

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. 20

Thursday, February 26, 2004

Twentieth Day

The House of Representatives meets at the State House in Providence, Thursday, February 26, 2004 and is called to order at 4:14 o'clock P.M., by the Honorable William J. Murphy, Speaker

The roll is called and a quorum is declared present with 64 members present and 10 members absent as follows:

PRESENT – 64: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Brien, Callahan, Caprio, Carter, Cerra, Corvese, Costantino, Crowley, Dennigan, DeSimone, Enos, Faria, Gallison, Giannini, 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, Savage, Schadone, Scott, Shanley, Shavers, Slater, Smith, Story, Tejada, Trillo, Voccola, Wasylyk, Williams, Winfield.

ABSENT – 10: Representatives Anderson, Benson, Coderre, Coogan, Flaherty, Fox, Ginaitt, San Bento, Watson, Williamson.

INVOCATION

The Honorable Speaker presents Representative Kilmartin 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, February 25, 2004, is approved as printed.

ANNOUNCEMENT

Representative Peter T. Ginaitt will be unable to attend session today, February 26, due to government business.

Representative Rita J. Anderson will be unable to attend session today, February 26, 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. 2053 SUB A

BY Polisen, Damiani, Raptakis

ENTITLED, AN ACT RELATING TO MOTOR VEHICLE OFFENSES -- RECKLESS DRIVING {LC86/1/A}

02/26/2004 Referred to House Judiciary

Senate Bill No. 2055

BY Raptakis, Polisen, Parella, Damiani, McCaffrey

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES {LC303/1}

02/26/2004 Referred to House Judiciary

Senate Bill No. 2121

BY Walaska, Bates, Fogarty P

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES {LC731/1}

02/26/2004 Referred to House Corporations

Senate Bill No. 2151

BY McBurney, Issa, Montalbano J

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY - DOGS - CITY OF PAWTUCKET {LC971/1}

02/26/2004 Referred to House Corporations

Senate Bill No. 2470

BY Caprio F

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF BOWLING GREEN, INC. {LC2433/1}

02/26/2004 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. 7898

BY Long, McManus, Amaral, Savage, Mumford

ENTITLED, AN ACT RELATING TO PHARMACEUTICAL ASSISTANCE TO THE ELDERLY ACT {LC2228/1}

02/26/2004 Read and transferred to the House Committee on Finance

NEW BUSINESS**House Resolution No. 8181**

BY Trillo, Carter, McHugh, Landroche

ENTITLED, HOUSE RESOLUTION CREATING A HOUSE OVERSIGHT COMMISSION TO MONITOR THE RAMIFICATIONS OF THE FIRE SAFETY CODE {LC2771/1}

Representative Trillo requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Trillo seconded by Representatives Landroche, Scott, Moffitt, Story, Crowley, McHugh on a roll call vote, 53 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 53: Representatives Ajello, Almeida, Amaral, Aubin, Brien, Callahan, Caprio, Carter, Cerra, Corvese, Costantino, Crowley, Dennigan, DeSimone, Enos, Faria, Gallison, Giannini, Gorham, Handy, Jacquard, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Lowe, Malik, McCauley, McHugh, McNamara, Menard, Moffitt, Moran, Naughton, Petrarca, Picard, Reilly, Rose, Savage, Schadone, Scott, Shanley, Shavers, Slater, Smith, Story, Tejada, Trillo, Williams, Winfield.

NAYS - 0.

House Resolution No. 8182

BY Menard

ENTITLED, HOUSE RESOLUTION CELEBRATING THE RETIREMENT OF ALBION FIRE CHIEF MARCEL G. COMIRE AFTER MORE THAN 37 YEARS OF DEDICATED FIRE SERVICE {LC2763/1}

Representative Menard requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Menard seconded by Representatives Brien and Petrarca on a roll call vote, 56 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 56: Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Brien, Callahan, Caprio, Carter, Cerra, Corvese, Costantino, Crowley, Dennigan, DeSimone, Enos, Faria, Gallison, Giannini, Gorham, Handy, Jacquard, Kilmartin, Lally, Laroche, Lewiss, Lima, Long, Lowe, Malik, McCauley, McHugh, McNamara, Menard, Moffitt, Montanaro, Moran, Moura, Mumford, Naughton, Petrarca, Picard, Reilly, Rose, Savage, Schadone, Scott, Shanley, Shavers, Slater, Smith, Story, Tejada, Trillo, Williams, Winfield.

NAYS - 0.

House Bill No. 8183

BY Carter, Scott

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES
{LC2757/1}

02/26/2004 Introduced, referred to House Corporations

House Bill No. 8184

BY Carter, Scott

ENTITLED, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION
{LC2756/1}

02/26/2004 Introduced, referred to House Corporations

House Bill No. 8185

BY Giannini, Wasyluk, Handy, Petrarca, Lima

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- INSURANCE
{LC1584/1}

02/26/2004 Introduced, referred to House Corporations

House Bill No. 8186

BY Naughton, McNamara, Ginaitt

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ECONOMIC
DEVELOPMENT CORPORATION {LC1643/1}

02/26/2004 Introduced, referred to House Corporations

House Resolution No. 8187

BY Carter

ENTITLED, JOINT RESOLUTION MAKING AN APPROPRIATION TO PAY CERTAIN
VETERANS BONUSES {LC2769/1}

02/26/2004 Introduced, referred to House Finance

House Resolution No. 8188**BY** Carter**ENTITLED**, JOINT RESOLUTION MAKING AN APPROPRIATION TO PAY CERTAIN VETERANS BONUS {LC2767/1}

02/26/2004 Introduced, referred to House Finance

House Resolution No. 8189**BY** Carter**ENTITLED**, JOINT RESOLUTION MAKING AN APPROPRIATION TO PAY CERTAIN VETERANS BONUS {LC2768/1}

02/26/2004 Introduced, referred to House Finance

House Bill No. 8190**BY** Murphy**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT {LC2772/1}

02/26/2004 Introduced, referred to House Finance

House Bill No. 8191**BY** Naughton, Slater, Giannini, Handy, Dennigan**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- MEDICAID EXPENDITURES -- ANNUAL REPORT {LC1676/1}

02/26/2004 Introduced, referred to House H.E.W.

House Bill No. 8192**BY** Naughton, Crowley, Giannini, Carter, Petrarca**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- STROKE TASK FORCE {LC2589/1}

02/26/2004 Introduced, referred to House H.E.W.

House Bill No. 8193**BY** Lally**ENTITLED**, AN ACT RELATING TO FRUITS AND VEGETABLES GENERALLY {LC2765/1}

02/26/2004 Introduced, referred to House Judiciary

House Bill No. 8194 (by request)**BY** Aubin**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE {LC2759/1}

02/26/2004 Introduced, referred to House Judiciary

House Bill No. 8195 (by request)**BY** Aubin**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE {LC2760/1}

02/26/2004 Introduced, referred to House Judiciary

House Bill No. 8196**BY** Flaherty, Naughton, Ginaitt, McNamara, Williamson**ENTITLED**, AN ACT RELATING TO AGRICULTURE AND FORESTRY -- AGRICULTURAL FUNCTIONS {LC1626/1}

02/26/2004 Introduced, referred to House Environment and Natural Resources

House Bill No. 8197**BY** Flaherty, Naughton, Ginaitt, McNamara, Palumbo**ENTITLED**, AN ACT RELATING TO AERONAUTICS -- PERMANENT AIR QUALITY MONITORING ACT {LC1632/1}

02/26/2004 Introduced, referred to House H.E.W.

House Bill No. 8198**BY** Flaherty, Naughton, Ginaitt, McNamara**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES {LC1954/1}

02/26/2004 Introduced, referred to House Corporations

House Bill No. 8199**BY** Flaherty, Naughton, Ginaitt, McNamara, Williamson**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- REAL ESTATE SALES DISCLOSURES {LC1621/1}

02/26/2004 Introduced, referred to House Corporations

House Bill No. 8200**BY** Flaherty, Naughton, Ginaitt, McNamara, Palumbo**ENTITLED**, AN ACT RELATING TO AERONAUTICS -- RHODE ISLAND AIRPORT CORPORATION {LC1624/1}

02/26/2004 Introduced, referred to House Corporations

House Bill No. 8201**BY** Flaherty, Naughton, Ginaitt, McNamara, Palumbo**ENTITLED**, AN ACT RELATING TO AERONAUTICS -- AIRPORTS AND LANDING FIELDS {LC1628/1}

02/26/2004 Introduced, referred to House Corporations

House Bill No. 8202**BY** Flaherty, Naughton, Ginaitt, McNamara, Palumbo**ENTITLED**, AN ACT RELATING TO AERONAUTICS -- NOISE MONITORING ACT {LC1620/1}

02/26/2004 Introduced, referred to House Corporations

House Bill No. 8203**BY** Flaherty, Naughton, Ginaitt, McNamara, Palumbo**ENTITLED**, AN ACT RELATING TO AIRPORTS AND LANDING FIELDS {LC1622/1}

02/26/2004 Introduced, referred to House Corporations

House Bill No. 8204**BY** Naughton, Moffitt, Slater, Giannini**ENTITLED**, AN ACT RELATING TO EDUCATION {LC1651/1}

02/26/2004 Introduced, referred to House Finance

House Bill No. 8205**BY** Naughton, Slater, Giannini, Lima, Handy**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES -- FAMILY INDEPENDENCE ACT {LC1678/1}

02/26/2004 Introduced, referred to House Finance

House Bill No. 8206**BY** Naughton, McNamara, Ginaitt**ENTITLED**, AN ACT RELATING TO AERONAUTICS - NOISE MONITORING {LC1634/1}

02/26/2004 Introduced, referred to House Finance

House Bill No. 8207**BY** Flaherty, Naughton, Ginaitt, McNamara**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES {LC2069/1}

02/26/2004 Introduced, referred to House Finance

CALENDAR

From the Calendar are taken:

1. 2004-H 7032 SUB A**BY Kilmartin****ENTITLED**, HOUSE RESOLUTION ADOPTING RULES OF THE HOUSE OF REPRESENTATIVES FOR THE YEARS 2003-2004

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

Representative Menard requests with the agreement of the majority and the minority #1. (04H7032) on today's Calendar be placed on the Calendar for Tuesday, March 2, 2004. There is no objection.

Read and by unanimous consent, ordered to be placed on the calendar for Tuesday, March 2, 2004.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
HOUSE OF REPRESENTATIVES**AFFIDAVIT**

I, Matthew McHugh, State Representative, District 36, hereby under oath depose and say:

1. (Matter requiring action) I expect to be called upon, in my capacity as State Representative, to participate in the consideration of, and to vote upon: (04H7326)
2. (Nature of the potential conflict) I have the following interest in the matter:
I have a veteran exemption in South Kingston.
3. In compliance with Section 36-14-6(1) & (2)A of the General laws, I hereby request the Speaker of the House of Representatives to excuse me from voting on or participating in the consideration of the matter described in paragraph 1 above.

Matthew J. McHugh
Representative, District 36

State of Rhode Island
County of Providence

Subscribed and sworn to before me this 24th day of February AD, 2004

David W. Dumas
Notary Public

Representative McHugh is excused from voting on or participating in the consideration of the matter described in paragraph 1, above.

WILLIAM J. MURPHY
Speaker of the House of Representatives

2 2004-H 7326

BY Shanley

ENTITLED, AN ACT RELATING TO PROPERTY SUBJECT TO TAXATION --
SOUTH KINGSTOWN

Committee on Corporations recommends passage.

Representative Shanley moves passage of the act, seconded by Representatives Lally, Brien, and Carter.

Read and passed, on a roll call vote, 52 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 52: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Aubin, Brien, Callahan, Caprio, Carter, Cerra, Corvese, Costantino, Dennigan, Enos, Faria, Gallison, Giannini, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Lowe, Malik, McNamara, Menard, Moffitt, Moran, Moura, Mumford, Naughton, Palumbo, Petrarca, Picard, Reilly, Rose, Savage, Schadone, Shanley, Shavers, Story, Tejada, Trillo, Wasyluk, Williams, Winfield.

NAYS - 0.

3 2004-H 7166**BY Giannini****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

Representative Giannini moves passage of the act, seconded by Representative Palumbo.

Read and passed, on a roll call vote, 54 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 54: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Aubin, Brien, Callahan, Caprio, Carter, Cerra, Corvese, Costantino, Crowley, Dennigan, Enos, Faria, Gallison, Giannini, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Lowe, Malik, McCauley, McHugh, McNamara, Menard, Moffitt, Moran, Moura, Mumford, Naughton, Palumbo, Petrarca, Picard, Reilly, Rose, Savage, Schadone, Shavers, Story, Tejada, Trillo, Wasylyk, Williams, Winfield.

NAYS - 0.

4 2004-H 7424**BY Kennedy****ENTITLED, AN ACT RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS - UNFAIR SALES PRACTICES**

Committee on Corporations recommends passage.

Representative Kennedy moves passage of the act, seconded by Representative Lima and several other members of the House.

Representatives Gorham, Kennedy, Moura, Lima, Crowley, Petrarca, Palumbo, McNamara, and Trillo discuss the act.

Read and passed, on a roll call vote, 57 members voting in the affirmative and 1 member voting in the negative as follows.

YEAS - 57: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Brien, Callahan, Caprio, Carter, Cerra, Corvese, Costantino, Crowley, Dennigan, Enos, Faria, Gallison, Giannini, Handy, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Lowe, Malik, McCauley, McHugh, McNamara, Menard, Moffitt, Moran, Moura, Mumford, Naughton, Palumbo, Petrarca, Picard, Reilly, Rose, Savage, Schadone, Scott, Shanley, Shavers, Slater, Smith, Story, Tejada, Wasylyk, Williams, Winfield.

NAYS - 1: Representative Gorham.

5 2004-S 2204**BY Pichardo****ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF DAN SLEBODA EXCAVATING, INC.

Committee on Corporations recommends passage in concurrence.

Representative Kennedy moves passage of the act, seconded by Representative Malik.

Read and passed, in concurrence, 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, Brien, Callahan, Caprio, Carter, Cerra, Corvese, Costantino, Crowley, Dennigan, Enos, Faria, Gallison, Giannini, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Lowe, Malik, McCauley, McHugh, McNamara, Menard, Moffitt, Moran, Moura, Mumford, Naughton, Palumbo, Petrarca, Picard, Reilly, Rose, Savage, Schadone, Scott, Shanley, Shavers, Slater, Smith, Story, Tejada, Trillo, Wasylyk, Williams, Winfield.

NAYS – 0

FROM THE DESK IS TAKEN**House Bill No. 5808** SUB B as amended**BY** Carter**ENTITLED,** AN ACT RELATING TO STATUTES AND STATUTORY CONSTRUCTION {LC1980/1/B}

Representative Menard, seconded by Representative Gallison moves to reconsider (03H5808Sub B as amended). The motion to reconsider prevails on a roll call vote, 54 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 54: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Brien, Callahan, Caprio, Carter, Cerra, Corvese, Costantino, Crowley, Faria, Gallison, Harwood, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Malik, McCauley, McHugh, McNamara, Menard, Moffitt, Moran, Moura, Mumford, Naughton, Palumbo, Petrarca, Picard, Reilly, Rose, Savage, Schadone, Scott, Shanley, Shavers, Slater, Smith, Story, Tejada, Trillo, Wasylyk, Williams, Winfield.

NAYS - 0.

By unanimous consent, Representative Menard, seconded by Representatives Gallison offers a written motion to amend. Representatives Gorham and Menard discuss the amendment.

Read, and by unanimous consent, ordered to be placed on the Calendar for Tuesday, March 2, 2004.

CALENDAR

With the agreement of the Majority and the Minority, Representative Menard requests to take #2 (04H7590) on the Calendar for Tuesday, March 2, 2004 next. There is no objection.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
HOUSE OF REPRESENTATIVES

AFFIDAVIT

I, Roger Picard, State Representative, District 51, hereby under oath depose and say:

1. (Matter requiring action) I expect to be called upon, in my capacity as State Representative, to participate in the consideration of, and to vote upon (04H7590)

2. (Nature of the potential conflict) I have the following interest in the matter:

It affects a Relative.

3. In compliance with Section 36-14-6(1) & (2)A of the General laws, I hereby request the Speaker of the House of Representatives to excuse me from voting on or participating in the consideration of the matter described in paragraph 1 above.

Roger A. Picard
Representative, District 51

State of Rhode Island
County of Providence

Subscribed and sworn to before me this 26th day of February AD, 2004

David W. Dumas
Notary Public

Representative Picard is excused from voting on or participating in the consideration of the matter described in paragraph 1, above.

WILLIAM J. MURPHY
Speaker of the House of Representatives

House Bill No. 7590

BY Menard, Winfield, Corvese, Lowe, Gallison

ENTITLED, AN ACT RELATING TO INSURANCE -- SMALL EMPLOYER HEALTH
INSURANCE {LC2250/1}

Representative Menard moves passage of the act, seconded by Representatives Lowe, Reilly, and Aubin.

Representatives Trillo, Crowley, and Gorham discuss the act.

NOW PRESIDING

At 4:55 o'clock P.M. the Honorable Speaker Murphy yields the rostrum to the Honorable Deputy Speaker Winfield.

CALENDAR

Read and passed, on a roll call vote, 57 members voting in the affirmative and 0 members voting in the negative as follows.

YEAS - 57: Representatives Ajello, Almeida, Amaral, Anguilla, Aubin, Brien, Callahan, Caprio, Carter, Cerra, Corvese, Costantino, Crowley, Dennigan, DeSimone, Enos, Faria, Gallison, Giannini, Gorham, Handy, Jacquard, Kilmartin, Lally, Laroche, Lewiss, Lima, Long, Lowe, Malik, McCauley, McHugh, McNamara, Menard, Moffitt, Montanaro, Moran, Moura, Mumford, Naughton, Palumbo, Petrarca, Reilly, Rose, Savage, Schadone, Scott, Shanley, Shavers, Slater, Smith, Story, Tejada, Trillo, Wasylyk, Williams, Winfield.

NAYS - 0.

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.

GUESTS

Representative Kilmartin welcomes to the House Chambers as guests, Speaker Bertrand "Andy" Gauthier and his wife Joyce. Speaker of the Silver Hair Legislators in the State of Rhode Island.

Representative Kilmartin presents Speaker Bertrand with a citation.

The Honorable Speaker Murphy also welcomes Speaker Gauthier and his wife to the House.

Representative Ajello welcomes to the House Chambers her intern, from Brown University, Nick Phillips.

ANNOUNCEMENTS

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

Representative Brien announces that the Committee on Labor will meet today, at the rise of the House, in Room 135 of the State House.

ADJOURNMENT

At 5:02 o'clock P.M. on motion of Representative Picard, and as a further mark of respect to the memory of Joe Gazzola; on motion of Representative McNamara, and as a further mark of respect to the memory of Thomas J. Konikowski; on motion of Representative Lewiss and as a further mark of respect to the memory of Alfred Tennenbaum, seconded by Representatives Lima and Scott the House adjourns, on a unanimous rising vote.

Linda M. McElroy

Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE PETER F. KILMARTIN

Dear God:

As we deliberate on the weighty issues before us, let us remember that in life, two things are of priceless worth – learning and loving. Nothing else—not fame, not power, not achievement for its own sake—can possibly have the same lasting value. For when life is over, is we can say “I have learned” and “I have loved”, we will then be able to say “I have been happy”.

Amen

APPENDIX

TRANSMITTED TO THE GOVERNOR

Senate Bill No. 2204

BY Pichardo, Paiva-Weed

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF DAN SLEBODA EXCAVATING, INC. {LC1247/1}

02/26/2004 Transmitted to Governor

APPENDIX

CALENDAR

IN ORDER FOR TUESDAY, MARCH 2, 2004:

1 2004-H 7032 SUB A

BY Kilmartin

ENTITLED, HOUSE RESOLUTION ADOPTING RULES OF THE HOUSE OF REPRESENTATIVES FOR THE YEARS 2003-2004

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

2 2004-H 7085

BY Corvese

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS - - CORRECTIONAL OFFICERS -- ARBITRATORS

Committee on Labor recommends passage.

3 2003-H 5808 SUB B as amended

BY Carter

ENTITLED, AN ACT RELATING TO STATUTES AND STATUTORY CONSTRUCTION

Ordered on the Calendar

Louis D'Antuono
Clerk of the House

Thursday, February 26, 2004

APPENDIX**PROCEEDINGS IN JOINT SESSION**

Wednesday, February 25, 2004

The Honorable President of the Senate, Joseph A. Montalbano, in the Chair.

CALLED TO ORDER

The Joint Session is called to order at 6:50 o'clock P.M.

Upon suggestion of the Honorable President, and by unanimous consent, the reading of the roll of the Senate and the roll of the House of Representatives is dispensed with, there being a quorum of the Senate and a quorum of the House of Representatives present, therefore a quorum of the Joint Session.

Upon suggestion of the Honorable President, and by unanimous consent, the reading of the Resolution (04-H 8007) of invitation is dispensed with.

The Honorable President, by unanimous consent, appoints Senators Bates, Blais, Felag, Issa, Roberts and Sosnowski, and Representatives Shanley, Lowe, Almeida, Rose, Watson and Gorham, a Committee, to escort His Excellency, the Governor, Donald L. Carcieri to the Chamber.

Joint Session attends while the State University and College Presidents enter the Chamber.

Joint Session attends while the Mayors, Town Administrators and Local City and Town Officials enter the Chamber.

Joint Session attends while the Directors of the Executive Departments and invited guests enter the Chamber.

Joint Session attends while members of the Judiciary enter the Chamber.

Joint Session attends while the Honorable Paul J. Tavares, General Treasurer, enters the Chamber.

Joint Session attends while the Honorable Matthew A. Brown, Secretary of State, enters the Chamber.

Joint Session attends while His Honor, the Lieutenant Governor, Charles J. Fogarty, enters the Chamber.

Joint Session attends while His Excellency, the Governor, Donald L. Carcieri, enters the Chamber.

The Honorable President presents His Excellency, the Governor, Donald L. Carcieri, to the Joint Session. The Governor delivers his Budget Address.

(See Appendix for Governor's Message.)

Upon suggestion of the Honorable President, and by unanimous consent, the Joint Session attends while the committee escorts His Excellency, the Governor, Donald L. Carcieri, members of the Governor's family and invited guests from the Chamber.

ADJOURNMENT

Upon motion of Speaker Murphy, seconded by Senate Majority Leader Paiva-Weed, and by unanimous consent, Joint Session adjourns and the two Houses separate at 7:36 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

GABRIEL REI
Deputy Clerk

Appendix

Governor Donald L. Carcieri Budget Address February 25, 2004

Mr. Speaker, Mr. President, members of the General Assembly, members of the judiciary, my fellow general officers, my family, distinguished guests, and my fellow Rhode Islanders.

For the last three years we have spent a half billion dollars more than we collected in taxes. Let me repeat....That's an average of \$185M per year.

How did we do that? We spent our surplus (\$130M), we sold our tobacco settlement (\$300M), and last year the Federal government gave us a one-time, \$102M gift.

We've drained the cupboard bare, and the problem still exists. We now face a deficit of \$192M in fiscal year 2005, basically the same as we've had for the previous three years.

Eliminating this deficit has been extraordinarily difficult. It has necessitated cuts that we have not had to face for many years. We have worked very hard to find solutions, but the choices are few.

The budget I submit to you tonight is based on three principles:

1. Spread the cuts fairly across all sectors of the community.
2. Look for new revenue opportunities, but do not increase broad-based taxes like the sales and income tax.
3. Investments for the future.

This budget matches spending to our revenue growth. We have cut over \$92M out of the requests from state departments. Seventeen departments and agencies will spend less money next year than they will this year. The Fiscal Fitness Team found more than \$37M – both new revenues and expenditure savings. The team identified overall savings of \$180M per year for the state when fully implemented. Achieving that amount will take time – probably two years – a great deal of work, and the cooperation of this body and many others. But, the rewards are huge, \$550M over the next 5 years. Still, after doing this, our total spending will increase 2.2% and require us to find new sources of revenue.

Many major budget increases are largely out of our control.

The Department of Human Services and the Department of Mental Health Retardation and Hospitals will see the largest increase in the budget: a combined \$64M. These increases are driven almost exclusively by increased medical inflation, higher caseloads in entitlement programs, and reduced federal assistance.

The Department of Administration budget will increase by the next largest amount, \$23M. Nearly all of it, \$22M, due to increased debt service payments and additional costs to maintain our buildings. Local municipal aid is level-funded.

The third largest increase in the budget is education. The Elementary and Secondary Education budget will increase by \$11M, most of that for mandatory teacher retirement contributions and school construction costs.

The rest of state government is essentially level-funded or funded with less money than this year.

DO NOT RAISE BROAD-BASED TAXES

To solve this deficit we cannot raise our broad-based taxes. The people of Rhode Island are already too heavily taxed. Rhode Island has the 4th highest state and local tax burden in the nation.

That's right – according to the Tax Foundation, taxes in Rhode Island are higher than those in 46 other states. In 1970 we ranked 32nd highest.

We must stop raising our taxes, and learn to live within our means. That's what our taxpayers are doing!

Our citizens are under financial pressure themselves. We cannot ask them to pay more! We cannot and must not raise the taxes that weigh down working families and chase away good jobs.

Last year, the General Assembly raised the sales tax on meals and beverages by an additional 1% - from 7% to 8%.

I opposed that tax and I ask this General Assembly to repeal it beginning July 1, 2005. This will give us sufficient time to allow further Fiscal Fitness savings and provide assistance to local municipal governments.

These taxes hurt our economy and they hurt working families. And the meals tax – paid equally by everyone regardless of income – is a regressive tax. Rich or poor, everyone pays the same meals tax. Let's begin to lessen the load of our onerous tax system. Start this year with the meal and beverage tax.

There is one tax that I do support however. According to most experts, the number one public health risk in America today is tobacco smoke.

Every year, second-hand smoke leads to 3,000 lung cancer deaths in this country, while complicating the medical conditions of tens of thousands more. I propose to increase the cigarette tax by \$0.75/pack.

By increasing the tax, we raise revenue, while decreasing smoking. It's a win – win!

Finally, we need to do more to collect unpaid taxes. Currently, we project that we can collect \$10M owed to the state by instituting a simple computer check of taxes and court fines. We will aggressively pursue those taxes owed to our state.

SPREAD THE CUTS FAIRLY

The sobering reality is that we cannot close this deficit without cutting spending across all of state government.

The plan asks everyone to share the cuts: state employees, human service programs, local governments, capital projects, community organizations, businesses and yes, even the General Assembly and the Governor's Office.

Let's begin with the last two. I propose in my budget that the Governor's contingency fund be cut in half and that the General Assembly's legislative grant fund also be cut. This will save \$1.75M.

We have also begun the process of addressing state employee health care costs.

As of July 1 of this year, all non-union employees will receive a 2% wage increase. At the same time, they will begin contributing 7% of the cost of their health insurance premiums. Massachusetts state employees pay 15% of the cost of their health insurance premiums. The average contribution for private sector workers is 16%. It's time, and it's fair. As we negotiate our labor contracts this year, I expect that our union employees will be on a similar plan.

Unfortunately, resolving this deficit has meant finding cost savings in our human services programs. They make up about 40% of the entire general revenue budget – over \$1.1B next year. These programs are also growing faster than the rest of the budget.

The choices of program reductions here are extremely difficult, and I make them with a heavy heart.

The generosity of Rhode Islanders is evident in these programs. Our Rite Care program for children and mothers is a national model.

More children are covered by health insurance in Rhode Island than in any state in the nation. That is an important achievement, and I propose no programmatic changes to Rite Care.

Our welfare to work program is also one of the most generous in the nation. While many states allow welfare recipients only 24 months of cash assistance benefits, Rhode Island provides 60 months of benefits, the maximum allowed under Federal law.

Our child care subsidies are also generous and costly. Spending on child care subsidies has increased 162% in just five years.

This year, taxpayers will spend \$82M on this program, an increase of \$51M in just 5 years.

We will continue to support these programs. But, we also must find ways to slow their costs. Every program can be made more efficient. And, we owe it to our taxpayers to continually review all our programs, compare them to other states, and ask ourselves if adjustments should be made.

One area we identified is to increase accountability in our welfare program. Employment is a key component of family independence.

To encourage employment, we will increase the penalties for people who refuse to follow job search rules. Our childcare program costs are among the most rapidly increasing of all in our state budget. This budget proposes targeted changes to the co payments made by families and the income eligibility requirements.

These are not things that I do lightly. Even with these changes the cost of all human service programs will increase by \$54M, an 8.5% increase.

TARGET INVESTMENTS FOR FUTURE GROWTH

Even with this difficult budget year, we must find ways to invest. Although we do not have the luxury of making ambitious commitments to large new programs, we can make a few targeted strategic investments in key areas. I'd like to focus on education, job growth, and capital improvements.

Elementary and Secondary Education spending will increase under my budget by \$11M to a total of \$774M next year. This increase is the third largest departmental increase in my budget plan.

The budget fully funds public charter schools and the Metropolitan School in Providence. It is important to remember that these public schools serve overwhelmingly urban communities – 80% of children in our ten charter schools live in Providence, Pawtucket, and Central Falls. 79% are minority students.

The achievement results from these schools are clear: children who attend charter schools that have been given time to develop perform very well. We are giving our parents a valuable choice.

I also propose continued investments in higher education. Last year, we doubled need-based scholarship support. I can report to you that the increase is a huge success. We have increased the average award from \$600 to \$1,100, and we have helped nearly 800 additional students. This budget maintains that investment.

I propose that we continue on the same path towards good jobs. This budget:

1. Maintains funding for the Slater Centers;
 2. Continues the economic and community development fund at EDC. This has helped 23 communities begin new local economic development projects;
 3. Includes \$1.5M in seed capital enabling our universities to attract three million dollars in new National Science Foundation research funds;
 4. Proposes a new tax incentive program – called the “Creative Companies Act” – aimed at attracting ambitious entrepreneurs to Rhode Island to found new businesses;
 5. Having reviewed the effectiveness of our tax incentives, I propose eliminating five of them.
- Together with other tax law changes, this will save \$11.5M.

Let me briefly discuss a few additional investments that we must make:

- I propose additional staffing for the State Fire Marshall which would provide the Marshall with the support he needs to enforce our new Fire Safety Code.
- I propose a new trooper class for the State Police. We have not graduated a new class of trooper since 2000.
- I also propose a new class of 65 correctional officers. These are necessary public safety investments.
- Further, I propose that we continue to collect data on racial profiling by law enforcement agencies.
- Finally, I propose that we continue to fund affordable housing. We are now in the third year of a ten-year plan to build 1,000 new affordable housing units through the Neighborhood Opportunities Program.
- Actually, the program has exceeded its goal of creating 100 new units each year. That is why I propose another \$5M for that vital effort.

In addition, I am putting forward a package of bonds to be submitted for voter approval this November.

I am proposing \$60M in new bond money to protect open space and farmland; to preserve land vital to our drinking water supplies; and to continue the work of cleaning up Narragansett Bay. Last summer's fish kill was a wake-up call that we cannot ignore.

We must also invest in a long-ignored state asset: Quonset Point. This year I ask you to put before the voters a bond referendum for \$50M to transform Quonset into a modern industrial site capable of producing thousands of good jobs.

My capital improvement strategy closely ties economic development to our higher educational institutions. That is why we are proposing a \$50M investment at the University of Rhode Island to build a new Center for Biotechnology. It will be a world-class research facility that will provide both exciting new educational opportunities for students, as well as a stimulus for our growing biotech economy.

I know there are some difficult choices in this budget – some things we would all prefer not to do!

We have tried to spread the burden, and ask everyone to make sacrifices. If our May revenue estimates improve, I am prepared to revisit some of these cuts.

I pledge to work closely with the legislature on this budget. These are difficult times and it is more critical than ever for us to work together. I want the same things that you do – a state that is prospering, generating good paying jobs, giving our children a first-rate education, and assisting those that need our help.

I know many of you are asking, “Why is this necessary?” The truth is, as I've said earlier, we have been living beyond our means for several years. We can no longer!! We are at a critical juncture in our great state. If we face the difficult decisions now, we will chart a robust future.

These are not partisan issues, it's about doing the best job we can for all our citizens.

Let's join together and show the citizens of our state that they can be proud of their government!!

Ladies and gentlemen, an exciting future is within our grasp – but we must be willing to grasp it.

Thank you. God bless Rhode Island and God bless the United States of America.