

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

Volume 132, No. 7

Wednesday, January 19, 2005

Seventh Day

The House of Representatives meets at the State House in Providence, Wednesday, January 19, 2005 and is called to order at 4:11 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 67 members present and 8 members absent as follows:

PRESENT - 67: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Church, Coderre, Corvese, Costantino, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Sullivan, Trillo, Ucci, Voccola, Wasylyk, Watson, Williams, Winfield.

ABSENT – 8: Representative Carter, Crowley, Handy, Menard, Palumbo, San Bento, Story, Williamson.

INVOCATION

The Honorable Speaker presents Representative Landroche 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 18, 2005 is approved as printed.

ANNOUNCEMENTS

Representative Kenneth Carter will be unable to attend session today, January 19, 2005, due to a family matter.

Representative Arthur Handy will not be in session today, January 19, 2005, due to a family illness.

NEW BUSINESS**House Bill No. 5123**

BY Shanley, Kennedy, Lewiss, San Bento, Lally

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- DUTIES OF UTILITIES AND CARRIERS {LC131/1}

01/19/2005 Introduced, referred to House Corporations

House Bill No. 5124

BY Ucci, Voccola, Petrarca, Smith

ENTITLED, AN ACT RELATING TO TAXATION - LEVY AND ASSESSMENT OF LOCAL TAXES {LC674/1}

01/19/2005 Introduced, referred to House Corporations

House Bill No. 5125

BY Gorham, Mumford, Singleton, Trillo, Scott

ENTITLED, AN ACT RELATING TO EDUCATION {LC346/1}

01/19/2005 Introduced, referred to House Finance

House Bill No. 5126

BY Gorham, Davey, Singleton, Ehrhardt, Loughlin

ENTITLED, AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS {LC342/1}

01/19/2005 Introduced, referred to House Finance

House Bill No. 5127

BY Gorham, Moffitt, Trillo, Mumford, Singleton

ENTITLED, AN ACT RELATING TO EDUCATION -- STUDENT INVESTMENT INITIATIVE {LC340/1}

01/19/2005 Introduced, referred to House Finance

House Bill No. 5128

BY Shanley, Lally, Carter, San Bento, Lewiss

ENTITLED, AN ACT RELATING TO EDUCATION -- PUBLIC HIGHER EDUCATION ENDOWMENT INCENTIVE PROGRAM {LC675/1}

01/19/2005 Introduced, referred to House Finance

House Bill No. 5129

BY Gorham, Mumford, Trillo

ENTITLED, AN ACT RELATING TO TAXATION -- LOCAL MEALS AND BEVERAGE TAX {LC352/1}

01/19/2005 Introduced, referred to House Finance

House Bill No. 5130

BY Faria

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- RETIREMENT SYSTEM -- CONTRIBUTIONS AND BENEFITS {LC760/1}

01/19/2005 Introduced, referred to House Finance

House Bill No. 5131

BY Savage, McNamara, Mumford, Moffitt, Amaral

ENTITLED, AN ACT RELATING TO EDUCATION -- ESTABLISHMENT OF CHARTER PUBLIC SCHOOLS {LC120/1}

01/19/2005 Introduced, referred to House H.E.W.

Representative Church requests to place (05-H 5132) & (05-H 5133) on tomorrow's calendar seconded by Representative Fox.

There is no objection.

Ordered on the Calendar for tomorrow, January 20, 2005.

House Bill No. 5132

BY Church

ENTITLED, AN ACT RELATING TO TAXATION -- NORTH SMITHFIELD {LC884/1}

01/19/2005 Placed on House Calendar

House Bill No. 5133

BY Church

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS {LC883/1}

01/19/2005 Placed on House Calendar

COMMUNICATION

The Honorable Speaker announces the receipt of the following communication:

Dear Speaker Murphy, Majority Leader Fox & Members of the House of Representatives,

I will be unable to attend session on Wednesday January 19, 2005 due to the fact I will be out of state with my daughter.

Respectfully,

Rene R. Menard
Representative Rene R. Menard
House District – 45

COMMUNICATION FROM THE SENATE

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

Senate Bill No. 49

BY Felag

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF D & M CUSTOM HOMES, INC. {LC659/1}

Ordered on the Consent Calendar

Senate Resolution No. 72

BY Sosnowski, Paiva-Weed

ENTITLED, JOINT RESOLUTION CONGRATULATING BARBARA ANNE HACKEY ON HER RETIREMENT AFTER 30 YEARS OF SERVICE TO THE TOWN OF SOUTH KINGSTOWN {LC521/1}

Representative Shanley requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, in concurrence, on a motion of Representative Shanley seconded by Representatives McHugh, Lally, Scott, Watson, Caprio and by unanimous consent, on a voice vote.

CONSENT CALENDAR

From the Consent Calendar is taken:

IN ORDER FOR TUESDAY, JANUARY 19, 2005:

1 2005-S 10

BY Algieri

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF CROSS'S MILLS'S VOL. FIRE DEPT.

Ordered on the Calendar

Read and passed, in concurrence, on a motion of Majority Leader Fox, seconded by Minority Leader Watson, 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, forthwith.

ANNOUNCEMENTS

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

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

Representative Lima announces a photographer will be in the House Lounge tomorrow between 3 o'clock and 4 o'clock P.M. for any retakes.

GUESTS

Representative Dennigan welcomes to the House Chamber as a guest John O'Hare, Ward 1 Democrat Committee.

Also:

Representative Dennigan introduces to the House her intern, Laura Martin, a junior at Providence College.

ADJOURNMENT

At 4:22 o'clock P.M. on motion of Representative Lima, and as a further mark of respect to the memory of Anna Fantozzi; on motion of Representative Slater, and as a further mark of respect to the memory of Raymond F. Aubin; on motion of Representative Church and as a further mark of respect to the memory of Armand A. Tancrede; on motion of Representative Naughton, and as a further mark of respect to the memory of James Flynn; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE N.L. LANDROCHE, JR.

Dear God, we are grateful for the privilege of serving in this House of Representatives. Keep us ever mindful that we are here to serve those who elected us and all of the people of Rhode Island. Amen.

APPENDIX

CONSENT CALENDAR

IN ORDER FOR TUESDAY, JANUARY 25, 2005:

1 2005-S 49

BY Felag

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF D & M CUSTOM HOMES, INC.

Ordered on the Calendar

Louis D'Antuono
Clerk of the House

Wednesday, January 19, 2005

APPENDIX

CALENDAR

IN ORDER FOR THURSDAY, JANUARY 20, 2005:

1 2005-H 5132

BY Church

ENTITLED, AN ACT RELATING TO TAXATION -- NORTH SMITHFIELD

Ordered on the Calendar

2 2005-H 5133

BY Church

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS

Ordered on the Calendar

Louis D'Antuono
Clerk of the House

Wednesday, January 19, 2005

APPENDIX

TRANSMITTED TO THE GOVERNOR

Senate Bill No. 10

BY Algieri, Breene

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF CROSS'S MILLS'S VOL. FIRE DEPT. {LC453/1}