

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 second day of January in the year of Our Lord two thousand and seven.

Volume 134, No. 7

Thursday, January 18, 2007

Seventh Day

The House of Representatives meets at the State House in Providence, Thursday, January 18, 2007 and is called to order at 4:30 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 66 members present and 9 members absent as follows:

PRESENT - 66: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Ucci, Vaudreuil, Watson, Williams, Winfield.

ABSENT - 9: Representatives Carter, Church, Jackson, Lewiss, Palumbo, Trillo, Walsh, Wasylyk, Williamson.

INVOCATION

The Honorable Speaker presents Representative Ucci 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 Wednesday, January 17, 2007 is approved as printed.

ANNOUNCEMENT

Representative Peter Lewiss will be unable to attend session Thursday, January 18, 2007. He is out of state on legislative business.

NEW BUSINESS**House Resolution No. 5101**

BY Gallison, Malik, Gablinske, Kilmartin, San Bento

ENTITLED, JOINT RESOLUTION GIVING STATE RECOGNITION FOR THE POKANOKET TRIBE OF THE WAMPANOAG NATION {LC26/1}

01/18/2007 Introduced, referred to House Constituent Services

House Bill No. 5102

BY Gallison, Gablinske, Brien, Baldelli-Hunt, Ajello

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS -- DECEPTIVE TRADE PRACTICES {LC28/1}

01/18/2007 Introduced, referred to House Corporations

House Bill No. 5103

BY Gemma, Petrarca, Picard, Mattiello, Ucci

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- IDENTITY THEFT PROTECTION {LC617/1}

01/18/2007 Introduced, referred to House Corporations

House Bill No. 5104

BY Corvese, Schadone, Malik, McNamara, San Bento

ENTITLED, AN ACT RELATING TO FUNERAL SERVICE ESTABLISHMENTS {LC67/1}

01/18/2007 Introduced, referred to House Corporations

House Bill No. 5105

BY Ucci, Kennedy, Fellela, Mattiello, Giannini

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS -- UNFAIR SALES PRACTICES {LC442/1}

01/18/2007 Introduced, referred to House Corporations

House Bill No. 5106

BY Lima, Petrarca, Naughton, Jacquard, Ucci

ENTITLED, AN ACT RELATING TO DECEPTIVE TRADE PRACTICES -- MODEL FAIR CONSUMER CONTRACTS ACT {LC46/1}

01/18/2007 Introduced, referred to House Corporations

House Bill No. 5107**BY** Naughton, Malik, McCauley, Church, Moffitt**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE RHODE ISLAND CARBON FUEL REDUCTION AND AIR POLLUTION CONTROL ACT {LC436/1}

01/18/2007 Introduced, referred to House Environment and Natural Resources

House Bill No. 5108**BY** Melo, Church, Pacheco, Fellela, Serpa**ENTITLED**, AN ACT RELATING TO SALES AND USE TAXES -- LIABILITY AND COMPUTATION {LC273/1}

01/18/2007 Introduced, referred to House Finance

House Bill No. 5109**BY** Carter, Ucci, Gallison, Malik, Rose**ENTITLED**, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX {LC224/1}

01/18/2007 Introduced, referred to House Finance

House Bill No. 5110**BY** Gallison, Malik, Slater, Corvese, Handy**ENTITLED**, AN ACT RELATING TO TEMPORARY DISABILITY INSURANCE - GOVERNMENTAL ENTITIES {LC19/1}

01/18/2007 Introduced, referred to House Finance

House Bill No. 5111**BY** Gallison, McNamara, Lewiss, Gablinske, Sullivan**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES -- LONG-TERM HOME HEALTH CARE {LC12/1}

01/18/2007 Introduced, referred to House Finance

House Bill No. 5112**BY** Corvese, Slater, Lewiss, Costantino, McNamara**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES - MEDICAL ASSISTANCE {LC102/1}

01/18/2007 Introduced, referred to House Finance

House Bill No. 5113**BY** Naughton, Shanley, Lally, McCauley, Church**ENTITLED**, AN ACT RELATING TO EDUCATION - UNIVERSITY OF RHODE ISLAND {LC437/1}

01/18/2007 Introduced, referred to House Finance

House Bill No. 5114**BY** Fox, Church, Naughton, Crowley, Dennigan**ENTITLED**, AN ACT RELATING TO TAXATION {LC230/1}

01/18/2007 Introduced, referred to House Finance

House Bill No. 5115

BY Ucci, Fellela, Mattiello, Petrarca, Carter

ENTITLED, AN ACT RELATING TO TAXATION {LC447/1}

01/18/2007 Introduced, referred to House Finance

House Bill No. 5116

BY Malik, San Bento, McNamara, Ucci, Ginaitt

ENTITLED, AN ACT RELATING TO TAXATION -- SALES TAX -- "SHOP RHODE ISLAND TAX MONTH" {LC467/1}

01/18/2007 Introduced, referred to House Finance

House Bill No. 5117

BY Malik, Ginaitt, Corvese, Naughton, San Bento

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES {LC446/1}

01/18/2007 Introduced, referred to House Finance

House Bill No. 5118

BY Malik, Corvese, Rose, Slater, Story

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- INSURANCE BENEFITS {LC405/1}

01/18/2007 Introduced, referred to House Finance

House Bill No. 5119

BY Pacheco, Church, Segal, Carter, Handy

ENTITLED, AN ACT RELATING TO TAXATION -- REAL ESTATE CONVEYANCE TAX {LC333/1}

01/18/2007 Introduced, referred to House Finance

House Bill No. 5120

BY Carter, Scott, Rose, Gallison, Serpa

ENTITLED, AN ACT RELATING TO SPECIAL LICENSE FOR MOTORCYCLES, MOTOR SCOOTERS AND OTHER DRIVEN CYCLES {LC122/1}

01/18/2007 Introduced, referred to House H.E.W.

House Resolution No. 5121

BY Rice, Crowley, Jackson

ENTITLED, HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO STUDY REGIONALIZING AND/OR COMBINING ADMINISTRATIVE AND OTHER FUNCTIONS OF THE NEWPORT, PORTSMOUTH AND MIDDLETOWN SCHOOL SYSTEMS {LC664/1}

01/18/2007 Introduced, referred to House H.E.W.

House Resolution No. 5122**BY** Ucci, Fellela, Petrarca**ENTITLED**, HOUSE RESOLUTION RESPECTFULLY REQUESTING THE STATE TRAFFIC COMMISSION TO INSTALL A TRAFFIC LIGHT IN THE TOWN OF JOHNSTON {LC474/1}

01/18/2007 Introduced, referred to Jt. Committee on Highway Safety

House Resolution No. 5123**BY** Ucci, Fellela, Petrarca**ENTITLED**, HOUSE RESOLUTION RESPECTFULLY REQUESTING THE STATE TRAFFIC COMMISSION TO INSTALL A TRAFFIC LIGHT IN THE TOWN OF JOHNSTON {LC439/1}

01/18/2007 Introduced, referred to Jt. Committee on Highway Safety

House Bill No. 5124**BY** Carter, Gallison, Malik, Rose, Church**ENTITLED**, AN ACT RELATING TO DISTURBANCE OF PUBLIC ASSEMBLY {LC216/1}

01/18/2007 Introduced, referred to House Judiciary

House Bill No. 5125**BY** Gallison, Gablinske, Brien, Baldelli-Hunt, Kilmartin**ENTITLED**, AN ACT RELATING TO PAROLE -- CHILD SUPPORT {LC24/1}

01/18/2007 Introduced, referred to House Judiciary

House Bill No. 5126**BY** Giannini, Williams, Gemma, Rice, Schadone**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES {LC25/1}

01/18/2007 Introduced, referred to House Judiciary

House Bill No. 5127**BY** Almeida, O'Neill, Coderre E, Diaz, Slater**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS -- UNIFORM CONTROLLED SUBSTANCES ACT {LC477/1}

01/18/2007 Introduced, referred to House Judiciary

House Bill No. 5128**BY** Gablinske, Gallison, Mattiello**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC524/1}

01/18/2007 Introduced, referred to House Judiciary

House Bill No. 5129**BY** Gallison, Malik, Gablinske, Slater, Naughton**ENTITLED**, AN ACT RELATING TO LABOR -- EMPLOYMENT SECURITY {LC13/1}

01/18/2007 Introduced, referred to House Labor

House Bill No. 5130**BY** Gallison, Sullivan, Corvese, Malik, Church**ENTITLED**, AN ACT RELATING TO EDUCATION -- ESTABLISHMENT OF CHARTER PUBLIC SCHOOLS {LC675/1}

01/18/2007 Introduced, referred to House Municipal Government

House Bill No. 5131**BY** Ucci, Fellela, Malik, Church, Pacheco**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- OPTIONAL RETIREMENT FOR POLICE AND FIREFIGHTERS {LC516/1}

01/18/2007 Introduced, referred to House Municipal Government

House Bill No. 5132**BY** Lewiss, Kennedy, Walsh**ENTITLED**, AN ACT RELATING TO TAXATION -- TOWN OF WESTERLY {LC558/1}

01/18/2007 Introduced, referred to House Municipal Government

House Bill No. 5133**BY** Pacheco, Church, Long, Walsh, Sullivan**ENTITLED**, AN ACT RELATING TO CITIES AND TOWNS - RELIEF OF INJURED AND DECEASED FIRE FIGHTERS AND POLICE OFFICERS {LC327/1}

01/18/2007 Introduced, referred to House Municipal Government

House Bill No. 5134**BY** Carter, Gallison, Malik, Rose, Church**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF VETERANS' AFFAIRS {LC185/1}

01/18/2007 Introduced, referred to House Veterans Affairs

House Bill No. 5135**BY** Carter, Scott, Rose, Gallison, Malik**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- REGISTRATION OF VEHICLES {LC612/1}

01/18/2007 Introduced, referred to House Veterans Affairs

CALENDAR

From the Calendar is taken:

IN ORDER FOR THURSDAY, JANUARY 18, 2007:**1 2007-H 5096****BY** Serpa**ENTITLED**, HOUSE RESOLUTION RESPECTFULLY REQUESTING THE UNITED STATES CONGRESS TO OPPOSE CUTS IN MEDICAID

REIMBURSEMENTS FOR RHODE ISLAND SCHOOLS

Ordered on the Calendar

Representative Serpa moves passage of the act, seconded by Representatives Lima, Coderre, Ajello, Giannini, Rose, Watson, Savage, Story, Moffitt, Melo, McManus, Sullivan, Gorham, Naughton, Gemma, Ginaitt and Fox.

Representative Watson discusses the resolution.

Read and passed, on a roll call vote, 63 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 63: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Lima, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Ucci, Vaudreuil, Watson, Winfield.

NAYS - 0.

REQUEST

Representative Long requests the journal to reflect that if he had voted on (07H 5096), he would have voted in the affirmative.

TRANSMITTAL

By unanimous consent, all matters on the Clerk's desk are ordered to be transmitted to the Honorable Senate, forthwith.

ANNOUNCEMENT

Representative Kilmartin reminds the members that Jason Gramitt from the Ethics Commission will be in the House Lounge on Wednesday, January 24th, at the rise of the House to make a presentation and to answer any questions.

ADJOURNMENT

At 4:38 o'clock P.M. on motion of Representative Watson, and as a further mark of respect to the memory of William R. O'Brien; on motion of Representative Gemma, and as a further mark of respect to the memory of Representative Paul Sherlock (on the 3rd anniversary of his death) seconded by Representatives Fox and Gorham the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE STEPHEN R. UCCI

Heavenly Father, look with favor on our deliberation and assist us by your grace to do what is just and wise. Amen.

APPENDIX

CALENDAR

IN ORDER FOR WEDNESDAY, JANUARY 24, 2007:

1 2007-H 5081

BY Lima

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
CONTRACTORS REGISTRATION

Ordered on the Calendar

Francis P. McCabe
Clerk of the House

Thursday, January 18, 2007