred to House Labor

House Bill No. 5306**BY** Ruggiero, Casey, Amore, Cortvriend, Marszalkowski**ENTITLED**, AN ACT RELATING TO TAXATION - BUSINESS CORPORATION TAX (Exempts a corporation from the minimum corporate tax for the first two (2) years following the date of incorporation.) {LC1052/1}

02/06/2019 Introduced, referred to House Finance

House Bill No. 5307**BY** Ajello, Walsh, Vella-Wilkinson, Diaz, Alzate**ENTITLED**, AN ACT RELATING TO TAXATION - SALES AND USE TAXES - LIABILITY AND COMPUTATION (Exempts from the sales and use taxes products used for feminine hygiene in connection with the menstrual cycle.) {LC95/1}

02/06/2019 Introduced, referred to House Finance

House Resolution No. 5308**BY** Nardone, Place, Roberts, Price, Quattrocchi**ENTITLED**, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE GOVERNOR'S LINE-ITEM VETO (Proposed amendment to the Constitution would provide the governor with a line-item veto on the budget and other bills involving the appropriations of money, that can be overridden by a two-thirds vote by the House of Representatives.) {LC919/1}

02/06/2019 Introduced, referred to House Finance

House Bill No. 5309**BY** Nardone, Place, Quattrocchi, Lyle, Price**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- RHODE ISLAND COMMERCE CORPORATION (Limits the authority of the Rhode Island commerce corporation to finance any transaction to five million dollars (\$5,000,000) for any one individual, business entity or project.) {LC913/1}

02/06/2019 Introduced, referred to House Finance

House Bill No. 5310**BY** Quattrocchi, Roberts, Chippendale, Nardone, Filippi**ENTITLED**, AN ACT RELATING TO TAXATION -- ESTATE AND TRANSFER TAXES -- COMPUTATION (Increases net taxable estate exemption from \$850,000 to \$11,500,000 effective January 1, 2020.) {LC904/1}

02/06/2019 Introduced, referred to House Finance

House Bill No. 5311**BY** Quattrocchi, Filippi, Lyle, Nardone, Place**ENTITLED**, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX (Allows for modification reducing federal adjusted gross income by allowing up to fifteen thousand dollars (\$15,000) income from individual retirement accounts or 401K accounts to be subtracted from gross income.) {LC918/1}

02/06/2019 Introduced, referred to House Finance

House Bill No. 5312**BY** Quattrocchi, Nardone, Place, Lyle, Price**ENTITLED**, AN ACT RELATING TO TAXATION - ESTATE AND TRANSFER TAXES (Repeals the chapter regarding estate and transfer taxes thus eliminating these taxes.) {LC961/1}

02/06/2019 Introduced, referred to House Finance

House Bill No. 5313**BY** Casimiro, Noret, Carson, Solomon, Shanley**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - DUTIES OF UTILITIES AND CARRIERS (Requires issuance of utility bill credits to customers of electrical/gas/cable TV providers for service interruption for 168 hours within 30 day period.)

{LC1067/1}

02/06/2019 Introduced, referred to House Corporations

House Bill No. 5314**BY** Bennett, Handy, Ackerman, McNamara, Kislak**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS - SINGLE-USE PLASTIC STRAWS (Prohibits a food service establishment from providing a consumer with a single-use plastic straw unless requested by the consumer.) {LC1267/1}

02/06/2019 Introduced, referred to House Environment and Natural Resources

GUESTS

Leader Shekarchi welcomes to the House as guests from the New England Patriots Deatrich Wise and Derek Rivers and congratulates them and the entire New England Patriots Team on winning Super Bowl LIII.

NEW BUSINESS**House Resolution No. 5315****BY** Mattiello, Shekarchi, Lima, Filippi, Edwards**ENTITLED**, HOUSE RESOLUTION CONGRATULATING THE AMAZING NEW ENGLAND PATRIOTS ON WINNING SUPER BOWL LIII BY THE SCORE OF 13-3 OVER THE LOS ANGELES RAMS {LC1273/1}

With the agreement of the minority, Leader Shekarchi requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Leader Shekarchi seconded by Speaker Mattiello, Representative Lima, Leader Filippi, Representative Edwards and the entire House of Representatives by unanimous consent, on a voice vote.

NOW PRESIDING

At 4:25 o'clock P.M. the Honorable Speaker Mattiello yields the rostrum to Deatrich Wise and Derek Rivers.

Deatrich and Derek address the members of the House.

At 4:27 o'clock P.M. the Honorable Speaker Mattiello returns to the rostrum. Speaker Mattiello extends congratulations and thanks to Deatrich and Derek and the entire New England Patriot Champions.

CALENDAR

From the Calendar is taken:

IN ORDER FOR WEDNESDAY, FEBRUARY 6, 2019:**1. 2019-H 5117**

BY Ruggiero

ENTITLED, AN ACT VALIDATING AND RATIFYING AN AMENDMENT TO THE HOME RULE CHARTER OF THE TOWN OF MIDDLETOWN

Committee on Municipal Government recommends passage.

Chairman Solomon moves passage of the act, seconded by Representative Phillips, Leader Shekarchi, Representatives Abney, Vella-Wilkinson, Cortvriend, Tobon, Johnston, Barros, Ruggiero, and Carson.

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 Mattiello and Representatives Abney, Ackerman, Ajello, Alzate, Amore, Azzinaro, Barros, Bennett, Blazejewski, Caldwell, Canario, Carson, Casey, Casimiro, Cassar, Chippendale, Cortvriend, Corvese, Costantino, Craven, Donovan, Edwards, Fellela, Filippi, Handy, Hawkins, Hull, Jackson, Jacquard, Johnston, Kazarian, Kennedy, Kislak, Knight, Lima, Lombardi, Lyle, Maldonado, Marshall, Marszalkowski, McEntee, McKiernan, McLaughlin, McNamara, Mendez, Messier, Millea, Nardone, Newberry, Noret, O'Brien, Phillips, Place, Price, Quattrocchi, Ranglin-Vassell, Roberts, Ruggiero, Serodio, Serpa, Shanley, Shekarchi, Slater, Solomon, Tanzi, Tobon, Ucci, Vella-Wilkinson, Walsh, Williams.

NAYS - 0:

RECUSED - 0:

ANNOUNCEMENTS

Chairman Azzinaro announces that the Committee on Veterans' Affairs will meet tomorrow, at the rise of the House, in Room 135 of the State House.

Representative Kislak introduces to the House Chamber her intern, Jennifer Baldovin, a senior at Salve Regina University.

Representative Fellela welcomes House Page, Cooper Arnold from Johnston to the House.

Chairman Amore announces that the Committee on Small Business will meet today, at the rise of the House, in the House Lounge of the State House.

Vice Chairwoman McEntee announces that the Committee on Judiciary will meet today, at the rise of the House, in Room 205 of the State House.

Chairman Abney announces that the Committee on Finance will meet today, at the rise of the House, in Room 35 of the State House.

Vice Chairman Canario announces that the Committee on Health, Education and Welfare will meet today, at the rise of the House, in Room 101 of the State House.

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

Leader Shekarchi reminds members of the Legislative Reception today hosted by General Treasurer Seth Magaziner at the rise in Room 131.

TRANSMITTAL

By unanimous consent, all matters on the clerk's desk are ordered to be transmitted to Her Excellency, the Governor, to the Honorable Senate and the Honorable Secretary of State forthwith.

ADJOURNMENT

At 4:36 o'clock P.M. on motion of Representative Fellela, and as a further mark of respect to the memory of Mike C. Russo; seconded by Leaders Shekarchi and Filippi the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE JUSTINE A. CALDWELL

Dear Lord: When we neglect the great contributions and sacrifices of African Americans in our history we do a disservice to ourselves and our children. Help us to always recognize their contributions, and that by honoring them, we end up bettering ourselves. Amen

APPENDIX

CALENDAR

IN ORDER FOR THURSDAY, FEBRUARY 7, 2019:

1. **2019-S 182**
BY Raptakis
ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- ELECTION AND
QUALIFICATIONS OF OFFICERS

Committee on Judiciary recommends passage in concurrence.

Francis McCabe
Clerk of the House

Tuesday, February 5, 2019