

**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. 9

Wednesday, January 24, 2007

Ninth Day

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The House of Representatives meets at the State House in Providence, Wednesday, January 24, 2007 and is called to order at 4:25 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 67 members present and 8 members absent as follows:

**PRESENT - 67:** The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Baldelli-Hunt, Brien, Caprio, Church, Coderre, Corvese, Costantino, DeSimone, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, 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, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Wasyluk, Watson, Williams, Winfield.

**ABSENT - 8:** Representatives Carter, Crowley, Dennigan, Ginaitt, Jackson, Moffitt, San Bento, Williamson.

**INVOCATION**

The Honorable Speaker presents Representative Savage 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 23, 2007 is approved as printed.

**ANNOUNCEMENT**

Representative Peter Ginaitt will be unable to attend session Wednesday, January 24, 2007. He is attending a seminar.

**NEW BUSINESS****House Bill No. 5162**

**BY** Ucci, Fellela, Almeida, Pacheco, Jacquard

**ENTITLED**, AN ACT RELATING TO HOLIDAYS AND DAYS OF SPECIAL

OBSERVANCE (set aside the eleventh day of September annually to be known as Firefighters' and Police Officers' Appreciation Day) {LC743/1}

01/24/2007 Introduced, referred to House Constituent Services

**House Bill No. 5163**

**BY** Ginaitt, Walsh, Naughton

**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -

EXCAVATION NEAR UNDERGROUND UTILITY FACILITIES (lengthen from 48 hours to 72 hours the advance notification that excavators must provide to the Dig Safe Association prior to excavations) {LC267/1}

01/24/2007 Introduced, referred to House Corporations

**House Resolution No. 5164**

**BY** Ginaitt, Malik, Handy, Sullivan, Naughton

**ENTITLED**, HOUSE RESOLUTION PROMOTING GOALS TO REDUCE GLOBAL WARMING POLLUTION FROM THE REGION'S ELECTRICITY SECTOR {LC295/1}

01/24/2007 Introduced, referred to House Environment and Natural Resources

**House Bill No. 5165**

**BY** Gallison, Kilmartin, Palumbo, Ginaitt, Gablinske

**ENTITLED**, AN ACT RELATING TO FISH AND WILDLIFE -- MENHADEN

MANAGEMENT AREA (prohibit the use of purse seining for the harvesting of menhaden) {LC615/1}

01/24/2007 Introduced, referred to House Environment and Natural Resources

**House Resolution No. 5166**

**BY** Gallison, Ginaitt, Lewiss, San Bento, Handy

**ENTITLED**, HOUSE RESOLUTION RESPECTFULLY REQUESTING THE GOVERNOR OF RHODE ISLAND TO SIGN-ON TO THE REGIONAL GREENHOUSE GAS INITIATIVE (RGGI) {LC831/1}

01/24/2007 Introduced, referred to House Environment and Natural Resources

**House Bill No. 5167**

**BY** Picard

**ENTITLED**, AN ACT RELATING TO TAXATION -- SALES AND USE TAXES --

LIABILITY AND COMPUTATION (exempt from sales and use taxes gross receipts from the sale, storage, use, or other consumption of any newspaper published not more than 52 times a year) {LC344/1}

01/24/2007 Introduced, referred to House Finance

**House Bill No. 5168****BY** 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) {LC352/1}

01/24/2007 Introduced, referred to House Finance

**House Bill No. 5169****BY** Malik, Corvese, Schadone, McNamara, Carter**ENTITLED**, AN ACT RELATING TO RELIEF OF INJURED AND DECEASED FIRE FIGHTERS AND POLICE OFFICERS ("police officers" to mean any chief/other member of the police dept regularly employed/any executive high sheriff/deputy sheriff/member of the fugitive task force/capitol police officer/permanent environmental police officer/criminal investigator of DEM) {LC406/1}

01/24/2007 Introduced, referred to House Finance

**House Bill No. 5170****BY** Lewiss, Melo, Gallison, Handy, Savage**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS - CERTIFIED SCHOOL TEACHERS' ARBITRATION (remove the \$5,000 cap on the payment of mediation expenses by the state pertaining to unresolved issues that are submitted to compulsory mediation between the negotiating or bargaining agent and the school committee) {LC201/1}

01/24/2007 Introduced, referred to House Finance

**House Resolution No. 5171****BY** Melo, Pacheco, Serpa, Savage**ENTITLED**, HOUSE RESOLUTION SUPPORTING A CAP OF \$20,000 ON THE COST OF EDUCATING EACH INDIVIDUAL SPECIAL EDUCATION STUDENT AT THE LOCAL LEVEL {LC271/1}

01/24/2007 Introduced, referred to House Finance

**House Bill No. 5172****BY** Picard**ENTITLED**, AN ACT RELATING TO SALES AND USE TAXES -- LIABILITY AND COMPUTATION (reduce the sales tax relating to new automobiles from seven percent to five percent) {LC347/1}

01/24/2007 Introduced, referred to House Finance

**House Bill No. 5173****BY** Picard**ENTITLED**, AN ACT RELATING TO TAXATION (allow the cities/towns in this state to create a municipal economic development zone within the city/town and would direct that one-half of the sales and use tax collected within the zone/retained by the city/town to finance the development of the zone) {LC349/1}

01/24/2007 Introduced, referred to House Finance

**House Bill No. 5174****BY** Mattiello, Jacquard, Lima, Handy, Ucci**ENTITLED**, AN ACT RELATING TO STATE AID (increase the PILOT program from 27% to 27.5%) {LC416/1}

01/24/2007 Introduced, referred to House Finance

**House Bill No. 5175****BY** Ginaitt, Malik, Gemma, Lewiss, Naughton**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES {LC268/1}

01/24/2007 Introduced, referred to House Finance

**House Bill No. 5176****BY** Picard**ENTITLED**, AN ACT RELATING TO PRIVATE SCHOOLS {LC350/1}

01/24/2007 Introduced, referred to House H.E.W.

**House Bill No. 5177****BY** Fellela, Serpa, Melo, Giannini, Ucci**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- PET WARRANTIES -- DOGS {LC613/1}

01/24/2007 Introduced, referred to House H.E.W.

**House Bill No. 5178****BY** Lewiss, McNamara, Melo, Silva, Amaral**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY OF PUPILS {LC223/1}

01/24/2007 Introduced, referred to House H.E.W.

**House Bill No. 5179****BY** Lewiss, Gallison, Handy, Lima, Diaz**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- DOGS {LC204/1}

01/24/2007 Introduced, referred to House H.E.W.

**House Bill No. 5180****BY** Ginaitt, Sullivan, Shanley, Watson**ENTITLED**, AN ACT RELATING TO SMOKING IN SCHOOLS {LC318/1}

01/24/2007 Introduced, referred to House H.E.W.

**House Bill No. 5181****BY** Picard**ENTITLED**, AN ACT RELATING TO DELINQUENT AND DEPENDENT CHILDREN {LC351/1}

01/24/2007 Introduced, referred to House Judiciary

**House Bill No. 5182** (by request)**BY** Winfield**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- SNOW PLOWING EQUIPMENT {LC769/1}

01/24/2007 Introduced, referred to House Judiciary

**House Bill No. 5183****BY** Giannini, Mattiello, Ucci, Gallison, Almeida**ENTITLED**, AN ACT RELATING TO TRESPASS AND VANDALISM {LC44/1}

01/24/2007 Introduced, referred to House Judiciary

**House Bill No. 5184****BY** Fox**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC861/1}

01/24/2007 Introduced, referred to House Judiciary

**House Bill No. 5185****BY** Lewiss, Handy, Ajello, Giannini, Coderre E**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE {LC562/1}

01/24/2007 Introduced, referred to House Judiciary

**House Bill No. 5186** (by request)**BY** Giannini**ENTITLED**, AN ACT RELATING TO UNIFORM LAW ON PATERNITY {LC68/1}

01/24/2007 Introduced, referred to House Judiciary

**House Resolution No. 5187****BY** Almeida, Fox, Diaz, Slater, Segal**ENTITLED**, JOINT RESOLUTION TO APPROVE AND PUBLISH, AND SUBMIT THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (NAME OF THE STATE) {LC476/1}

01/24/2007 Introduced, referred to House Judiciary

**House Bill No. 5188****BY** San Bento, Gallison**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- ARBITRATION {LC704/1}

01/24/2007 Introduced, referred to House Labor

**House Bill No. 5189****BY** Walsh, Scott**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF CHARLESTOWN TO FINANCE AFFORDABLE HOUSING INITIATIVES IN THE TOWN CONSISTENT WITH THE APPROVED CHARLESTOWN AFFORDABLE HOUSING PLAN BY THE ISSUANCE OF NOT MORE THAN \$1,000,000 BONDS AND/OR NOTES THEREFOR {LC167/1}

01/24/2007 Introduced, referred to House Municipal Government

**House Resolution No. 5190****BY** Naughton, Kilmartin, Gallison, Mattiello, Williamson**ENTITLED**, HOUSE RESOLUTION ADOPTING RULES OF THE HOUSE OF REPRESENTATIVES FOR THE YEARS 2007-2008 {LC874/1}

01/24/2007 Introduced, referred to House Rules Committee

**House Bill No. 5191****BY** McNamara, Naughton, Caprio D**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT {LC800/1}

01/24/2007 Introduced, referred to House Finance

**House Bill No. 5192****BY** San Bento, Gallison**ENTITLED**, AN ACT RELATING TO TAXATION -- MOTOR VEHICLE TAXATION {LC820/1}

01/24/2007 Introduced, referred to House Finance

**House Bill No. 5193****BY** Picard**ENTITLED**, AN ACT RELATING TO PHARMACY {LC348/1}

01/24/2007 Introduced, referred to House H.E.W.

**House Bill No. 5194****BY** San Bento, Gallison**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS - PAYMENT OF WAGES {LC706/1}

01/24/2007 Introduced, referred to House Labor

**House Resolution No. 5195****BY** Dennigan, Slater, Handy, Ajello, Gallison**ENTITLED**, HOUSE RESOLUTION OPPOSING TROOP ESCALATION IN IRAQ {LC669/1}

01/24/2007 Introduced, referred to House Constituent Services

**House Resolution No. 5196****BY** Kennedy, Coderre E, Corvese, Kilmartin, Naughton**ENTITLED**, HOUSE RESOLUTION PROCLAIMING JANUARY 21-27, 2007 TO BE "NURSE ANESTHETISTS WEEK" IN THE STATE OF RHODE ISLAND {LC947/1}

Representative Kennedy requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Kennedy seconded by Representatives Coderre, Corvese, Long, Gemma and many other members of the House by unanimous consent, on a voice vote.

**CALENDAR**

From the Calendar are taken:

**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

Read, and committed to the Committee on Finance.

**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

Representative Coderre moves passage of the act, seconded by Representatives Diaz, Naughton, Walsh, Mattiello, Amaral, Rice, Church, Ajello, Giannini, Gemma, Caprio, Kilmartin, Watson, Story, Lewiss, Ucci, and Costantino.

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, Amaral, Baldelli-Hunt, Brien, Caprio, Church, Coderre, Corvese, Costantino, DeSimone, Diaz, Ehrhardt, Fellela, Flaherty, Fox, Gablinske, Gallison, Gemma, Giannini, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Lewiss, Lima, Long, Loughlin, Malik, Mattiello, McCauley, McManus, McNamara, Melo, Menard, Mumford, Naughton, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Schadone, Scott, Segal, Serpa, Shanley, Silva, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Vaudreuil, Walsh, Watson, Winfield.

NAYS - 0.

**TRANSMITTAL**

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

**ANNOUNCEMENTS**

Representative McNamara 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 Palumbo thanks Charles McHugh, doorman, who belongs to a group of retired Verizon workers who donate hundreds of stuffed animals for the kids in Nicaragua.

Representative Kilmartin announces that Jason Gramitt from the Ethics Commission will be in the House Lounge at the rise of the House to make a presentation and answer any questions.

**GUEST**

Representative Kennedy welcomes to the House Chamber as a guest Lynn Curran, CRNA President of the Rhode Island Association of Nurse Anesthetists.

**ADJOURNMENT**

At 4:34 o'clock P.M. on motion of Representative Gablinske, and as a further mark of respect to the memory of John K. "Jack" Connery; on motion of Representative Loughlin, and as a further mark of respect to the memory of Scott Rezendes; on motion of Representative Diaz and as a further mark of respect to the memory of Michael Patrick Farrell, Sr.; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

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



**APPENDIX**

**INVOCATION**

**REPRESENTATIVE JOHN A. SAVAGE**

Lord may it be Thy will, not our own, which governs our deliberations this day. Amen