

**State of Rhode Island and Providence Plantations**

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**JOURNAL**  
**-OF THE-**  
**HOUSE OF REPRESENTATIVES**

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**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.

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Volume 134, No. 8

Tuesday, January 23, 2007

Eighth Day

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The House of Representatives meets at the State House in Providence, Tuesday, January 23, 2007 and is called to order at 4:28 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 71 members present and 4 members absent as follows:

**PRESENT - 71:** The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Ucci, Vaudreuil, Walsh, Wasylyk, Watson, Williams, Williamson, Winfield.

**ABSENT - 4:** Representatives Carter, Jackson, Moffitt, Trillo.

**INVOCATION**

The Honorable Speaker presents Representative Picard 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 Thursday, January 18, 2007 is approved as printed.

**ANNOUNCEMENT**

Representative Victor Moffitt will be unable to attend session Tuesday, January 23 and Wednesday January 24. He will be out of state on business.

**NEW BUSINESS****House Bill No. 5136**

**BY** Gallison, Handy, Brien, Schadone, Melo

**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS (make it an unfair trade practice for any merchant to advertise "limited time," "reduced price" sales on electronic items without disclosing the number of units available for sale during the limited time sale) {LC614/1}

01/23/2007 Introduced, referred to House Corporations

**House Bill No. 5137**

**BY** Ucci, Fellela, Petrarca, Smith

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- REFUSE DISPOSAL (prohibit the Rhode Island Resource Recovery Corporation from accepting construction and demolition debris at the Central Landfill) {LC571/1}

01/23/2007 Introduced, referred to House Corporations

**House Bill No. 5138**

**BY** Ucci, Fellela, Petrarca, Smith

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- RHODE ISLAND RESOURCE RECOVERY CORPORATION (transfer certain real property not currently being used to deposit refuse to the Johnston land trust) {LC572/1}

01/23/2007 Introduced, referred to House Corporations

**House Bill No. 5139**

**BY** Ucci, Fellela, Petrarca, Smith

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- RHODE ISLAND RESOURCE RECOVERY CORPORATION (prohibit composting at the central landfill in Johnston) {LC570/1}

01/23/2007 Introduced, referred to House Corporations

**House Bill No. 5140**

**BY** Naughton, Slater, Moffitt, Sullivan, Gemma

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - MATERNAL AND CHILD HEALTH SERVICES (increase the age of eligible persons for early intervention programs from 3 to 6) {LC656/1}

01/23/2007 Introduced, referred to House Finance

**House Bill No. 5141****BY** Melo, Silva, Rose, Brien, Picard**ENTITLED**, AN ACT RELATING TO SALES AND USE TAXES -- LIABILITY AND COMPUTATION (provide an allowance from the sales tax for the value of pickup trucks which are traded in) {LC274/1}

01/23/2007 Introduced, referred to House Finance

**House Bill No. 5142** (General Treasurer)**BY** Almeida, Ajello, Church, Diaz, Slater**ENTITLED**, AN ACT RELATING TO PUBLIC FINANCE -- STATE INVESTMENT COMMISSION -- INVESTMENTS IN SUDAN (limit state investment in Sudan and companies that provide supplies/services to the government of Sudan/criteria for determining a scrutinized company which has ties to Sudanese government/Darfur genocide) {LC470/1}

01/23/2007 Introduced, referred to House Finance

**House Bill No. 5143****BY** Costantino, Crowley**ENTITLED**, AN ACT RELATING TO TAXATION (technical changes) {LC750/1}

01/23/2007 Introduced, referred to House Finance

**House Bill No. 5144****BY** Lima, Coderre E, Picard, Ucci, Mattiello**ENTITLED**, AN ACT RELATING TO EDUCATION -- COMPULSORY ATTENDANCE (require parents or guardians to respond to school notices regarding the absences of students over the age of 16/fails to respond/school would be authorized to withdraw the student) {LC48/1}

01/23/2007 Introduced, referred to House H.E.W.

**House Resolution No. 5145****BY** Naughton, Moffitt, Serpa, Melo**ENTITLED**, HOUSE RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY AND ESTABLISH AN OLMSTEAD DECISION TASK FORCE IN THE STATE OF RHODE ISLAND {LC690/1}

01/23/2007 Introduced, referred to House H.E.W.

**House Bill No. 5146****BY** Moffitt, Serpa, Sullivan, McNamara, Naughton**ENTITLED**, AN ACT RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS (require alcohol based personal hand sanitation stations to be installed and maintained in all schools) {LC633/1}

01/23/2007 Introduced, referred to House H.E.W.

**House Bill No. 5147****BY** McNamara, Petrarca, Gemma, Ginaitt, Flaherty**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES {LC469/1}

01/23/2007 Introduced, referred to House Judiciary

**House Bill No. 5148****BY** Pacheco**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC719/1}

01/23/2007 Introduced, referred to House Judiciary

**House Bill No. 5149****BY** Lally, Shanley, Caprio D**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC384/1}

01/23/2007 Introduced, referred to House Judiciary

**House Resolution No. 5150****BY** Fellela, Ucci, Petrarca, Schadone, Corvese**ENTITLED**, HOUSE RESOLUTION RESPECTFULLY REQUESTING THE STATE TRAFFIC COMMISSION TO INSTALL A TRAFFIC CONTROL SIGNAL IN THE TOWN OF JOHNSTON {LC640/1}

01/23/2007 Introduced, referred to Jt. Committee on Highway Safety

**House Bill No. 5151****BY** Flaherty, Malik, McCauley, Almeida, Winfield**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - SEWAGE CHARGES {LC620/1}

01/23/2007 Introduced, referred to House Municipal Government

**House Bill No. 5152****BY** Flaherty, Almeida, San Bento**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- MUNICIPAL EMPLOYEES' ARBITRATION {LC694/1}

01/23/2007 Introduced, referred to House Municipal Government

**House Bill No. 5153****BY** Ucci, Fellela, Petrarca, Smith**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- RHODE ISLAND RESOURCE RECOVERY CORPORATION (make the Resource Recovery Corporation subject to the zoning laws, municipal planning requirements and ordinances of the town of Johnston) {LC444/1}

01/23/2007 Introduced, referred to House Municipal Government

**House Bill No. 5154****BY** Menard, Winfield, Ucci, Petrarca, Kennedy**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- WARRANTIES (expand the application of the lemon law on motor vehicle warranties to include motorized apparatus owned or leased by fire departments and districts/retroactive effect to January 1, 2002) {LC637/1}

01/23/2007 Introduced, referred to House Corporations

**House Resolution No. 5155****BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC844/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Fox seconded by Representative Watson by unanimous consent, on a voice vote.

**House Resolution No. 5156****BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC843/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Fox seconded by Representative Watson by unanimous consent, on a rising vote.

**House Bill No. 5157****BY** Fox**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF KENNETH, MANZI AND ASSOCIATES, INC. {LC808/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Fox seconded by Representative Costantino on a roll call vote, 58 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 58: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Baldelli-Hunt, Brien, Caprio, Church, Corvese, Costantino, Dennigan, DeSimone, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Kennedy, Kilmartin, Lewiss, Long, Loughlin, Malik, Mattiello, McCauley, McManus, Melo, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Scott, Segal, Serpa, Silva, Singleton, Slater, Story, Sullivan, Ucci, Vaudreuil, Walsh, Wasyluk, Watson, Williamson.

NAYS - 0.

**House Resolution No. 5158****BY** Ucci, Fellela, Almeida, Pacheco, Jackson**ENTITLED**, HOUSE RESOLUTION PROCLAIMING SEPTEMBER 11TH TO ANNUALLY BE CELEBRATED AS "FIREFIGHTERS' AND POLICE OFFICERS' APPRECIATION DAY" IN THE STATE OF RHODE ISLAND {LC475/1}

Representative Ucci requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Ucci seconded by Representatives Pacheco, Almeida and many other members of the House by unanimous consent, on a voice vote.

**House Resolution No. 5159****BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION SUPPORTING A SISTER STATE RELATIONSHIP BETWEEN THE COUNTRY OF LATVIA AND THE STATE OF RHODE ISLAND {LC869/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Fox seconded by Representative Church by unanimous consent, on a voice vote.

**House Resolution No. 5160****BY** Gemma, Naughton, Flaherty, McNamara, Ginaitt**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF THE HONORABLE GERALD T. GIBBONS {LC840/1}

Representative Gemma requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Gemma seconded by Representatives Naughton, Flaherty, McNamara, Ginaitt, Serpa, Williamson and many other members of the House by unanimous consent, on a voice vote.

Representative Gemma discusses the resolution.

**House Resolution No. 5161****BY** Coderre E, Kilmartin, San Bento, O'Neill, Dennigan**ENTITLED**, HOUSE RESOLUTION RESPECTFULLY REQUESTING THE UNITED STATES CONGRESS TO FULLY FUND FEDERAL HIGHWAY PROGRAMS IN THE STATE OF RHODE ISLAND {LC781/1}

01/23/2007 Placed on House Calendar

**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.

**COMMUNICATION**

The Honorable Speaker announces the receipt of the following communication:

January 16, 2007

A. Ralph Mollis  
Secretary of State  
Room 217, State House  
Providence, R.I. 02903

To the Honorable House of Representatives:

On the sixteenth day of January, 2007, I administered the Oath of Office to Representative Kenneth Carter of District 31, as prescribed by the Rhode Island General Laws.

Respectfully

A. Ralph Mollis  
Secretary of State

ARM/prl

Received and placed on file.

**ANNOUNCEMENTS**

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

Representative Lewiss announces that today is Rhode Island Credit Union Government Affairs Day.

**GUESTS**

At 4:40 o'clock P.M. the Honorable Speaker yields the rostrum to Representative Lima.

By unanimous consent, Representative Lima addresses the members of the House and welcomes to the House William Blackman who plays for the Green Bay Packers.

By unanimous consent, William Blackman addresses the members of the House.

At 4:44 o'clock P.M. the Honorable Speaker returns to the rostrum.

Representative Brien welcomes to the House Chamber as a guest his colleague from G-Tech, Amy Fuller,

### ADJOURNMENT

At 4:49 o'clock P.M. on motion of Representative McNamara, and as a further mark of respect to the memory of the Honorable Gerald T. Gibbons; on motion of Representative Lima, and as a further mark of respect to the memory of Stephen LaFazia, Jr.; on motion of Representative McManus and as a further mark of respect to the memory of Edward J. O'Neill; on motion of Representative Schadone, and as a further mark of respect to the memory of Mitzi Ayala-Rodriquez; on motion of Representative Corvese, and as a further mark of respect to the memory of Hrant Dink; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

**Linda M. McElroy**  
**Recording Clerk**



**APPENDIX**

**INVOCATION**

**REPRESENTATIVE ROGER A. PICARD**

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

**2 2007-H 5161**

**BY Coderre E**

**ENTITLED,** HOUSE RESOLUTION RESPECTFULLY REQUESTING THE  
UNITED STATES CONGRESS TO FULLY FUND FEDERAL  
HIGHWAY PROGRAMS IN THE STATE OF RHODE ISLAND

Ordered on the Calendar

**Francis P. McCabe**  
**Clerk of the House**

Tuesday, January 23, 2007