

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. 35

Tuesday, April 6, 2004

Thirty-fifth Day

The House of Representatives meets at the State House in Providence, Tuesday, April 6, 2004 and is called to order at 4:17 o'clock P.M., by the Honorable William J. Murphy, Speaker

The roll is called and a quorum is declared present with 73 members present and 1 members absent as follows:

PRESENT – 73: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anderson, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Corvese, Costantino, Crowley, 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, Schadone, Scott, Shanley, Shavers, Slater, Smith, Story, Tejada, Trillo, Voccola, Wasyluk, Watson, Williams, Williamson, Winfield.

ABSENT – 1: Representative Coogan.

INVOCATION

The Honorable Speaker presents Representative Picard who delivers the Invocation and from the University of Rhode Island the Lively Experiment Choral Ensemble, directed by Mark Conley to sing The National Anthem.

(For Invocation, see Appendix, this Journal.)

APPROVAL OF RECORD

By unanimous consent, the House Journal of Thursday, April 1, 2004, is approved as printed.

ANNOUNCEMENT

As Speaker of the House, I hereby appoint Representative Robert Jacquard as Chairman of the Sub Committee on General Government for the House Finance Committee.

William J. Murphy
S P E A K E R

REPORTS OF COMMITTEES**TRANSFER OF BILLS**

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

House Bill No. 7801**BY** Reilly**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS {LC1483/1}

04/06/2004 Read and transferred to the House Committee on Finance

House Bill No. 7706**BY** Reilly**ENTITLED**, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES {LC1840/1}

04/06/2004 Read and transferred to the House Committee on Finance

House Bill No. 7704**BY** Reilly**ENTITLED**, AN ACT RELATING TO TAXATION {LC1845/1}

04/06/2004 Read and transferred to the House Committee on Finance

House Bill No. 7973**BY** Slater, Williams, Tejada, Anguilla, Malik**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- SOCIAL WORKERS {LC2181/1}

04/06/2004 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 Judiciary.

House Bill No. 8033**BY** Lima, Shavers**ENTITLED**, AN ACT RELATING TO ELECTIONS -- VOTING DISTRICTS AND OFFICIALS AND PRIMARY ELECTIONS {LC2530/1}

04/06/2004 Read and transferred to the House Committee on Judiciary

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

House Bill No. 8264

BY Slater

ENTITLED, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE -- PRACTICE IN PROBATE COURTS {LC2482/1}

04/06/2004 Read and transferred to the House Committee on Finance

COMMITTEE ON CORPORATIONS

Representative Kennedy, for the Committee on Corporations, reports back the following measure, with recommendation of passage:

House Bill No. 8282

BY Rose, Dennigan, Savage, Coogan, Moura

ENTITLED, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES {LC2925/1}

04/06/2004 Placed on House Calendar

COMMITTEE ON JUDICIARY

Representative Flaherty, for the Committee on Judiciary, reports back the following measure, with recommendation of passage:

House Bill No. 7736 SUB A

BY Fox

ENTITLED, AN ACT PROVIDING FOR A BI-PARTISAN PREPARATORY COMMISSION TO ASSEMBLE INFORMATION ON CONSTITUTIONAL QUESTIONS IN PREPARATION FOR A VOTE BY THE QUALIFIED ELECTORS ON THE HOLDING OF A CONSTITUTIONAL CONVENTION IN ACCORDANCE WITH ARTICLE XIV SECTION 2 OF THE RHODE ISLAND CONSTITUTION {LC2298/1/A}

04/06/2004 Placed on House Calendar

NEW BUSINESS

House Bill No. 8393

BY Almeida, Williams, Slater

ENTITLED, AN ACT AUTHORIZING SUIT AGAINST THE CITY OF PROVIDENCE **BY** THE FAMILY AND ESTATE OF CAROL WALKER {LC3025/1}

04/06/2004 Introduced, referred to House Finance

House Bill No. 8394**BY** Gorham, Moffitt, Reilly**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES {LC3130/1}

04/06/2004 Introduced, referred to House Judiciary

House Bill No. 8395**BY** Gorham, Moffitt, Anderson R, Landroche**ENTITLED**, AN ACT ESTABLISHING A BOUNDARY (A PORTION THEREOF) BETWEEN THE TOWNS OF COVENTRY AND WEST GREENWICH {LC3128/1}

04/06/2004 Introduced, referred to House Corporations

House Bill No. 8396**BY** Smith**ENTITLED**, AN ACT RELATING BUSINESSES AND PROFESSIONS -- SUNDAY BUSINESS {LC3067/1}

04/06/2004 Introduced, referred to House Corporations

House Bill No. 8397**BY** Carter**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF FIRST FREE WILL BAPTIST CHURCH OF RHODE ISLAND {LC3178/1}

Representative Carter requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Carter seconded by Representatives Gallison, Shavers, Moura, Slater on a roll call vote, 59 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 59: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Corvese, Costantino, Crowley, Dennigan, Enos, Faria, Flaherty, Gallison, Giannini, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Long, Malik, McHugh, McManus, McNamara, Menard, Moffitt, Moran, Moura, Mumford, Naughton, Palumbo, Petrarca, Picard, Reilly, Rose, San Bento, Savage, Schadone, Shanley, Shavers, Slater, Story, Tejada, Trillo, Watson, Williams, Williamson, Winfield.

NAYS - 0.

House Resolution No. 8398**BY** Naughton, Shavers, Lowe, Picard, Aubin**ENTITLED**, HOUSE RESOLUTION PROCLAIMING APRIL, 2004 TO BE "EARTH MONTH" IN THE STATE OF RHODE ISLAND {LC3136/1}

Representative Naughton requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Naughton seconded by Representative Shavers and many other members of the House and by unanimous consent, on a voice vote.

House Resolution No. 8399

BY Murphy, Fox, Menard, Lima, Watson

ENTITLED, HOUSE RESOLUTION AMENDING THE RULES OF THE HOUSE FOR THE YEARS 2003-2004 {LC3162/1}

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 and by unanimous consent, on a voice vote.

House Resolution No. 8400

BY Kilmartin, San Bento, Coderre E, Rose, Dennigan

ENTITLED, HOUSE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF PATRICK J. MCCABE {LC3146/1}

Representative Kilmartin requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Kilmartin seconded by Representatives San Bento, Coderre, Rose, Dennigan, McNamara and many other members of the House and by unanimous consent, on a voice vote.

House Resolution No. 8401

BY Fox

ENTITLED, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC3171/1}

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 and by unanimous consent, on a voice vote.

House Resolution No. 8402

BY Fox

ENTITLED, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC3170/1}

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 and by unanimous consent, on a rising vote.

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

Representative Corvese announces that the Committee on Labor will meet today, at the rise of the House, in the House Lounge 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.

GUESTS

Representative Benson welcomes to the House Chambers as guests members of the Family Service of Rhode Island as follows: Margaret Holland McDuff-CEO; Mac Farmer, President of Family Service Board. Along with their staff, Pam Watson, Senior Vice-President; Steve Hug, Vice-President Development; Fruma Efreom, Director Development; Karen Carlson, Director Operations; Lisa Walker, Director Quality Management.

Also:

Representative McManus welcomes to the House as guests Katherine and Meigan McManus.

Also:

Representative Handy welcomes to the House Chambers the Pawtucket Swat Youth Group.

ADJOURNMENT

At 4:35 o'clock P.M. on motion of Representative Fox seconded by Representative Watson the House adjourns, on a voice vote.

Linda M. McElroy

Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE ROGER A. PICARD

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

APPENDIX

CALENDAR

IN ORDER FOR THURSDAY, APRIL 8, 2004:

1 2004-H 7736 SUB A

BY Fox

ENTITLED, AN ACT PROVIDING FOR A BI-PARTISAN PREPARATORY COMMISSION TO ASSEMBLE INFORMATION ON CONSTITUTIONAL QUESTIONS IN PREPARATION FOR A VOTE BY THE QUALIFIED ELECTORS ON THE HOLDING OF A CONSTITUTIONAL CONVENTION IN ACCORDANCE WITH ARTICLE XIV SECTION 2 OF THE RHODE ISLAND CONSTITUTION

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A.

2 2004-H 8282

BY Rose

ENTITLED, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES

Committee on Corporations recommends passage.

Louis D'Antuono
Clerk of the House

Tuesday, April 6, 2004