

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 third day of January in the year of Our Lord two thousand and six.

Volume 133, No. 14

Thursday, February 2, 2006

Fourteenth Day

The House of Representatives meets at the State House in Providence, Thursday, February 2, 2006 and is called to order at 4:29 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 70 members present and 5 members absent as follows:

PRESENT - 70: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Williams, Williamson, Winfield.

ABSENT – 5: Representatives Church, Laroche, Lima, Menard, Voccola.

INVOCATION

The Honorable Speaker presents Representative Scott 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 1, 2006 is approved as printed.

ANNOUNCEMENT

Representative Rene Menard will be unable to attend session Thursday, February 2, 2006.

**REPORT OF COMMITTEE
COMMITTEE ON CORPORATIONS**

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

House Bill No. 6709

BY Mumford

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES (add the town of Scituate to the municipalities authorized to prohibit the issuance of Class C liquor licenses) {LC27/1}

02/02/2006 Placed on House Calendar

NEW BUSINESS**House Bill No. 7050**

BY Carter, Faria, Laroche, Melo

ENTITLED, AN ACT RELATING TO FISH AND WILDLIFE -- HUNTING AND HUNTING SAFETY (clarify inconsistencies in hunting ordinances throught the state) {LC1078/1}

02/02/2006 Introduced, referred to House Environment and Natural Resources

House Bill No. 7051

BY Lewiss, Kennedy, San Bento, Corvese

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- REGULATION OF SALES (patrons to leave restaurants with a partially consumed bottle of wine) {LC835/1}

02/02/2006 Introduced, referred to House Corporations

House Bill No. 7052

BY Slater, Diaz, Williams, Almeida, Coderre E

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- UTILITY PAYMENT PLANS (implement changes regarding the rules and regulations pertaining to the repayments of utility debts by consumers) {LC694/1}

02/02/2006 Introduced, referred to House Corporations

House Bill No. 7053

BY Rice, Jackson, Crowley

ENTITLED, AN ACT AUTHORIZING THE CITY OF NEWPORT TO FINANCE THE DESIGN, CONSTRUCTION, REPAIR, REHABILITATION AND IMPROVEMENT OF STREETS AND SIDEWALKS IN THE CITY, INCLUDING, BUT NOT LIMITED TO, TRAFFIC CONTROL DEVICES, LANDSCAPING AND CONSTRUCTION MANAGEMENT SERVICES, BY THE ISSUANCE OF NOT MORE THAN \$12,000,000 BONDS AND/OR NOTES THEREFOR {LC1490/1}

02/02/2006 Introduced, referred to House Finance

House Bill No. 7054 (Lieutenant Governor)
BY Ginaitt, Anguilla, Lewiss, Naughton, Shanley
ENTITLED, AN ACT RELATING TO EDUCATION - NURSING LOAN REPAYMENT PROGRAM (loan forgiveness program) {LC831/1}
02/02/2006 Introduced, referred to House Finance

House Bill No. 7055
BY Slater, Williams, Naughton, Almeida, Diaz
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND HOUSING RESOURCES ACT OF 1998 (power to administer a support services program) {LC711/1}
02/02/2006 Introduced, referred to House Finance

House Bill No. 7056
BY Slater, Williams, Almeida, Diaz, Dennigan
ENTITLED, AN ACT RELATING TO HUMAN SERVICES -- CHILD CARE -- STATE SUBSIDIES (eliminate the cap on family day care provider's total family annualized income of 350% of the federal poverty level) {LC1485/1}
02/02/2006 Introduced, referred to House Finance

House Bill No. 7057
BY Coderre E, Ajello, Diaz, Handy, Naughton
ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS (create a children of domestic violence program) {LC1414/1}
02/02/2006 Introduced, referred to House Finance

House Bill No. 7058
BY McCauley
ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- AUTOMATED TRAFFIC VIOLATIONS MONITORING SYSTEMS (remove sunset provision) {LC790/1}
02/02/2006 Introduced, referred to House Finance

House Bill No. 7059
BY McCauley
ENTITLED, AN ACT RELATING TO RETIREMENT SYSTEM-CONTRIBUTIONS AND BENEFITS (post retirement employment) {LC792/1}
02/02/2006 Introduced, referred to House Finance

House Bill No. 7060
BY Anguilla, Gallison, Brien T
ENTITLED, AN ACT RELATING TO STATE AID (reimburse for costs of services provided for state parks located in a city or town) {LC1437/1}
02/02/2006 Introduced, referred to House Finance

House Bill No. 7061**BY** Moura, Kilmartin**ENTITLED**, AN ACT RELATING TO TAXATION -- SALES AND USE TAXES -- LIABILITY AND COMPUTATION (Wickenden Street to the downtown area of Providence designated as the Providence Arts and Entertainment District) {LC609/1}

02/02/2006 Introduced, referred to House Finance

House Bill No. 7062 (General Treasurer)**BY** Anguilla, Ginaitt, Malik, Dennigan, Rose**ENTITLED**, AN ACT RELATING TO PERSONAL INCOME TAX (establish equal Rhode Island tax treatment for contributions to all 529 college savings plans) {LC1395/1}

02/02/2006 Introduced, referred to House Finance

House Bill No. 7063**BY** Anguilla, Malik, Ginaitt, Corvese, Rose**ENTITLED**, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION (exempt from taxation dwelling houses and land owned or held in trust by or for any religious organization) {LC1430/1}

02/02/2006 Introduced, referred to House Finance

House Bill No. 7064**BY** Anguilla, Malik**ENTITLED**, AN ACT RELATING TO DOMESTIC RELATIONS -- CHILD SUPPORT ENFORCEMENT (order child support if the child has a severe physical or mental impairment) {LC1448/1}

02/02/2006 Introduced, referred to House H.E.W.

House Bill No. 7065**BY** Dennigan, Malik, Shanley, O'Neill, Diaz**ENTITLED**, AN ACT RELATING TO EDUCATION - CURRICULUM (establish a pilot program to encourage physical exercise and promote healthy weight levels in children) {LC975/1}

02/02/2006 Introduced, referred to House H.E.W.

House Bill No. 7066**BY** Naughton, Crowley, Kennedy, Coderre E, Slater**ENTITLED**, AN ACT RELATING TO EDUCATION (create a program to structure the governance of the RI Vision Education and Services Program) {LC1353/1}

02/02/2006 Introduced, referred to House H.E.W.

House Bill No. 7067 (Lieutenant Governor)**BY** Naughton, Slater, Crowley, Ginaitt, Kennedy**ENTITLED**, AN ACT RELATING TO PHARMACEUTICAL ASSISTANCE TO THE ELDERLY (change the definition of eligible drugs and specifically excludes prescription drugs used for cosmetic purposes) {LC1017/1}

02/02/2006 Introduced, referred to House H.E.W.

House Resolution No. 7068 (Lieutenant Governor)**BY** Ginaitt, Naughton, McNamara, Long, Amaral**ENTITLED**, JOINT RESOLUTION RESPECTFULLY REQUESTING THE UNITED STATES CONGRESS AND PRESIDENT BUSH TO ADDRESS CONCERNS WITH THE MEDICARE PART D PROGRAM AND ADOPT THE SPECIFIC CHANGES AS LISTED {LC1345/1}

02/02/2006 Introduced, referred to House H.E.W.

House Bill No. 7069**BY** Almeida, Slater, Diaz**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE - ARREST (require municipal police departments and the state police to adopt certain protocols for conducting photo lineups and live lineups) {LC907/1}

02/02/2006 Introduced, referred to House Judiciary

House Bill No. 7070**BY** Almeida, Slater, Williams, Diaz**ENTITLED**, AN ACT RELATING TO MENTAL HEALTH, RETARDATION AND HOSPITALS -- INCOMPETENCY TO STAND TRIAL AND PERSONS ADJUDGED NOT GUILTY BY REASON OF INSANITY (inmates considered for transfer from the dept of corrections to the dept of mental health, retardation and hospitals) {LC905/1}

02/02/2006 Introduced, referred to House Judiciary

House Bill No. 7071 (Attorney General)**BY** Malik, Rose, Faria, Dennigan, Anguilla**ENTITLED**, AN ACT REGULATION OF SALES (clarify the definitions, violations and penalties for furnishing and procuring alcoholic beverages to underage persons) {LC478/1}

02/02/2006 Introduced, referred to House Judiciary

House Bill No. 7072**BY** Singleton, Gorham, Malik, Watson, Story**ENTITLED**, AN ACT RELATING TO ETHICS - ETHICS COMMISSION POWERS (remove the power of the ethics commission to order civil penalties for filing a frivolous complaint) {LC807/1}

02/02/2006 Introduced, referred to House Judiciary

House Resolution No. 7073**BY** Anguilla, Davey, Lewiss, Dennigan, Caprio D**ENTITLED**, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (ENFORCEMENT) {LC1436/1}

02/02/2006 Introduced, referred to House Judiciary

House Bill No. 7074**BY** Almeida, Williams, Diaz**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- DOMESTIC VIOLENCE PREVENTION ACT (mandatory treatment program required for any domestic violence offense to be available to sentenced inmates prior to their release from prison) {LC909/1}

02/02/2006 Introduced, referred to House Judiciary

House Bill No. 7075**BY** Almeida, Williams, O'Neill, Slater, Diaz**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS -- UNIFORM CONTROLLED SUBSTANCES ACT (reduce the minimum sentences for crimes involving controlled substances) {LC1068/1}

02/02/2006 Introduced, referred to House Judiciary

House Resolution No. 7076**BY** Naughton, Williams, Coderre E, Lima, Dennigan**ENTITLED**, HOUSE RESOLUTION PROCLAIMING FEBRUARY 3, 2006 TO BE "GO RED FOR WOMEN" DAY IN THE STATE OF RHODE ISLAND {LC641/1}

Representative Naughton requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Naughton seconded by Representatives Giannini, Williams, Mumford, Diaz, Corvese, Kennedy, Ajello Coderre and many other members of the House by unanimous consent, on a voice vote.

House Resolution No. 7077**BY** Naughton, Lima, Coderre E, Ajello, Rice**ENTITLED**, HOUSE RESOLUTION PROCLAIMING THE MONTH OF FEBRUARY, 2006 TO BE "AMERICAN HEART MONTH" IN THE STATE OF RHODE ISLAND {LC1133/1}

Representative Naughton requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Naughton seconded by Representatives Williams, Giannini, Diaz, Coderre, Mumford, Story, and Ajello by unanimous consent, on a voice vote.

House Resolution No. 7078**BY** Gemma, Long, Fox**ENTITLED**, HOUSE RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL HOUSE COMMISSION TO STUDY PRE-INSURANCE INSPECTION PROCEDURES RELATING TO USED VEHICLES {LC1481/1}

Representative Gemma requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Gemma seconded by Representative Williamson by unanimous consent, on a voice vote.

House Resolution No. 7079

BY Lewiss, Long, Fox, Crowley, Costantino

ENTITLED, HOUSE RESOLUTION COMMEMORATING THE VICTIMS OF THE HOLOCAUST {LC1672/1}

Representative Lewiss requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Lewiss seconded by Representative Long by unanimous consent, on a voice vote.

COMMUNICATION FROM THE SENATE

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

Senate Bill No. 2112

BY DaPonte, Ruggerio, Ciccone, Paiva-Weed, Raptakis

ENTITLED, AN ACT RELATING TO LABOR -- MINIMUM WAGES (increase the minimum hourly wage from \$6.75 to \$7.10 effective 1/1/2006, and to \$7.40 effective 1/1/2007) {LC642/1}

02/02/2006 Placed on House Calendar

Senate Bill No. 2117

BY Algieri

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF RENEWABLE RESOURCES, INC. {LC941/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, in concurrence, on a motion of Representative Fox seconded by Representatives Carter and Pacheco on a roll call vote, 64 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 64: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Fox, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Long, Loughlin, Malik, McHugh, McManus, McNamara, Melo, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Watson, Williams, Winfield.

NAYS - 0.

Senate Bill No. 2118**BY** Sosnowski**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF VIEIRA MARINE CONSTRUCTION, INC. {LC1037/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, in concurrence, on a motion of Representative Fox seconded by Representatives Pacheco, Melo and Faria on a roll call vote, 67 members voting in the affirmative and 0 members voting in the negative as follows:

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

NAYS - 0.

Senate Resolution No. 2257**BY** Pichardo, Ciccone, Ruggerio, Algieri**ENTITLED**, JOINT RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL LEGISLATIVE COMMISSION TO STUDY PREDATORY MORTGAGE LENDING PRACTICES {LC1421/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, in concurrence, on a motion of Representative Fox seconded by Representatives Ucci and McCauley on a roll call vote, 63 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 63: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Moffitt, Moran, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rose, Savage, Schadone, Shanley, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Watson, 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.

CALENDAR

From the Calendar are taken:

IN ORDER FOR THURSDAY, FEBRUARY 2, 2006:**1 2006-H 6754****BY Coderre E****ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS**

Committee on Separation of Powers recommends passage.

Representative Coderre moves passage of the act, seconded by Representatives Davey, McNamara, and Jackson.

Representative Coderre, seconded by Representatives Gemma, Gallison, Naughton, and Kilmartin offers a written motion to amend.

FLOOR AMENDMENT**TO****2006 -- H 6754****AN ACT RELATING TO SEPARATION OF POWERS**

Mr. Speaker:

I hereby move to amend 2006 -- H 6754, entitled "AN ACT RELATING TO SEPARATION OF POWERS", as follows:

- (1) On page 1, line 1 thru page 3, line 32 by deleting Section 1 in its entirety.
- (2) Beginning on page 3, line 33 by renumbering the remaining section numbers accordingly.
- (3) On page 12, line 19 by inserting after the words "composed of" and before the word "the" the following language:
"a member appointed by the director of the department of administration to represent".
- (4) On page 12, line 19 by deleting the word "chief".
- (5) On page 12, lines 19 and 20 by deleting the words "serving as a nonvoting ex-officio member;".

Respectfully submitted,

REPRESENTATIVE CODERRE

Representatives Coderre, Kilmartin, and Gorham discuss the amendment. The motion to amend prevails on a roll call vote 65 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 65: Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Long, Loughlin, Malik, McHugh, McManus, McNamara, Melo, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

Read and passed, as amended, on a roll call vote, 65 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 65: Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Long, Loughlin, Malik, McHugh, McManus, McNamara, Melo, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Williams, Williamson, 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.

2 2006-H 6752

BY Coderre E

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION -- WATER RESOURCES BOARD

Committee on Separation of Powers recommends passage.

Representative Coderre moves passage of the act, seconded by Representatives Kilmartin, Giannini, Davey, Gemma, Diaz, Naughton, Crowley and Faria.

Read and passed, on a roll call vote, 67 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 67: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Long, Loughlin, Malik, McHugh, McManus, Melo, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Wasyluk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

3 2006-H 6751

BY Coderre E

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS

Committee on Separation of Powers recommends passage.

Representative Coderre moves passage of the act, seconded by Representatives Naughton, Almeida, Davey, Shanley, Kilmartin, Jackson, Gemma and Diaz.

Representative Coderre, seconded by Representative Gemma offers a written motion to amend.

FLOOR AMENDMENT

TO

2006 -- H 6751

AN ACT RELATING TO SEPARATION OF POWERS

Mr. Speaker:

I hereby move to amend 2006 -- H 6751, entitled "AN ACT RELATING TO SEPARATION OF POWERS", as follows:

(1) On page 15, line 28, by striking the word and number "five (5)", and inserting in place thereof the word and number "seven (7)".

Respectfully submitted,

REPRESENTATIVE CODERRE

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LC00331/2
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The motion to amend prevails on a roll call vote 66 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 66: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Long, Loughlin, Malik,

McHugh, McManus, Melo, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Wasyluk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

Read and passed as amended, on a roll call vote, 64 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 64: Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Long, Loughlin, Malik, McHugh, McManus, Melo, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Wasyluk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

REQUEST

Representative DeSimone requests the journal to reflect that if he had voted on (06H 6751), he would have voted in the affirmative.

4 2006-H 6749

BY Coderre E

**ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS --
EDUCATION**

Committee on Separation of Powers recommends passage.

Representative Coderre moves passage of the act, seconded by Representatives Davey, Gemma and Kilmartin.

Representatives Mumford, Coderre and Amaral discuss the act.

Read and passed, on a roll call vote, 65 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 65: Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Carter, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Long, Loughlin, Malik, McHugh, McManus, McNamara, Melo, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Wasyluk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

REQUEST

Representative Davey requests the journal to reflect that if he had voted on (06H 6749), he would have voted in the affirmative.

5 2006-H 6753**BY Coderre E****ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS**

Committee on Separation of Powers recommends passage.

Representative Coderre moves passage of the act, seconded by Representatives Naughton, Kilmartin, and Davey.

Representative Coderre, seconded by Representatives Kilmartin and Gemma offers a written motion to amend.

**FLOOR AMENDMENT
TO
2006 -- H 6753****AN ACT RELATING TO SEPARATION OF POWERS**

Mr. Speaker:

I hereby move to amend 2006 -- H 6753, entitled "AN ACT RELATING TO SEPARATION OF POWERS", as follows:

On page 10, line 4, before the word "citizens" by inserting the word and number "three (3)".

Respectfully submitted,

REPRESENTATIVE CODERRE

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LC00334/2
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The motion to amend prevails on a roll call vote 68 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 68: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginatt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Long, Loughlin, Malik, McHugh, McManus, McNamara, Melo, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

Representatives Kilmartin and Watson discuss the act, as amended.

Read and passed as amended, on a roll call vote, 66 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 66: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Carter, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Long, Loughlin, Malik, McHugh, McManus, McNamara, Melo, Moffitt, Moran, Moura, Mumford, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

Representatives Kilmartin and Watson extend a thank you to Chairwoman Coderre and the Separation of Powers Committee for all their hard work. Representative Watson also thanks Representative Gorham and Representative Davey.

Representative Coderre extends heartfelt thanks to the committee, the staff, Mike Egan, legislative council along with John O'Conner, and Peggy Forbes.

Representative Long thanks former Representative Callahan who also worked very hard to reach this day and Representative Long also thanks the Honorable Speaker Murphy and everyone in the room.

Representative Davey thanks Andy Hodgkins, Executive Attorney for Governor Carcieri, who also worked long and hard.

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

Representative Costantino wishes Representative Victor Moffitt a Happy Birthday.

GUESTS

Representative Naughton announces that February is Heart Month and welcomes to the House Chamber as guests Lynne Urbani, Delia Rodrigues and Athena Poppas, who Co-Chair along with Representative Naughton for the American Heart Association's National Wear Red Day.

The Honorable Speaker Murphy welcomes to the House as a guest former Senator Joseph McGair.

Representative Naughton introduces Dot Mullen, director of the RI Braille Transcription Center, and welcomes her to the House.

PERSONAL PRIVILEGE

Representative Davey rises on a point of personal privilege in regards to a newspaper article in the Cranston Herald.

CORRECTION

By unanimous consent, the House Journal of Friday, June 17, 2005 is hereby corrected on page 9 line 3, by deleting Davey therefore.

ADJOURNMENT

At 5:10 o'clock P.M. on motion of Representatives Giannini and Williams, and as a further mark of respect to the memory of Coretta Scott King; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

Linda M. McElroy
Recording Clerk

APPENDIX

INVOCATION

REPRESENTATIVE JOSEPH H. SCOTT

Heavenly Father, look with favor on our deliberation and assist us by your grace to do what is just and wise. Amen.

APPENDIX

TRANSMITTED TO THE GOVERNOR

Senate Bill No. 2117

BY Algieri

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF RENEWABLE RESOURCES, INC. {LC941/1}

Senate Bill No. 2118

BY Sosnowski

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF VIEIRA MARINE CONSTRUCTION, INC. {LC1037/1}

**APPENDIX
CALENDAR****IN ORDER FOR TUESDAY, FEBRUARY 7, 2006:****1 2006-H 6906****BY Costantino****ENTITLED,** AN ACT RELATING TO ALCOHOLIC BEVERAGES

Committee on Corporations recommends passage.

2 2006-H 6907**BY Lima****ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF TORO AUTO SALES, INC.

Committee on Corporations recommends passage.

3 2006-H 6711 SUB A**BY Kennedy****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- MUNICIPAL
EMPLOYEES RESIDENCYCommittee on Corporations recommends indefinite postponement of the original bill
and passage of Substitute A.**4 2006-H 6779 SUB A****BY Corvese****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
GOVERNMENT OVERSIGHT AND FISCAL ACCOUNTABILITY
REVIEW ACTCommittee on Finance recommends indefinite postponement of the original bill and
passage of Substitute A.**IN ORDER FOR WEDNESDAY, FEBRUARY 8, 2006:****1 2006-H 6709****BY Mumford****ENTITLED,** AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL
LICENSES

Committee on Corporations recommends passage.

2 2006-S 2112**BY DaPonte****ENTITLED,** AN ACT RELATING TO LABOR -- MINIMUM WAGES

Ordered on the Calendar

Francis P. McCabe
Clerk of the House

Thursday, February 2, 2006