

**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 fourth day of January in the year of Our Lord two thousand and five.**

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Volume 132, No. 2

Wednesday, January, 5, 2005

Second Day

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The House of Representatives meets at the State House in Providence, Wednesday, January, 5, 2005, and is called to order at 4:12 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 3 members absent as follows:

**PRESENT - 72:** The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Sullivan, Trillo, Ucci, Voccola, Wasylyk, Watson, Williams, Winfield.

**ABSENT – 3:** Representatives Lima, Story, Williamson.

**INVOCATION**

The Honorable Speaker presents Representative Gallison 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 4, 2005 is approved as printed.

**ANNOUNCEMENTS**

Representative Charlene Lima will be unable to attend session today Wednesday, January 5, 2005.

Representative Timothy Williamson will be unable to attend session today, Wednesday, January 5, 2005, due to medical reasons.

**COMMUNICATION**

The Honorable Speaker announces the receipt of the following communication:

January 5, 2005

The Honorable William J. Murphy  
Speaker of the House of Representatives  
323 State House  
Providence, RI 02903

Dear Speaker Murphy:

I will be absent from today's session due to illness.

Sincerely,

Susan Story  
State Representative

Received and placed on file.

**NEW BUSINESS**

Representatives Menard, Ucci, McHugh, Winfield, Petrarca introduces (05H 5003) AN ACT RELATING TO SEPARATION OF POWERS

Representative Menard offers a bill relating to Separation of Powers and asks unanimous consent that it be placed upon Thursday's Calendar.

Representative Fox objects and asks that the matter be sent to the Separation of Powers Committee. It is so ordered.

Representative Caprio appeals the ruling of the Chair.

The ruling of the Chair is upheld by a vote of 41 members voting in the affirmative and 27 members voting in the negative as follows:

YEAS - 41: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Carter, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, Diaz, Faria, Flaherty, Fox, Gallison, Gemma, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Malik, McNamara, Melo, Moura, Naughton, O'Neill, Pacheco, Picard, Rice, Rose, San Bento, Schadone, Shanley, Slater, Sullivan.

NAYS - 27: Representatives Brien, Caprio, Davey, DeSimone, Ehrhardt, Giannini, Gorham, Laroche, Loughlin, McCauley, McHugh, McManus, Menard, Moffitt, Moran, Mumford, Palumbo, Petrarca, Savage, Scott, Singleton, Trillo, Ucci, Voccola, Wasylyk, Watson, Winfield.

### REQUEST

Due to a malfunction at his voting console, Representative Long was not able to vote.

Representative Long requests the journal to reflect that if he was able to vote on Upholding the Ruling of the Chair, he would have voted in the negative.

Read and referred to the committee on Separation of Powers

### WELCOME

Representative Carter welcomes Representative Larry Ehrhardt to the House of Representatives.

### ADJOURNMENT

At 4:27 o'clock P.M. on motion of Representative Coderre and as a further mark of respect to the memory of Bethanie Lee Ann Malone (for Poem in Loving Memory of Bethanie Malone, see Appendix of this Journal); on motion of Representative Church, and as a further mark of respect to the memory of John Pacheco; on motion of Representative Pacheco and as a further mark of respect to the memory of Louis U. Lopez, Sr.; on motion of Representative Corvese, and as a further mark of respect to the memory of James Black, Sr.; and as a further mark of respect to the memory of Freda Danakas; on motion of Representatives Anguilla and Gallison, and as a further mark of respect to the memory of Orlando J. Bisbano; on motion of Representative Carter, and as a further mark of respect to the memory of Robert George Fitzpatrick; on motion of Representative Brien, and as a further mark of respect to the memory of Helen Regan seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

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

APPENDIX

INVOCATION

**REPRESENTATIVE RAYMOND E. GALLISON, JR.**

Lord, we have been sent to these positions of responsibility by the people. Keep us mindful that we are their servants. Give us the wisdom and energy to serve them honestly and well. Amen.

APPENDIX

POEM

**In Loving Memory of  
Bethanie Lee Ann Malone**

March 3, 1987  
December 30, 2004

I'd like the memory of me  
to be a happy one,  
I'd like to leave an afterglow  
of smiles when life is done.  
I'd like to leave an echo  
whispering softly down the ways,  
Of happy times and laughing  
times and bright and sunny days.

I'd like the tears of those who  
grieve, to dry before the sun  
Of happy memories that I leave  
When life is done.