

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 sixth day of January in the year of Our Lord two thousand and four.

Volume 131, No. 34

Thursday, April 1, 2004

Thirty-fourth Day

The House of Representatives meets at the State House in Providence, Thursday, April 1, 2004 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 72 members present and 2 members absent as follows:

PRESENT – 72: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anderson, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Coogan, Corvese, Costantino, Dennigan, DeSimone, Enos, Faria, Flaherty, Fox, Gallison, Giannini, Ginaitt, Gorham, Handy, Harwood, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Lowe, Malik, McCauley, McHugh, McManus, McNamara, Menard, Moffitt, Montanaro, Moran, Moura, Mumford, Naughton, Palumbo, Petrarca, Picard, Reilly, Rose, San Bento, Savage, Scott, Shanley, Shavers, Slater, Smith, Story, Tejada, Trillo, Voccola, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT – 2: Representatives Crowley, Schadone.

INVOCATION

The Honorable Speaker presents Representative Carter 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, March 31, 2004, is approved as printed.

ANNOUNCEMENT

Representative Schadone will not be able to attend session this week due to illness.

COMMUNICATION FROM THE SENATE

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

Senate Bill No. 3005

BY Algieri

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF J.B. SIMON, INC. {LC3081/1}

04/01/2004 Referred to House Corporations

Senate Bill No. 2621 SUB A

BY Fogarty P, Gallo, Walaska, Tassoni, Goodwin

ENTITLED, AN ACT RELATING TO TAXES -- BURRILLVILLE {LC2103/1/A}

04/01/2004 Referred to House Corporations

Senate Bill No. 2099 SUB A

BY Bates, Blais, Paiva-Weed, Sosnowski, Sheehan

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES {LC30/1/A}

04/01/2004 Referred to House Corporations

REPORTS OF COMMITTEES**TRANSFER OF BILLS**

Representative Giannini, for the Committee on Health, Education and Welfare, reports back the following measures, with recommendation of transfer to the Committee on Finance

House Bill No. 7901

BY Ginaitt, Reilly, Dennigan, Long, Lowe

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT {LC1267/1}

04/01/2004 Read and transferred to the House Committee on Finance

House Bill No. 7902 (Lieutenant Governor)

BY Ginaitt, Dennigan, Lowe

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- PHARMACEUTICAL ASSISTANCE TO THE ELDERLY ACT {LC2034/1}

04/01/2004 Read and transferred to the House Committee on Finance

House Bill No. 7903**BY** Moura**ENTITLED**, AN ACT RELATING TO EDUCATION -- DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION {LC84/1}

04/01/2004 Read and transferred to the House Committee on Finance

House Bill No. 7588**BY** Slater, Moura, Costantino, Handy, Ajello**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS -- THE RHODE ISLAND MEDICAL MARIJUANA ACT {LC980/1}

04/01/2004 Read and transferred to the House Committee on Finance

Representative Ginaitt, for the Committee on Environment and Natural Resources, reports back the following measures, with recommendation of transfer to the Committee on Finance

House Bill No. 7315**BY** Malik, Lally, Naughton, Lewiss, Anguilla**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION - OIL SPILL PREVENTION ADMINISTRATION AND RESPONSE FUND {LC828/1}

04/01/2004 Read and transferred to the House Committee on Finance

Representative Kennedy, for the Committee on Corporations, reports back the following measures, with recommendation of transfer to the Committee on Finance

House Bill No. 7464**BY** Slater, Williams, Ajello, Tejada, Almeida**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - RHODE ISLAND PUBLIC TRANSIT AUTHORITY {LC986/1}

04/01/2004 Read and transferred to the House Committee on Finance

House Bill No. 7975**BY** Slater, Tejada, Almeida, Williams, Dennigan**ENTITLED**, AN ACT RELATING TO MEDICAL ASSISTANCE -- DENTISTS, DENTAL HYGIENISTS AND DENTAL ASSISTANTS {LC1890/1}

04/01/2004 Read and transferred to the House Committee on Finance

Representative Flaherty, for the Committee on Judiciary, reports back the following measures, with recommendation of transfer to the Committee on Finance

House Bill No. 7599**BY** Flaherty, San Bento**ENTITLED**, AN ACT RELATING TO INSURANCE -- INDIVIDUAL DEFERRED ANNUITIES {LC1711/1}

04/01/2004 Read and transferred to the House Committee on Finance

NEW BUSINESS

House Bill No. 8384**BY** Ginaitt**ENTITLED**, AN ACT RELATING TO SALES AND USE TAXES - LIABILITY AND COMPUTATION {LC3063/1}

04/01/2004 Introduced, referred to House Finance

House Bill No. 8385**BY** Gallison, Anguilla, Malik, Naughton, Lewiss**ENTITLED**, AN ACT RELATING TO OIL SPILL RESPONSE AND PREVENTION {LC3097/1}

04/01/2004 Introduced, referred to House Finance

House Bill No. 8386**BY** Gallison, Savage, Malik, Kilmartin, Brien T**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE - - SENTENCE AND EXECUTION {LC3096/1}

04/01/2004 Introduced, referred to House Finance

House Resolution No. 8387**BY** Long, Callahan, Gorham, Shavers, Story**ENTITLED**, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (LOTTERIES) {LC3087/1}

04/01/2004 Introduced, referred to House Finance

House Resolution No. 8388**BY** Shavers, Cerra**ENTITLED**, HOUSE RESOLUTION MEMORIALIZING CONGRESS TO SUPPORT THE REPEAL OF THE GOVERNMENT PENSION OFFSET AND THE WINDFALL ELIMINATION PROVISION {LC2975/1}

04/01/2004 Introduced, referred to House Finance

House Bill No. 8389**BY** Flaherty, Ginaitt, Naughton, McNamara, Trillo**ENTITLED**, AN ACT RELATING TO PROPERTY SUBJECT TO TAXATION {LC3112/1}

04/01/2004 Introduced, referred to House Corporations

House Resolution No. 8390**BY** Kilmartin, Coderre E, San Bento, Rose, Harwood**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF PAWTUCKET FIRE CHAPLAIN REVEREND AARON USHER {LC3135/1}

Representative Kilmartin requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Kilmartin seconded by Representatives Harwood Landroche, San Bento, Laroche, Coderre, Rose, Caprio, Williams, Fox, Flaherty and by unanimous consent, on a rising vote.

House Resolution No. 8391

BY Naughton, Flaherty, Trillo, McNamara, Ginaitt

ENTITLED, HOUSE RESOLUTION CONGRATULATING TOLL GATE HIGH SCHOOL HOCKEY TEAM ON WINNING THE STATE CHAMPIONSHIP {LC3131/1}

Representative Naughton requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Naughton seconded by Representatives McNamara, Flaherty, Williams, Landroche, Brien, Handy, Trillo and by unanimous consent, on a voice vote.

House Bill No. 8392

BY Fox, Lima, Dennigan, Almeida, Reilly

ENTITLED, AN ACT RELATING TO WORKPLACE SAFETY {LC3133/1}

04/01/2004 Introduced, referred to House Labor

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 Picard announces that the Committee on Corporations will meet today, at the rise of the House, in Room 203 of the State House.

Representative Giannini announces that the Committee on Health, Education and Welfare will continue its hearing today, at the rise of the House, in Room 35 of the State House.

Representative Flaherty announces that the Committee on Judiciary will meet today, at the rise of the House, in Room 205 of the State House.

Representative Trillo announces that the Committee on House Oversight to Monitor the Ramifications of Fire Safety Code will meet Monday, April 5, from 12 -3 o'clock P.M. in Room 135 of the State House.

GUESTS

Representative Rose welcomes to the House Chambers as guests William Conley, and Jim Mac Donald from East Providence.

ADJOURNMENT

At 4:35 o'clock P.M. on motion of Representatives Kilmartin, Coderre, Harwood, San Bento, Rose Dennigan, and as a further mark of respect to the memory of Rev. Aaron Usher, Jr; on motion of Representative McNamara, and as a further mark of respect to the memory of James, A. Halliwell; on motion of Representative Malik and as a further mark of respect to the memory of Ella Mello seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy

Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE KENNETH CARTER

Thank you God for Your presence here with us and Your blessings on this Assembly today and every day. Amen.

APPENDIX
COMMUNICATION

State of Rhode Island and Providence Plantations

REPRESENTATIVE
WILLIAM J. MURPHY
Speaker of the House
Room 323, State House
Providence, Rhode Island 02903
401-222-2466



House of Representatives

April 1, 2004

Mr. Louis D'Antouno
Clerk of The House of Representatives

Dear Lou:

Pursuant to House Rule 5 (a), please consider the bill "Relating to Workplace Safety" as introduced on April 1, 2004.

Sincerely,

William J. Murphy
SPEAKER