

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

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Volume 133, No. 27

Tuesday March 14, 2006

Twenty-seventh Day

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The House of Representatives meets at the State House in Providence, Tuesday, March 14, 2006 and is called to order at 4:25 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, Caprio, 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, Lima, Long, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, 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 Brien, Carter, Loughlin, Moffitt, Voccola.

**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 Thursday, March 9, 2006 is approved as printed.

**REPORT OF COMMITTEE  
COMMITTEE ON SEPARATION OF POWERS**

Representative Coderre, for the Committee on Separation of Powers, reports back the following measures, with recommendation of passage:

**House Bill No. 7176**

**BY** Coderre E, Crowley, Gallison, Anguilla

**ENTITLED**, AN ACT RELATING TO HIGHWAYS -- MOUNT HOPE BRIDGE

AUTHORITY (abolish the Mount Hope Bridge Authority) {LC1822/1}

03/14/2006 Placed on House Calendar

**Senate Bill No. 2141 SUB A**

**BY** Sosnowski, Paiva-Weed, Raptakis, Gibbs, Breene

**ENTITLED**, AN ACT RELATING TO SEPARATION OF POWERS {LC400/1/A}

03/14/2006 Placed on House Calendar

**Senate Bill No. 2140 SUB A**

**BY** Lenihan, Metts, Damiani, Bates, Breene

**ENTITLED**, AN ACT RELATING TO SEPARATION OF POWERS {LC401/1/A}

03/14/2006 Placed on House Calendar

**Senate Bill No. 2595 SUB A**

**BY** Lenihan

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --

INDUSTRIAL RECREATIONAL BUILDING AUTHORITY (consist of five members, appointed by the governor and subject to the advice and consent of the senate) {LC1810/1/A}

03/14/2006 Placed on House Calendar

**Senate Bill No. 2143 as amended**

**BY** Roberts, Walaska, Levesque C

**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION -- WATER RESOURCES BOARD {LC402/1}

03/14/2006 Placed on House Calendar

**Senate Bill No. 2598**

**BY** Felag, Levesque C, Lenihan, Gibbs

**ENTITLED**, AN ACT RELATING TO HIGHWAYS -- MOUNT HOPE BRIDGE

AUTHORITY (abolish the Mount Hope Bridge Authority) {LC1820/1}

03/14/2006 Placed on House Calendar

**Senate Bill No. 2142 as amended**

**BY** Gallo, Paiva-Weed, Tassoni, Ruggerio

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

(relating to education) {LC404/1}

03/14/2006 Placed on House Calendar

**NEW BUSINESS****House Bill No. 7864****BY** Menard, Petrarca, McManus**ENTITLED**, AN ACT RELATING TO TAXATION - LEVY AND ASSESSMENT OF LOCAL TAXES (remove residential real estate containing partial commercial or industrial uses as a distinct class of property for taxation) {LC2722/1}

03/14/2006 Introduced, referred to House Finance

**House Resolution No. 7865****BY** Diaz, Almeida, Rice, Slater, Sullivan**ENTITLED**, HOUSE RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY THE FEASIBILITY OF ENACTING LEGISLATION THAT WOULD CHANGE THE MANDATORY SCHOOL ATTENDANCE AGE FROM SIXTEEN (16) TO SEVENTEEN (17) {LC2725/1}

03/14/2006 Introduced, referred to House H.E.W.

**House Bill No. 7866** (Environment Management)**BY** Ehrhardt**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- REFUSE DISPOSAL (greater than three cubic yards of tree waste generated off-site shall be considered a tree waste management facility.) {LC1327/1}

03/14/2006 Introduced, referred to House Environment and Natural Resources

**House Bill No. 7867****BY** Corvese**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- LEAD PAINT POISONING ( attorney general's 1999 public nuisance lawsuit against lead paint manufacturers) {LC2624/1}

03/14/2006 Introduced, referred to House Finance

**House Resolution No. 7868****BY** Diaz, Almeida, Rice, Slater, Sullivan**ENTITLED**, HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO STUDY HEALTH CARE FACILITIES AND EMPLOYMENT TRAINING {LC2724/1}

03/14/2006 Introduced, referred to House H.E.W.

**House Bill No. 7869****BY** Loughlin**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES (neighborhood electric vehicle) {LC2736/1}

03/14/2006 Introduced, referred to House Corporations

**House Bill No. 7870****BY** Singleton, Loughlin, Trillo, Ucci, Almeida**ENTITLED**, AN ACT RELATING TO THE BEACON MUTUAL INSURANCE COMPANY (prohibit the members of the Beacon board from receiving compensation for their work.)

{LC1647/1}

03/14/2006 Introduced, referred to House Finance

**House Bill No. 7871****BY** Church, San Bento, Dennigan, Malik, Moffitt**ENTITLED**, AN ACT RELATING TO INCOME TAX ( allow a taxpayer to claim a refund within three (3) years of filing his or her return plus the period of any extension of time for filing the return.) {LC2727/1}

03/14/2006 Introduced, referred to House Finance

**House Resolution No. 7872****BY** Smith, Lima, Ucci, Caprio D, Petrarca**ENTITLED**, HOUSE RESOLUTION CONGRATULATING ROBERT J. PALAZZO ON BEING SELECTED AS THE "ST. JOSEPH'S DAY MERIT AWARD WINNER" {LC2760/1}

Representative Smith requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Smith seconded by Representatives Lima, Moura, Ucci and Giannini by unanimous consent, on a voice vote.

**House Resolution No. 7873****BY** Lewiss, McNamara, San Bento, Dennigan, Diaz**ENTITLED**, HOUSE RESOLUTION PROCLAIMING MARCH 13TH - 14TH, 2006 AS "ARTS ADVOCACY DAYS" IN THE STATE OF RHODE ISLAND {LC2185/1}

Representative Lewiss requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Lewiss seconded by Representatives Scott, Costantino, McNamara, Ajello, Lima, Savage and Mumford by unanimous consent, on a voice vote.

**House Resolution No. 7874****BY** Rice, Giannini, Diaz, Coderre E, Dennigan**ENTITLED**, HOUSE RESOLUTION CELEBRATING MARCH, 2006 AS "WOMEN'S HISTORY MONTH" IN THE STATE OF RHODE ISLAND {LC2767/1}

Representative Rice requests unanimous consent for immediate consideration.

There is no objection.

Representative Giannini discusses the resolution.

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

**House Resolution No. 7875**

**BY** Fox, Watson

**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC2779/1}

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Fox seconded by Representative Watson by unanimous consent, on a rising vote.

**House Resolution No. 7876**

**BY** Fox, Watson

**ENTITLED**, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC2780/1}

03/14/2006 House read and passed

Representative Fox requests unanimous consent for immediate consideration.

There is no objection.

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

**House Resolution No. 7877**

**BY** Murphy, Carter, Lally, Fox, Faria

**ENTITLED**, HOUSE RESOLUTION EXTENDING CONDOLENCES ON THE PASSING OF FORMER STATE REPRESENTATIVE AND SENATOR THE HONORABLE ELEANOR F. SLATER {LC2787/1}

Representative Lally requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Lally seconded by Representatives Fox, Williams, Giannini, Pacheco, Naughton, Rice, Shanley, Ehrhardt, Ajello, Handy Diaz Coderre, Ginaitt, San Bento, Corvese, Lewiss, Kennedy, and Gallison by unanimous consent, on a rising vote.

**House Resolution No. 7878****BY** Crowley, Shanley, Jackson, Rice**ENTITLED**, HOUSE RESOLUTION HONORING TIMOTHY FRANCIS FITZGERALD ON THE OCCASION OF HIS 80TH BIRTHDAY {LC2782/1}

Representative Crowley requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Crowley seconded by Representatives Naughton, Jackson, Rice, Shanley, and Lally 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. 2020****BY** Paiva-Weed, Levesque C, Gibbs**ENTITLED**, AN ACT RELATING TO RECREATIONAL AREAS - GENERAL PROVISIONS (the Rugby field at Fort Adams State Park the Joseph 'Jay' P. Kirwin Rugby Pitch Field) {LC354/1}

03/14/2006 Referred to House Finance

**Senate Bill No. 2693****BY** Montalbano J, Caprio F**ENTITLED**, AN ACT RELATING TO DAYS OF SPECIAL OBSERVANCE {LC2400/1}

03/14/2006 House held on desk

**CALENDAR**

From the Calendar are taken:

**IN ORDER FOR TUESDAY, MARCH 14, 2006:****1 2006-H 7205 SUB A****BY** Coderre E**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT Committee on Separation of Powers recommends indefinite postponement of the original bill and passage of Substitute A.

Read, and by unanimous consent, ordered to be placed on the Calendar for Tuesday March 21, 2006.

**2 2006-H 7156 SUB A**

**BY Coderre E**

**ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --  
NARRAGANSETT INDIAN LAND MANAGEMENT  
CORPORATION

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

Read, and by unanimous consent, ordered to be placed on the Calendar for Tuesday March 21, 2006

**3 2006-H 6889 SUB A**

**BY Coderre E**

**ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- RHODE  
ISLAND RESOURCE RECOVERY CORPORATION

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

Representative Coderre moves passage of the act, seconded by Representative Ucci.

Representative Ucci, seconded by Representative Fox offers a written motion to amend.

**F L O O R   A M E N D M E N T  
T O  
2006 -- H 6889 SUBSTITUTE A**

**AN ACT RELATING TO HEALTH AND SAFETY -- RHODE ISLAND RESOURCE  
RECOVERY CORPORATION**

Mr. Speaker:

I hereby move to amend 2006 -- H 6889 SUBSTITUTE A, entitled "AN ACT RELATING TO HEALTH AND SAFETY -- RHODE ISLAND RESOURCE RECOVERY CORPORATION", as follows:

1. On page 3, line 7, by deleting the word "one" and inserting the word and number "two (2)".
2. On page 3, line 8, by deleting the word "resident" and inserting the word "residents".

Respectfully submitted,

\_\_\_\_\_  
REPRESENTATIVE UCCI

=====  
LC00924/2  
=====

Representatives Ucci, Moura, Gorham and Gemma discuss the amendment.

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, Caprio, Church, Coderre, Corvese, Costantino, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, 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, Winfield.

NAYS - 0.

Read, and by unanimous consent, ordered to be placed on the Calendar after item 4 as item 4A.

**4 2006-H 7204**

**BY Coderre E**

**ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --  
INDUSTRIAL RECREATIONAL BUILDING AUTHORITY**

Committee on Separation of Powers recommends passage.

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

Representative Coderre, seconded by Representatives Lima, Church, and Kilmartin offer a written motion to amend.

**FLOOR AMENDMENT  
TO  
2006 -- H 7204**

**AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- INDUSTRIAL  
RECREATIONAL BUILDING AUTHORITY**

Mr. Speaker:

I hereby move to amend 2006 -- H 7204, entitled "AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- INDUSTRIAL RECREATIONAL BUILDING AUTHORITY", as follows:

(1) On page 2, line 29, be deleting the word and figure "ninety (90)", and inserting in place thereof the word and figure "one hundred eighty (180)".

Respectfully submitted,

\_\_\_\_\_  
REPRESENTATIVE CODERRE

=====  
LC01811/2  
=====

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, Caprio, Church, Coderre, Corvese, Costantino, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, Moran, Moura, Mumford, Naughton, O'Neill, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Wasyluk, Watson, Williams, Williamson, Winfield.

NAYS - 0.

Read and passed, as amended, on a roll call vote, 65 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 65: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Caprio, Church, Coderre, Corvese, Costantino, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, Moran, Moura, Mumford, Naughton, O'Neill, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Scott, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Wasyluk, Watson, Williams, Williamson, Winfield.

NAYS - 1: Representative Faria.

### REQUEST

Representative Pacheco requests the journal to reflect that if he had voted on (06H 7204), he would have voted in the affirmative.

#### **4A 2006-H 6889 SUB A**

**BY Coderre E**

**ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- RHODE ISLAND RESOURCE RECOVERY CORPORATION**

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

Representative Gorham, seconded by Representative Watson offers a written motion to amend.

### **FLOOR AMENDMENT TO 2006 -- H 6889 SUBSTITUTE A**

**AN ACT RELATING TO HEALTH AND SAFETY -- RHODE ISLAND RESOURCE RECOVERY CORPORATION**

Mr. Speaker:

I hereby move to amend 2006 -- H 6889 SUBSTITUTE A, entitled "AN ACT RELATING TO HEALTH AND SAFETY -- RHODE ISLAND RESOURCE RECOVERY CORPORATION", as follows:

On page 3, line 6, by deleting the language "who shall serve as a nonvoting ex-officio member,".

Respectfully submitted,

\_\_\_\_\_  
REPRESENTATIVE GORHAM

=====  
LC00924/3  
=====

Representatives Gorham and Coderre discuss the amendment.

The motion to amend fails on a roll call vote 18 members voting in the affirmative and 44 members voting in the negative as follows:

YEAS - 18: Representatives Amaral, Caprio, DeSimone, Ehrhardt, Faria, Gorham, Laroche, Long, McManus, Menard, Mumford, Savage, Scott, Singleton, Story, Trillo, Watson, Winfield.

NAYS - 44: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Church, Coderre, Corvese, Costantino, Davey, Dennigan, Diaz, Flaherty, Fox, Gallison, Gemma, Giannini, Handy, Jackson, Kennedy, Lally, Lewiss, Lima, Malik, McCauley, McHugh, McNamara, Melo, Moran, Moura, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Rice, Rose, San Bento, Schadone, Shanley, Slater, Sullivan, Ucci, Wasylyk, Williams, Williamson.

Representatives Menard and Coderre discuss the act, as amended.

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, on a roll call vote, 65 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 65: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Caprio, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Lally, Landroche, Laroche, Lewiss, Lima, Long, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, 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 - 1: Representative Faria.

**5 2006-H 7157**  
**BY Coderre E**  
**ENTITLED, AN ACT RELATING TO CITIES AND TOWNS -- MUNICIPAL**

EMPLOYEES BENEFITS

Committee on Separation of Powers recommends passage.

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

Representative Gorham, seconded by Representatives Davey and Watson offers a written motion to amend.

FLOOR AMENDMENT  
TO  
2006 -- H 7157

AN ACT RELATING TO CITIES AND TOWNS -- MUNICIPAL EMPLOYEES BENEFITS

Mr. Speaker:

I hereby move to amend 2006 -- H 7157, entitled "AN ACT RELATING TO CITIES AND TOWNS -- MUNICIPAL EMPLOYEES BENEFITS", as follows:

(1) On page 2, line 27, by deleting the phrase "municipal elected and/or appointed officials of" and inserting the words "citizens from" in place thereof.

(2) On page 2, lines 29 and 30, by deleting the phrase "municipal elected and/or appointed officials of" and inserting the words "citizens from" in place thereof.

(3) On page 2, line 31, by deleting the phrase "municipal elected and/or appointed officials of" and inserting the words "citizens from" in place thereof.

Respectfully submitted,

\_\_\_\_\_  
REPRESENTATIVE GORHAM

=====  
LC01824/2

Representative Coderre discusses the amendment.

The motion to amend fails on a roll call vote 18 members voting in the affirmative and 48 members voting in the negative as follows:

YEAS - 18: Representatives Amaral, Davey, Ehrhardt, Faria, Flaherty, Gorham, Laroche, Long, McManus, McNamara, Mumford, Savage, Scott, Singleton, Story, Trillo, Watson, Winfield.

NAYS - 48: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Caprio, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, DeSimone, Diaz, Fox, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Lima, Malik, McCauley, McHugh, Melo, Menard, Moran, Moura, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Schadone, Shanley, Slater, Sullivan, Ucci, Wasylk, Williams.

Read and passed, on a roll call vote, 63 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 63: Representatives Ajello, Almeida, Amaral, Caprio, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Malik, McHugh, McManus, McNamara, Melo, Menard, 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 - 1: Representative Faria.

### REQUEST

Representative Long requests the journal to reflect that if he had voted on (06-H 7157), he would have voted in the affirmative.

### 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.

#### **6 2006-H 7440**

**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 Representative Moura.

Representative Coderre, seconded by Representatives Gallison and Moran offers a written motion to amend.

### FLOOR AMENDMENT TO 2006 -- H 7440

#### AN ACT RELATING TO SEPARATION OF POWERS

Mr. Speaker:

I hereby move to amend 2006 -- H 7440, entitled "AN ACT RELATING TO SEPARATION OF POWERS", as follows:

(1) On page 1, line 8 by inserting the following language after the words "Police Chiefs Association;" "provided, that if the sitting President of the Rhode Island Police Chiefs Association is the Superintendent of the Rhode Island State Police the Vice President of the

Rhode Island Police Chiefs Association shall serve;"

Respectfully submitted,

REPRESENTATIVE CODERRE

=====  
LC02491/2  
=====

The motion to amend prevails 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, Caprio, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Long, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, 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, Williamson, Winfield.

NAYS - 0.

Representatives Mumford and Coderre discuss the act as amended.

Read, and by unanimous consent, ordered to be placed as item #1 on the Calendar for Wednesday, March 15, 2006.

**7 2006-H 7155 SUB A**

**BY Coderre E**

**ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION**

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

Representative Coderre moves passage of the act, seconded by Representative Gemma.

Representative Gorham, seconded by Representative Davey offers a written motion to amend.

**F L O O R   A M E N D M E N T  
T O  
2006 -- H 7155 SUBSTITUTE A**

**AN ACT RELATING TO WATERS AND NAVIGATION**

Mr. Speaker:

I hereby move to amend 2006 -- H 7155 SUBSTITUTE A, entitled "AN ACT RELATING TO WATERS AND NAVIGATION", as follows:

- (1) On page 1, line 8, by deleting the word "The" which appears before the word "chief";

(2) On page 1, line 9, by deleting all of the underlined language and inserting in place thereof the following: "One other member shall also be appointed by the governor to represent the bureau of natural resources within the department of environmental management, and this member";

(3) On page 1, line 10, by deleting the language "environmental management, or his/her designee".

Respectfully submitted,

\_\_\_\_\_  
REPRESENTATIVE GORHAM

=====  
LC01814/2  
=====

Representatives Gorham and Coderre discuss the amendment.

The motion to amend fails on a roll call vote 23 members voting in the affirmative and 42 members voting in the negative as follows:

YEAS - 23: Representatives Amaral, Caprio, Davey, DeSimone, Ehrhardt, Faria, Flaherty, Gorham, Laroche, Long, McCauley, McHugh, McManus, Menard, Mumford, Savage, Scott, Shanley, Singleton, Story, Trillo, Watson, Winfield.

NAYS - 42: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Church, Coderre, Corvese, Costantino, Crowley, Dennigan, Diaz, Fox, Gallison, Gemma, Giannini, Ginaitt, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Malik, McNamara, Melo, Moran, Moura, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Schadone, Slater, Sullivan, Ucci, Williams, Williamson.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, on a roll call vote, 63 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 63: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Caprio, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Flaherty, Fox, Gallison, Gemma, Giannini, Ginaitt, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Long, Malik, McHugh, McManus, McNamara, Melo, Menard, 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, Williamson, Winfield.

NAYS - 1: Representative Faria.

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

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 Lally 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 135 of the State House.

Representative Corvese announces that Representative Ken Carter is recuperating from surgery and wishes him the best.

Representative Diaz introduces and welcomes to the House her intern Janet Desilva, from Shea High School.

Representative Landroche wishes Representative John McCauley a Happy Birthday.

Representative Ajello introduces and welcomes to the House her intern Nick Cantor, from Wheeler School.

Representative Rice congratulates Representative Diaz on receiving the Extraordinary Woman of the Year Award.

**GUESTS**

At 4:30 o'clock P.M. the Honorable Speaker yields the rostrum to Representative Coderre.

By unanimous consent, Representative Coderre addresses the members of the House and welcomes to the House the Honorable Stan Keyes, Council General from the government of Canada.

By unanimous consent, the Honorable Stan Keyes addresses the members of the House.

Representative Coderre presents the Honorable Stan Keyes with a citation from the House of Representatives.

At 4:40 o'clock P.M. the Honorable Speaker returns to the rostrum.

The Honorable Speaker Murphy announces everyone is invited to a reception in the House Lounge at 6 o'clock P.M. sponsored by Council General Keyes.

Representative Williamson and the Honorable Speaker Murphy welcome to the House Chamber as guests Yvette and Norman Landroche Sr., parents of Representative Landroche.

Representative Crowley welcomes to the House as a guest Alan Sakolow, Director-Council of State Government, Eastern Regional Conference.

### ADJOURNMENT

At 5:37 o'clock P.M. on motion of Representative Lima, and as a further mark of respect to the memory of Catherine Guglielmino; on motion of Representative DeSimone, and as a further mark of respect to the memory of Nicola Lamazzo; on motion of Representative Williamson and as a further mark of respect to the memory of Maurice "Mo" Chevalier; on motion of Representative Lally, and as a further mark of respect to the memory of Hulett E. Horne; on motion of Representative Caprio, and as a further mark of respect to the memory of Herman "Wimpy" Tudone; on motion of Representative Sullivan, and as a further mark of respect to the memory of Reginald Mailloux; on motion of Representative Landroche, and as a further mark of respect to the memory of Esther R. Zarrella; on motion of the Honorable Speaker Murphy and the entire House of Representatives, and as a further mark of respect to the memory of former Representative Eleanor F. Slater seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

*Linda M. McElroy*  
*Recording Clerk*

**APPENDIX**

**INVOCATION**

**REPRESENTATIVE PETER F. KILMARTIN**

I would like to ask for a moment of silence for the three URI students who are still missing after heading out on Narragansett Bay in a small boat early yesterday morning.....

One of the students is Daniel Donahue, who is the son of our own Ann Marie Donahue, personnel administrator in the JCLS office. Daniel is a junior in the environment and life sciences program at URI.

The other two URI students are Geoffrey Wilkes of Gloucester and Fandia Shloul of Pawtucket.

Our thoughts and prayers go out to the families and friends of these students during these very difficult hours.

A moment of silence please.....

## APPENDIX

## CALENDAR

## IN ORDER FOR WEDNESDAY, MARCH 15, 2006:

**1 2006-H 7440 as amended****BY Coderre E****ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS**

Ordered on the Calendar.

## IN ORDER FOR THURSDAY, MARCH 16, 2006:

**1 2006-H 7176****BY Coderre E****ENTITLED, AN ACT RELATING TO HIGHWAYS -- MOUNT HOPE BRIDGE  
AUTHORITY**

Committee on Separation of Powers recommends passage.

**2 2006-S 2141 SUB A****BY Sosnowski****ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS**

Committee on Separation of Powers recommends indefinite postponement of the original bill and passage of Substitute A in concurrence.

**3 2006-S 2140 SUB A****BY Lenihan****ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS**

Committee on Separation of Powers recommends indefinite postponement of the original bill and passage of Substitute A in concurrence.

**4 2006-S 2595 SUB A****BY Lenihan****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --  
INDUSTRIAL RECREATIONAL BUILDING AUTHORITY**

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

**5 2006-S 2143 as amended****BY Roberts****ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION -- WATER  
RESOURCES BOARD**

Committee on Separation of Powers recommends passage as amended in concurrence.

**6 2006-S 2598****BY Felag****ENTITLED,** AN ACT RELATING TO HIGHWAYS -- MOUNT HOPE BRIDGE  
AUTHORITY

Committee on Separation of Powers recommends passage in concurrence.

**7 2006-S 2142 as amended****BY Gallo****ENTITLED,** AN ACT RELATING TO SEPARATION OF POWERS --  
EDUCATION

Committee on Separation of Power recommends passage as amended in concurrence.

**IN ORDER FOR TUESDAY, MARCH 21, 2006:****1 2006-H 7205 SUB A****BY Coderre E****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENTCommittee on Separation of Powers recommends indefinite postponement of the original  
bill and passage of Substitute A.**2 2006-H 7156 SUB A****BY Coderre E****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --  
NARRAGANSETT INDIAN LAND MANAGEMENT  
CORPORATIONCommittee on Separation of Powers recommends indefinite postponement of the original  
bill and passage of Substitute A.

**Francis P. McCabe**  
**Clerk of the House**

**Tuesday, March 14, 2006**