

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. 30

Wednesday, March 24, 2004

Thirtieth Day

The House of Representatives meets at the State House in Providence, Wednesday, March 24, 2004 and is called to order at 4:13 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 3 members absent as follows:

PRESENT – 71: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anderson, Anguilla, Aubin, Benson, Brien, Callahan, Caprio, Carter, Cerra, Coderre, Coogan, Corvese, Costantino, Crowley, Dennigan, DeSimone, Enos, Faria, Flaherty, Fox, Gallison, Giannini, Ginaitt, Gorham, Handy, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Lowe, Malik, McHugh, 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, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT – 3: Representatives, Harwood, McCauley, McManus.

INVOCATION

The Honorable Speaker presents Representative Giannini 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, March 23, 2004, is approved as printed.

COMMUNICATION FROM THE SENATE

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

Senate Bill No. 2978

BY Paiva-Weed

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF CHAPMAN ASSOCIATES, INCORPORATED {LC2979/1}

03/24/2004 Referred to House Corporations

Senate Resolution No. 2976

BY Perry, Caprio F, Parella, Issa, Gibbs

ENTITLED, JOINT RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL LEGISLATIVE COMMISSION TO STUDY SERVICES TO PERSONS WITH MENTAL ILLNESS IN THE CRIMINAL JUSTICE SYSTEM {LC2948/1}

03/24/2004 Referred to House Judiciary

REPORTS OF COMMITTEES**TRANSFER OF BILLS**

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

House Bill No. 8130

BY Moura, Rose, Dennigan, Ajello, Savage

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ENERGY FACILITY SITING {LC2428/1}

03/24/2004 Read and transferred to the House Committee on Corporations

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

House Bill No. 8064

BY Montanaro, Moura, Ajello, Anderson R, Kilmartin

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - LABOR AND PAYMENT OF DEBTS

BY CONTRACTORS {LC2157/1}

03/24/2004 Read and transferred to the House Committee on Finance

Representative Corvese, for the Committee on Labor, reports back the following measures, with recommendation of transfer to the Committee on Environment and Natural resources

House Bill No. 8070 (Dept. of Environmental Management)

BY Ginaitt, Watson, Amaral, Savage, Moffitt

ENTITLED, AN ACT RELATING TO AGRICULTURE AND FORESTRY -- FRESH WATER WETLANDS {LC1517/1}

03/24/2004 Read and transferred to the House Committee on Environment and Natural Resources

COMMITTEE ON JUDICIARY

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

House Bill No. 8044

BY Menard

ENTITLED, AN ACT RELATING TO THE SOLEMNIZATION OF MARRIAGES {LC2590/1}

03/24/2004 Placed on House Calendar

House Bill No. 8261

BY Anguilla

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2893/1}

03/24/2004 Placed on House Calendar

House Bill No. 8220

BY Schadone

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2798/1}

03/24/2004 Placed on House Calendar

NEW BUSINESS

House Resolution No. 8334

BY Corvese

ENTITLED, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$110.14 TO PAY THE CLAIM OF SCOTT READ OF 9 HAWKINS BLVD., NORTH PROVIDENCE, RHODE ISLAND 02911 {LC2973/1}

03/24/2004 Introduced, referred to Jt. Committee on Accounts & Claims

House Resolution No. 8335

BY Rose, Dennigan

ENTITLED, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$169.04 TO PAY THE CLAIM OF MANUEL F. VINHATEIRO, JR. OF 20 BERWICK PLACE, RUMFORD, RHODE ISLAND 02916 {LC3019/1}

03/24/2004 Introduced, referred to Jt. Committee on Accounts & Claims

House Resolution No. 8336**BY** Carter**ENTITLED**, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$637.17 TO PAY THE CLAIM OF KAREN MATHEWS O'BRIEN OF 62 WELFARE AVENUE, WARWICK, RHODE ISLAND 02888 {LC2996/1}

03/24/2004 Introduced, referred to Jt. Committee on Accounts & Claims

House Bill No. 8337**BY** Crowley, Shavers**ENTITLED**, AN ACT RELATING TO TAXATION - PERSONAL INCOME TAX {LC3013/1}

03/24/2004 Introduced, referred to House Finance

House Bill No. 8338 (Attorney General)**BY** Brien T, Menard, Jacquard, Kilmartin, Trillo**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- SEARCH WARRANTS {LC2929/1}

03/24/2004 Introduced, referred to House Judiciary

House Resolution No. 8339**BY** Naughton, Petrarca, Giannini, Carter, Cerra**ENTITLED**, HOUSE RESOLUTION CONGRATULATING GREGORY HUGHES ON RECEIVING THE HIGHLY COMPETITIVE "GATES CAMBRIDGE SCHOLARSHIP" {LC3021/1}

Representative Naughton requests unanimous consent for immediate consideration.

There is no objection.

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

CALENDAR

From the Calendar is taken:

IN ORDER FOR WEDNESDAY, MARCH 24, 2004:**1 2004-H 7239****BY** Fox**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY

Committee on Health, Education & Welfare recommends passage.

Representative Giannini moves passage of the act, seconded by Representatives Faria, Lima, Ajello, Moura, Shavers, Cerra and Anderson.

Representatives Gorham, Flaherty, Fox and Benson discuss the act.

Read and passed, on a roll call vote, 57 members voting in the affirmative and 4 members voting in the negative as follows.

YEAS - 57: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anderson, Anguilla, Aubin, Benson, Brien, Caprio, Carter, Cerra, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Enos, Faria, Flaherty, Fox, Gallison, Giannini, Handy, Kennedy, Kilmartin, Landroche, Laroche, Lewiss, Lima, Long, Lowe, Malik, McHugh, McNamara, Menard, Moffitt, Montanaro, Moran, Moura, Naughton, Palumbo, Petrarca, Picard, Rose, Savage, Schadone, Scott, Shanley, Shavers, Slater, Tejada, Trillo, Voccola, Wasylyk, Williams, Williamson.

NAYS - 4: Representatives Callahan, Gorham, Mumford, Watson.

TRANSMITTAL

By unanimous consent, all matters on the clerk's desk are ordered to be transmitted to His Excellency, the Governor and the Honorable Senate forthwith.

ANNOUNCEMENTS

Representative Kennedy 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 meet today, at the rise of the House, in Room 135 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 Coderre announces that the Committee on Separation of Powers will meet today, at the rise of the House, in Room 313 of the State House.

Representative Carter congratulates Representative Faria on his newest granddaughter.

GUESTS

Representatives Moura and Giannini welcome to the House Chambers as guests Maria Posada, Patricia Burke.

POINT OF ORDER

Representatives Watson and Gorham rise on a point of order for Representative Moura to speak germane to the introduction of guests.

The Honorable Speaker rules for Representative Moura to speak germane to the introduction of guests.

ADJOURNMENT

At 4:33 o'clock P.M. on motion of Representative Williamson, the Honorable Speaker Murphy, and Representatives Landroche, Moffitt and as a further mark of respect to the memory of Anthony "Nino" Georgio seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy

Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE JOANNE M. GIANNINI

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

APPENDIX

CALENDAR

IN ORDER FOR THURSDAY, MARCH 25, 2004:

1 2004-S 2205

BY Pichardo

ENTITLED, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY PREDATORY MORTGAGE LENDING PRACTICES

Committee on Corporations recommends passage in concurrence.

IN ORDER FOR TUESDAY, MARCH 30, 2004:

1 2004-H 8044

BY Menard

ENTITLED, AN ACT RELATING TO THE SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

2 2004-H 8220

BY Schadone

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

3 2004-H 8261

BY Anguilla

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

Louis D'Antuono
Clerk of the House