

**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. 31

Wednesday March 22, 2006

Thirty-first Day

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The House of Representatives meets at the State House in Providence, Wednesday, March 22, 2006 and is called to order at 4:10 o'clock P.M., by the Honorable William J. Murphy, Speaker.

The roll is called and a quorum is declared present with 69 members present and 6 members absent as follows:

**PRESENT - 69:** The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Faria, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Shanley, Singleton, Slater, Smith, Story, Sullivan, Trillo, Ucci, Wasyluk, Watson, Williams, Williamson, Winfield.

**ABSENT – 6:** Representatives Carter, Flaherty, Ginaitt, Mumford, Scott, Voccola.

**INVOCATION**

The Honorable Speaker presents Representative Church 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 21, 2006 is approved as printed.

**NEW BUSINESS****House Bill No. 7923****BY** Faria, Trillo, Melo**ENTITLED**, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX (provide for a tax credit equal to 30% of the total for all water, sewer, gas and electric expenses and municipal taxes paid within any calendar year) {LC2738/1}

03/22/2006 Introduced, referred to House Finance

**House Bill No. 7924****BY** Faria, Melo, Laroche, Almeida**ENTITLED**, AN ACT RELATING TO ELECTRICIANS (guidelines for the regulation of lightning protection contract) {LC2749/1}

03/22/2006 Introduced, referred to House Labor

**House Bill No. 7925****BY** Faria**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- TELECOMMUNICATIONS (change the composition of the board of telecommunications systems contractors by eliminating a representative of the state building code commission and adding a member who is a member of the state board of examiners of electricians) {LC2731/1}

03/22/2006 Introduced, referred to House Labor

**House Bill No. 7926****BY** Costantino, Slater, Naughton**ENTITLED**, AN ACT RELATING TO INSURANCE - HEALTH INSURERS (establish a mechanism for health care providers to determine the co-payment or deductible amount prior to or soon after medical services are rendered/certain information be included on the subscriber's identification card) {LC2734/1}

03/22/2006 Introduced, referred to House Corporations

**House Bill No. 7927****BY** Sullivan, Murphy, Moffitt, Landroche, Williamson**ENTITLED**, AN ACT RELATING TO AN AMENDMENT OF CHAPTER 330 OF THE PUBLIC LAWS OF 1997 ENTITLED "AN ACT TO CREATE A SEWER AUTHORITY FOR THE TOWN OF COVENTRY AND TO AUTHORIZE SAID TOWN TO PLAN, CONSTRUCT, FINANCE, OPERATE AND MAINTAIN SEWAGE WORKS" (amend Coventry's sewer system enabling legislation to permit the town to issue bonds and notes secured solely by sewer system revenues to the Rhode Island Clean Water Finance Agency) {LC2790/1}

03/22/2006 Introduced, referred to House Corporations

**House Bill No. 7928****BY** Faria**ENTITLED**, AN ACT RELATING TO BANKING -- CHECK CASHING (establish a one mile protection radius for existing check cashing businesses) {LC2827/1}

03/22/2006 Introduced, referred to House Corporations

**House Resolution No. 7929****BY** Lima**ENTITLED**, HOUSE RESOLUTION EXTENDING THE REPORTING DATE AND AMENDING THE MEMBERSHIP OF THE SPECIAL HOUSE COMMISSION TO EXAMINE THE ISSUE OF LICENSING BUILDERS AND CONTRACTORS {LC2816/1}

Representative Lima requests unanimous consent for immediate consideration.

There is no objection.

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

**House Resolution No. 7930****BY** Williams, Diaz, Almeida, Slater, Faria**ENTITLED**, HOUSE RESOLUTION HONORING CESAR ESTRADA CHAVEZ (1927-1993) {LC2793/1}

Representative Williams requests unanimous consent for immediate consideration.

There is no objection.

Representatives Williams and Moura discuss the resolution.

Read and passed, on a motion of Representative Williams seconded by Representatives Diaz, Almeida, Slater, Giannini and Ajello 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 Resolution No. 2924****BY** Goodwin, Pichardo, Perry, Caprio F**ENTITLED**, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY STATE/LOCAL PARTNERSHIP FOR MAINTENANCE OF ROADS {LC556/1}

03/22/2006 Referred to House Finance

**Senate Bill No. 2869****BY** Fogarty P, Gallo, Walaska, Blais, Breene**ENTITLED**, AN ACT RELATING TO TAXATION - PROPERTY SUBJECT TO TAXATION (change the amount of exemptions in the town of Gloucester for the elderly, disabled and veterans) {LC2613/1}

03/22/2006 Referred to House Corporations

**Senate Bill No. 2867****BY** Fogarty P, Gallo, Walaska, Blais, Breene**ENTITLED**, AN ACT RELATING TO TAXATION - PROPERTY SUBJECT TO TAXATION (amend the property tax exemptions for the elderly and disabled in the town of Gloucester) {LC2597/1}

03/22/2006 Referred to House Corporations

**Senate Bill No. 2685** (Attorney General)**BY** Badeau, Ciccone**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW -- PRECIOUS METALS (require that consignment shops that buy and sell precious metals obtain a license from the state attorney general) {LC2042/1}

03/22/2006 Referred to House Corporations

**Senate Bill No. 2315****BY** Revens, Walaska, McCaffrey**ENTITLED**, AN ACT RELATING TO LEVY AND ASSESSMENT OF LOCAL TAXES (allow for reduction of assessed value upon the removal of damaged buildings) {LC117/1}

03/22/2006 Referred to House Corporations

**Senate Bill No. 2044** as amended**BY** Blais**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES -- SIZE, WEIGHT AND LOAD LIMITS (prohibit commercial motor trucks and tractors, over 4 tons from using South Main Street in Coventry as a through route) {LC75/1}

03/22/2006 Referred to House Corporations

**Senate Bill No. 2836****BY** Breene**ENTITLED**, AN ACT RELATING TO EDUCATION -- ESTABLISHMENT OF REGIONAL SCHOOL DISTRICTS (change the time of the Exeter-West Greenwich regional school district meeting from 8:00 pm to 7:00 pm) {LC2501/1}

03/22/2006 Referred to House Corporations

**Senate Bill No. 2863****BY** Bates**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Lauren M. Carlotto and Glenn Edward Perry) {LC2639/1}

03/22/2006 Referred to House Judiciary

**Senate Bill No. 2243****BY** Alves**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (D'Agostino Marcello) {LC1252/1}

03/22/2006 Referred to House Judiciary

**Senate Bill No. 2862****BY** Levesque C**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Stephanie C. Booth and Brian A. Beazley) {LC2647/1}

03/22/2006 Referred to House Judiciary

**Senate Bill No. 2652****BY** Ruggerio, Doyle, McBurney, Ciccone, Lanzi**ENTITLED**, AN ACT RELATING TO HOISTING ENGINEERS ( amend certain qualifications for the board of examiners of hoisting engineers) {LC176/1}

03/22/2006 Referred to House Labor

**Senate Resolution No. 2300****BY** Issa, Perry, Polisena, Felag**ENTITLED**, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY EDUCATIONAL ALTERNATIVES FOR SCHOOL STUDENTS IMPACTED BY A VIRAL PANDEMIC {LC1398/1}

03/22/2006 Referred to House H.E.W.

**CALENDAR**

From the Calendar are taken:

**IN ORDER FOR WEDNESDAY, MARCH 22, 2006:****1 2006-H 7792****BY** Kilmartin**ENTITLED**, HOUSE RESOLUTION ADOPTING RULES OF THE HOUSE OF REPRESENTATIVES FOR THE YEARS 2005-2006

Committee on Rules recommends passage.

Representative Kilmartin moves passage of the resolution, seconded by Representatives Moura, Lally, Shanley, Corvese, Costantino and Naughton.

Representatives Kilmartin and Menard discuss the resolution.

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

**2 2006-H 7201****BY** Lewiss**ENTITLED**, AN ACT RELATING TO AIRPORT AND LANDING FIELDS

Committee on Finance recommends passage.

Read, and by unanimous consent, ordered to be placed on the Calendar for Thursday, March 23, 2006.

**3 2006-S 2464****BY Algieri****ENTITLED, AN ACT RELATING TO AIRPORT AND LANDING FIELDS**

Committee on Finance recommends passage in concurrence.

Read, and by unanimous consent, ordered to be placed on the Calendar for Thursday, March 23, 2006.

**4 2006-S 2138 SUB B****BY Connors****ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS**

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

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

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

**F L O O R   A M E N D M E N T  
T O  
2006 -- S 2138 SUBSTITUTE B**

**AN ACT RELATING TO SEPARATION OF POWERS**

Mr. President:

I hereby move to amend 2006 -- S 2138 SUBSTITUTE B, entitled "AN ACT RELATING TO SEPARATION OF POWERS", as follows:

By deleting all of the language following the enactment clause and inserting in place thereof the following:

"SECTION 1. Section 23-4-6 of the General Laws in Chapter 23-4 entitled "Office of State Medical Examiners" is hereby amended to read as follows:

23-4-6. State medical examiners commission. -- (a) There is established the state medical examiners commission. The commission shall hear and determine appeals to decisions by chief medical examiners regarding the undertaking of investigations, inquests, and autopsies, and shall advise the chief medical examiner on matters of public concern.

(b) The commission shall consist of ~~fourteen (14)~~ twelve (12) members, ~~ten (10)~~ three (3) of whom shall be ex officio members, viz., the director of health, the attorney general, the superintendent of state police, ~~the president of the Rhode Island Medical Society, the president of the Rhode Island Society of Pathologists, the president of the Rhode Island Bar Association, the vice president of the Brown University Division of Biological and Medical Sciences, the president of the Rhode Island Funeral Directors Association, the chair of the Rhode Island house of representatives H.E.W. committee, the chair of the Rhode Island senate H.E.W. committee, or the designee of each of the previously mentioned members, and four (4) and nine (9)~~ citizens of the state to be appointed by the governor with the advice and consent of the senate for the term of three (3) years. The governor shall give due consideration to any recommendations for nominations submitted to him or her by the president of the Rhode Island Medical Society, the president of the Rhode Island Society of Pathologists, the president of the Rhode Island Bar

Association, the vice president of Brown University Division of Biological and Medical Sciences and the president of the Rhode Island Funeral Directors Association. Each citizen member shall hold office for the term of his or her appointment and until his or her successor is appointed. Vacancies for citizen members shall be filled by appointment for the unexpired term only. Any citizen member of the commission may be removed from office by the governor for cause, upon notice and opportunity to be heard.

(c) The director of health and the attorney general shall be the chairperson and vice chairperson, respectively, of the commission. The chief medical examiner of the office of state medical examiners shall serve as the executive secretary of the commission, and the expenses of the commission shall be a responsibility of the department of health. The board may elect from among its members such other officers as it deems necessary. Seven (7) members of the board shall constitute a quorum and the vote of a majority of those present and voting shall be required for action. The commission shall meet at the call of its chairperson and at least four (4) times each year, the time and the place for each meeting to be fixed by the chairperson.

(d) Members of the commission shall be removable by the governor pursuant to the provisions of section 36-1-7 of the general laws and for cause only, and removal solely for partisan or personal reasons unrelated to capacity or fitness for the office shall be unlawful.

(e) Within ninety (90) days after the end of each fiscal year, the commission shall approve and submit an annual report to the governor, the speaker of the house of representatives, the president of the senate, and the secretary of state, of its activities during that fiscal year. The report shall provide an operating statement summarizing meetings or hearings held, including meeting minutes, subjects addressed, decisions rendered, appeals considered and their disposition, rules or regulations promulgated, studies conducted, policies and plans developed, approved, or modified, and programs administered or initiated; a consolidated financial statement of all funds received and expended including the source of the funds, a listing of any staff supported by these funds, and a summary of any clerical, administrative or technical support received; a summary of performance during the previous fiscal year including accomplishments, shortcomings and remedies; a synopsis of hearing, complaints, suspensions, or other legal matters related to the authority of the commission; a summary of any training courses held pursuant to this chapter; a briefing on anticipated activities in the upcoming fiscal year; and findings and recommendations for improvements. The report shall be posted electronically on the websites of the general assembly and the secretary of state pursuant to the provisions of section 42-20-8.2. The director of the department of administration shall be responsible for the enforcement of the provisions of this subsection.

(f) To conduct a training course for newly appointed and qualified members within six (6) months of their qualification or designation. The course shall be developed by the chair of the commission, be approved by the commission, and be conducted by the chair of the commission. The commission may approve the use of any commission and/or staff members and/or individuals to assist with training. The training course shall include instruction in the following areas: the provisions of chapters 42-46, 36-14 and 38-2; and the commission's rules and regulations. The director of the department of administration shall, within ninety (90) days of the effective date of this act, prepare and disseminate training materials relating to the provisions of chapters 42-46, 36-14, and 38-2.

SECTION 2. Sections 23-14.1-4 and 23-14.1-5 of the General Laws in Chapter 23-14.1 entitled "Health Professional Loan Repayment Program" is hereby amended to read as follows:

23-14.1-4. Health professional loan repayment board. -- (a) There is created the health

professional loan repayment board, which shall consist of ~~eleven (11) members and is constituted as follows: one health care consumer, to be appointed by the governor; one member of the Rhode Island Medical Society appointed by its president; the director of the Rhode Island Health Center Association; one additional representative of the Rhode Island Health Center Association, or his or her designee, and appointed by its president; one member of the house of representatives appointed by the speaker; one member of the senate appointed by the president of the senate; the dean of the Brown University Medical School, or his or her designee; the dean of the College of Nursing at the University of Rhode Island, or his or her designee; the executive director of the Hospital Association of Rhode Island, or his or her designee; the executive director of the Rhode Island higher education assistance authority, or his or her designee; and the director of health, or his or her designee. All members shall serve at the pleasure of the appointing authority and shall receive no compensation for their services.~~

~~(b) The director of health shall serve as chairperson. All meetings shall be called by the chairperson. the director of the department of health and eight (8) members appointed by the governor with the advice and consent of the senate. The governor shall give due consideration to any recommendations for nominations submitted to him by the Rhode Island Medical Society; the Rhode Island Health Center Association; the dean of the Brown University Medical School; the dean of the College of Nursing at the University of Rhode Island; the Rhode Island State Nurses' Association; the Hospital Association of Rhode Island; the Rhode Island higher education assistance authority. All appointed members shall serve for terms of three (3) years and shall receive no compensation for their services. Board members shall be eligible to succeed themselves.~~

~~(b) The director of the department of health shall serve as chairperson. The board shall elect such other officers as it deems necessary from among its members. All meetings shall be called by the chairperson.~~

~~(c) Members of the board shall be removable by the governor pursuant to the provisions of section 36-1-7 of the general laws and for cause only, and removal solely for partisan or personal reasons unrelated to capacity or fitness for the office shall be unlawful.~~

23-14.1-5. Duties of the board. -- The board shall:

(1) Determine which areas of the state shall be eligible to participate in the loan repayment program each year, based on health professional shortage area designations.

(2) Receive and consider all applications for loan repayment made by eligible health professionals.

(3) Conduct a careful and full investigation of the ability, character, financial needs, and qualifications of each applicant.

(4) Consider the intent of the applicant to practice in a health professional shortage area and to adhere to all the requirements for participation in the loan repayment program.

(5) Submit to the director a list of those individuals eligible for loan repayment and amount of loan repayment to be granted.

(6) Promulgate rules and regulations to ensure an effective implementation and administration of the program.

(7) Within ninety (90) days after the end of each fiscal year, the board shall approve and submit an annual report to the governor, the speaker of the house of representatives, the president of the senate, and the secretary of state, of its activities during that fiscal year. The report shall provide: an operating statement summarizing meetings or hearings held, including meeting minutes, subjects addressed, decisions rendered, applications considered and their disposition,



rules or regulations promulgated, studies conducted, polices and plans developed, approved, or modified, and programs administered or initiated; a consolidated financial statement of all funds received and expended including the source of the funds, a listing of any staff supported by these funds, and a summary of any clerical, administrative or technical support received; a summary of performance during the previous fiscal year including accomplishments, shortcomings and remedies; a synopsis of hearings, complaints, suspensions, or other legal matters related to the committee; a summary of any training courses held pursuant to this chapter; a briefing on anticipated activities in the upcoming fiscal year, and findings and recommendations for improvements. The report shall be posted electronically on the websites of the general assembly and the secretary of state pursuant to the provisions of section 42-20-8.2. The director of the department of administration shall be responsible for the enforcement of the provisions of this subsection.

(8) To conduct a training course for newly appointed and qualified members within six (6) months of their qualification or designation. The course shall be developed by the chair of the board, be approved by the board, and be conducted by the chair of the board. The board may approve the use of any board and/or staff members and/or individuals to assist with training. The training course shall include instruction in the following areas: the provisions of chapters 42-46, 36-14 and 38-2; and the board's rules and regulations. The director of the department of administration shall, within ninety (90) days of the effective date of this act, prepare and disseminate training materials relating to the provisions of chapters 42-46, 36-14, and 38-2.

SECTION 3. Sections 23-27.3-100.1.4 and 23-27.3-100.1.5.1 of the General Laws in Chapter 23-27.3 entitled "State Building Code" are hereby amended to read as follows:

23-27.3-100.1.4. Appointment and qualifications of the committee. -- (a) The building code standards committee shall be composed of ~~twenty-five (25)~~ twenty-three (23) members, residents of the state; ~~twenty-three (23) of whom~~ who shall be appointed by the governor with the advice and consent of the senate. Eight (8) members are to be appointed for terms of one year each, seven (7) for a term of two (2) years each, and eight (8) for terms of three (3) years each. Annually, thereafter, the governor, with the advice and consent of the senate, shall appoint members to the committee to succeed those whose terms expired; the members to serve for terms of three (3) years each and until their successors are appointed and qualified. Two (2) members shall be architects registered in the state; three (3) shall be professional engineers registered in the state, one specializing in mechanical, one specializing in structural, and one specializing in electrical engineering; one landscape architect, registered in the state, one full-time certified electrical inspector; two (2) shall be builders or superintendents of building construction; one shall be a public health official; one shall be a qualified fire code official; two (2) shall be from the Rhode Island building trades council; one shall be a holder of Class "A" electrician's license; one shall be a master plumber; two (2) shall be from the general public; three (3) shall be building officials in office, one from a municipality with a population of sixty thousand (60,000) persons or more, one from a municipality with a population of over twenty thousand (20,000) persons but less than sixty thousand (60,000), and one from a municipality with a population of less than twenty thousand (20,000) persons; ~~one shall be a member of the state senate, appointed by the president of the senate, and one shall be a member of the house of representatives, appointed by the speaker, and one shall be a minimum housing official in office from one of the local municipalities. Within thirty (30) days of May 25, 1988, the governor shall appoint, with the advice and consent of the senate, ;~~ and two (2) residents of the state who shall be persons with disabilities as defined in section 28-5-6(4); ~~one of whom shall be appointed for a term of~~

~~one year, and one of whom shall be appointed for a term of two (2) years. Within thirty (30) days of May 25, 1988, the governor shall appoint, with the advice and consent of the senate, one landscape architect in the state who shall be appointed for a term of three (3) years.~~

(b) ~~All members, except members of the state senate and the members of the house of representatives~~ shall have no less than five (5) years practical experience in his or her profession or business. The committee shall elect its own chairperson and may elect from among its members such other officers as it deems necessary. Twelve (12) members of the board shall constitute a quorum and the vote of a majority vote of those present shall be required for action. The committee shall, ~~and~~ adopt rules and regulations for procedure. The state building commissioner shall serve as the executive secretary to the committee. The committee shall have the power, within the limits of appropriations provided therefor, to employ such assistance as may be necessary to conduct business.

(c) Members of the commission shall be removable by the governor pursuant to section 36-1-7 of the general laws and for cause only, and removal solely for partisan or personal reasons unrelated to capacity or fitness for the office shall be unlawful.

(d) The state housing and property maintenance code subcommittee shall be composed of nine (9) members, residents of the state. Five (5) of these members are to be current members of the state building code standards committee and are to be appointed by that committee. The four (4) remaining members are to be appointed by the governor, with the advice and consent of the senate. The four (4) appointed by the governor, with the advice and consent of the senate, shall initially be appointed on a staggered term basis, one for one year, one for two (2) years, and two (2) for three (3) years. Annually thereafter, the building code standards committee, and the governor, with the advice and consent of the senate, shall appoint the subcommittee members, for which they are respectively responsible, to succeed those whose terms have expired; the members to serve for terms of three (3) years each and until their successors are appointed and qualified. Of the members appointed by the committee one shall be a full-time certified electrical inspector; one shall be a master plumber and mechanical equipment expert, one shall be a builder or superintendent of building construction, one member shall be a qualified state fire code official, one shall be a property manager, and one shall be a current minimum housing official from a local municipality. The four (4) members to be appointed by the governor, with the advice and consent of the senate, shall all be current minimum housing officials from local municipalities. One shall be from a municipality with a population of sixty thousand (60,000) persons or more, two (2) from municipalities with a population of over twenty thousand (20,000) persons but less than sixty thousand (60,000), and one from a municipality with a population of less than twenty thousand (20,000) persons.

23-27.3-100.1.5.1. Housing and maintenance code -- Powers and duties of the building code standards committee. -- (a) The committee shall have the authority to adopt and promulgate a housing and maintenance code which shall be reasonably consistent with recognized and accepted standards and codes promoted by national model code organizations. The code shall be submitted to the legislature for adoption and amendments as required. Once adopted by the legislature, the law shall not be amended by the cities and towns. The committee shall have the singular authority to submit further amendments to the legislature as required. These new provisions shall replace, and/or amend the existing provisions of the Minimum Housing Standards, chapter 24.2 of title 45, and the Housing, Maintenance and Occupancy Code, chapter 24.3 of title 45. Once adopted by the legislature, the laws shall not be amended by the cities and towns without prior approval of the committee and subsequently the legislature. The state

housing and property maintenance code subcommittee shall carry out its responsibilities to the building code standards committee by acting as an entity of the committee in administering the code, by recommending needed code amendments, by promulgating the code, and by serving as the board of standards and appeals for the code.

(b) The subcommittee shall also have a recording secretary who shall attend all meetings and direct the conduct of any investigation which may be necessary in the preparation of any hearing. The recording secretary shall be a member of the classified service on the staff of the state building commissioner and shall be compensated as appropriate for the expertise required. The administration and appeals procedures pertaining to these laws shall remain in the prerogatives of the local municipalities and the legislature.

(c) Within ninety (90) days after the end of each fiscal year, the committee shall approve and submit an annual report to the governor, the speaker of the house of representatives, the president of the senate, and the secretary of state, of its activities during that fiscal year. The report shall provide: an operating statement summarizing meetings or hearings held, including meeting minutes, subjects addressed, decisions rendered, applications considered and their disposition, rules or regulations promulgated, studies conducted, policies and plans developed, approved, or modified, and programs administered or initiated; a consolidated financial statement of all funds received and expended including the source of the funds, a listing of any staff supported by these funds, and a summary of any clerical, administrative or technical support received; a summary of performance during the previous fiscal year including accomplishments, shortcomings and remedies; a synopsis of hearings, complaints, suspensions, or other legal matters related to the authority of the committee; a summary of any training courses held pursuant to this chapter; a briefing on anticipated activities in the upcoming fiscal year, and findings and recommendations for improvements. The report shall be posted electronically on the websites of the general assembly and the secretary of state pursuant to the provisions of section 42-20-8.2. The director of the department of administration shall be responsible for the enforcement of the provisions of this section.

(d) To conduct a training course for newly appointed and qualified members within six (6) months of their qualification or designation. The course shall be developed by the chair of the committee, be approved by the committee, and be conducted by the chair of the committee. The committee may approve the use of any committee and/or staff members and/or individuals to assist with training. The training course shall include instruction in the following areas: the provisions of chapters 42-46, 36-14 and 38-2; and the committee's rules and regulations. The director of the department of administration shall, within ninety (90) days of the effective date of this act, prepare and disseminate training materials relating to the provisions of chapters 42-46, 36-14, and 38-2.

SECTION 4. Section 31-13-1 of the General Laws in Chapter 31-13 entitled "Traffic Control Devices" is hereby amended to read as follows:

31-13-1. State traffic commission -- Manual of traffic control devices. -- (a) There is established a state traffic commission consisting of ~~the chairperson and vice chairperson of the permanent joint committee of the general assembly on highway safety,~~ the superintendent of state police or his or her designee from within the department of state police, the director of the department of administration or his or her designee from within the division of motor vehicles, the director of the department of transportation or his or her designee from within the department of transportation, ~~or their designees, the president of the Rhode Island Police Chief's Association,~~ and the governor's representative to the National Highway Traffic Safety Administration and a

member of the public appointed by the governor with the advice and consent of the senate, with respect to which appointment the governor shall solicit and give due consideration to the recommendation of the Rhode Island Police Chief Association. The commission shall elect from among the members a chair and such other officers as it deems necessary.

(b) For the purpose of standardization and uniformity, the commission shall adopt and cause to be printed for publication a manual of regulations and specifications establishing a uniform system of traffic control signals, devices, signs, and marking consistent with the provisions of this chapter for use upon the public highways. The commission shall establish the traffic regulations under chapters 12 -- 27 of this title. The commission shall meet not less frequently than monthly, ~~and shall submit an annual report to the governor.~~ The department of transportation shall provide all staff services and quarters required by the commission.

(c) Within ninety (90) days after the end of each fiscal year, the commission shall approve and submit an annual report to the governor, the speaker of the house of representatives, the president of the senate, and the secretary of state, of its activities during that fiscal year. The report shall provide: an operating statement summarizing meetings or hearings held, including meetings minutes, subjects addressed, decisions rendered, applications considered and their disposition, rules or regulations promulgated, studies conducted, policies and plans developed, approved, or modified, and programs administered or initiated; a consolidated financial statement of all funds received and expended including the source of the funds, a listing of any staff supported by these funds, and a summary of any clerical, administrative or technical support received; a summary of performance during the previous fiscal year including accomplishments, shortcomings and remedies; a synopsis of hearings, complaints, suspensions, or other legal matters related to the authority of the counsel; a summary of any training courses held pursuant to the provisions of this chapter; a briefing on anticipated activities in the upcoming fiscal year, and findings and recommendations for improvements. The report shall be posted electronically on the websites of the general assembly and the secretary of state pursuant to the provisions of section 42-20-8.2. The director of the department of administration shall be responsible for the enforcement of the provisions of this subsection.

(d) To conduct a training course for newly appointed and qualified members within six (6) months of their qualification or designation. The course shall be developed by the chair of the commission, be approved by the commission, and be conducted by the chair of the commission. The commission may approve the use of any commission and/or staff members and/or individuals to assist with training. The training course shall include instruction in the following areas: the provisions of chapters 42-46, 36-14 and 38-2; and the commission's rules and regulations. The director of the department of administration shall, within ninety (90) days of the effective date of this act, prepare and disseminate training materials relating to the provisions of chapters 42-46, 36-14, and 38-2.

SECTION 5. Section 37-6-1 of the General Laws in Chapter 37-6 entitled "Acquisition of Land" is hereby amended to read as follows:

37-6-1. State properties committee -- Composition. -- There is hereby created and established a committee to be known as the state properties committee to act in cooperation with the departments, boards, bureaus, commissions, and agencies of the state for the purpose of acquiring, administering, and disposing of interests in land and other real property for the improvement of the administration of the state government, the advancement of commerce, and the protection and improvement of the health, welfare, and safety of the inhabitants of this state. The committee shall be composed of a member appointed by the director of the department of

~~administration to represent the: state's chief purchasing officer, as chairperson, serving ex-officio; the attorney general, serving ex-officio; the general treasurer, serving ex-officio; representative the director of the department of administration to be designated by the director, serving ex-officio; and one member representing the public appointed by the governor with the advice and consent of the senate. ; one member of the house of representatives appointed by the speaker; and one member from the senate appointed by the president of the senate representing the general assembly. However, any of the~~ The ex-officio members, including the chairperson, may from time to time designate a subordinate, from within his or her department or division, as a substitute member of the committee, in his or her stead, by filing a written notice thereof, in the office of the secretary of state. Any designation may be revoked at any time by filing a written revocation in the secretary of state's office. The public member shall be appointed by the governor to serve for a term of three (3) years and until his or her successor is appointed and qualified, the appointment to be made for a term commencing March 1, 1961, and each third year thereafter. ~~The public member shall be paid a daily rate of pay to be determined by the chairperson for each day in actual attendance at meetings and special business called by the chairperson.~~

SECTION 6. Chapter 37-6 of the General Laws entitled "Acquisition of Land" is hereby amended by adding thereto the following sections:

37-6-1.1. Reporting requirements. -- Within ninety (90) days after the end of each fiscal year, the committee shall approve and submit an annual report to the governor, the speaker of the house of representatives, the president of the senate, and the secretary of state, of its activities during that fiscal year. The report shall provide: an operating statement summarizing meetings or hearings held, including meeting minutes, subjects addressed, decisions rendered, applications considered and their disposition, rules or regulations promulgated, studies conducted, polices and plans developed, approved, or modified, and programs administered or initiated; a consolidated financial statement of all funds received and expended including the source of the funds, a listing of any staff supported by these funds, and a summary of any clerical, administrative or technical support received; a summary of performance during the previous fiscal year including accomplishments, shortcomings and remedies; a synopsis of hearings, complaints, suspensions, or other legal matters related to the authority of the counsel; a summary of any training courses held pursuant to the provisions of this chapter; a briefing on anticipated activities in the upcoming fiscal year, and findings and recommendations for improvements. The report shall be posted electronically on the websites of the general assembly and the secretary of state pursuant to the provisions of section 42-20-8.2. The director of the department of administration shall be responsible for the enforcement of this provision.

37-6-1.2. Training requirements. -- The committee shall conduct a training course for newly appointed and qualified members within six (6) months of their qualification or designation. The course shall be developed by the chair of the committee, be approved by the committee, and be conducted by the chair of the committee. The committee may approve the use of any committee and/or staff members and/or individuals to assist with training. The training course shall include instruction in the following areas: the provisions of chapters 42-46, 36-14 and 38-2; and the committee's rules and regulations. The director of the department of administration shall, within ninety (90) days of the effective date of this act, prepare and disseminate training materials relating to the provisos of chapters 42-46, 36-14, and 38-2.

SECTION 7. Sections 39-18-2 and 39-18-18 of the General Laws in Chapter 39-18 entitled "Rhode Island Public Transit Authority" are hereby amended to read as follows:

39-18-2. Authority created -- Composition -- Terms -- Oath -- Officers -- Quorum -- Compensation -- Conflicts of interest. -- (a) There is hereby created a body corporate and politic to be known as the "Rhode Island public transit authority".

(b) The authority shall consist of ~~seven (7)~~ eight (8) members, ~~four (4)~~ seven (7) of whom shall be appointed by the governor with the advice and consent of the senate; ~~one shall be a member of the senate ex officio appointed by the president of the senate, one shall be a member of the house of representatives ex officio appointed by the speaker of the house of representatives~~ and one of whom shall be the director of the department of transportation or his or her designee who shall serve as an ex officio member. The governor shall achieve a diverse membership in the board and shall give due consideration to recommendations for nominations from the National Federation of the Blind of Rhode Island, the Gray Panthers of Rhode Island, the Sierra Club of Rhode Island, the Rhode Island AFL-CIO, the RIPTA Transportation Advisory Committee, and the Rhode Island business community and the Rhode Island League of Cities and Towns. ~~Forthwith, upon the enactment of this chapter, the governor, with the advice and consent of the senate, shall appoint one member to serve until the first day of April, 1965, one member to serve until the first day of April, 1966, and one member to serve until the first day of April, 1967, and until their respective successors shall be duly appointed and qualified. Ex officio members shall serve during their respective terms of office.~~ No one shall be eligible for appointment unless he or she is a resident of this state.

(c) ~~In the month of March 1965, and in the months of March annually thereafter, the governor, with the advice and consent of the senate, shall appoint one member of the authority to serve for a term of three (3) years to succeed the member whose term will then next expire. On or before July 1, 1979, the governor with the advice and consent of the senate, shall appoint the seventh member to serve until the first day of April, 1982 and until his or her respective successor shall be duly appointed and qualified.~~ Those members of the authority as of the effective date of this act who were appointed to the authority by members of the board of the general assembly shall cease to be members of the authority on the effective date of this act, and the governor shall thereupon nominate two (2) members, each of whom shall serve the balance of the unexpired term of his or her predecessor. Those members of the authority as of the effective date of this act who were appointed to the authority by the governor shall continue to serve the balance of their current terms. Thereafter, during the month of January in each year, the governor shall appoint members to succeed the departing members. The newly appointed members shall serve for a term of three (3) years commencing on the day they are qualified. In the event of a vacancy occurring in the membership, the governor, with the advice and consent of the senate, shall appoint a member for the unexpired term. Any member of the authority shall be eligible for reappointment.

(d) Each member of the authority, before entering upon his or her duties, shall take an oath to administer the duties of his or her office faithfully and impartially, and the oath shall be filed in the office of the secretary of state.

(e) The authority shall elect one of its members as chairperson, and shall also elect a secretary and such other officers as it deems necessary.

(f) Four (4) members of the authority shall constitute a quorum. ~~and the vote of four (4) members~~ The affirmative vote of a majority of the members present and voting shall be necessary for any action taken by the authority. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

~~(g) The members of the authority appointed by the governor with the advice and consent of the senate shall receive twenty five dollars (\$25.00) per day as compensation for attendance at meetings of the authority, but not to exceed the sum of twenty five hundred dollars (\$2,500) annually as compensation of each member, such amounts to be payable from the revenue of the authority. Ex officio members shall receive no compensation, but all members of the authority shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties.~~

(h) No member of the authority shall be in the employ of, or own any stock in, or be in any way directly or indirectly pecuniarily interested in any railroad corporation, bus, or street railway company, nor shall any member of the authority personally or through a partner or agent render any professional service or make or perform any business contract with or for any company; nor shall any member of the authority, directly or indirectly, receive a commission, bonus, discount, present, or reward from any company.

(i) Members of the authority shall be removable by the governor pursuant to the provisions of section 36-1-7 of the general laws and for cause only, and removal solely for partisan or personal reasons unrelated to capacity or fitness for the office shall be unlawful.

(j) The authority shall conduct a training course for newly appointed and qualified members within six (6) months of their qualification or designation. The course shall be developed by the general manager of the authority, be approved by the authority, and be conducted by the general manager of the authority. The authority may approve the use of any authority and/or staff members and/or individuals to assist with training. The training course shall include instruction in the following areas: the provisions of chapters 42-46, 36-14, and 38-2; and the authority's rules and regulations. The director of the department of administration shall be responsible for the enforcement of the provisions of this subsection.

39-18-18. Action by resolution -- Reports -- Audits. -- (a) Any action taken by the authority under the provisions of this chapter may be authorized by resolution at any regular or special meeting, and each resolution shall take effect immediately and need not be published or posted.

(b) In the month of January, the authority shall make an annual report to the governor and to the general assembly of its activities for the preceding fiscal year. Each report shall set forth a complete operating and financial statement covering its operations during the year. Within ninety (90) days after the end of each fiscal year, the authority shall approve and submit an annual report to the governor, the speaker of the house of representatives, the president of the senate, and the secretary of state, of its activities during that fiscal year. The report shall provide: an operating statement summarizing meetings or hearings held, including meeting minutes, subjects addressed, decisions rendered, permits considered and their disposition, rules or regulations promulgated, studies conducted, policies and plans developed, approved, or modified, and programs administered or initiated; a consolidated financial statement of all funds received and expended including the source of the funds, a listing of any staff supported by these funds, and a summary of any clerical, administrative or technical support received; a summary of performance during the previous fiscal year including accomplishments, shortcomings and remedies; a synopsis of hearings, complaints, suspensions, or other legal matters related to the authority of the authority; a summary of any training courses held pursuant to the provisions of this chapter; a briefing on anticipated activities in the upcoming fiscal year, and findings and recommendations for improvements. The report shall be posted electronically on the websites of the general assembly and the secretary of state pursuant to the provisions of section 42-20-8.2.

The director of the department of administration shall be responsible for the enforcement of the provisions of this subsection.

(c) The director of administration shall cause an annual audit of the books, records, and accounts of the authority to be made and the costs thereof shall be treated as part of the cost of operation of the authority.

SECTION 8. Severability. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act, which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 9. This act shall take effect upon passage. "

Respectfully submitted,

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

=====  
LC00406/2  
=====

The motion to amend prevails on a roll call vote 59 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 59: The Honorable Speaker Murphy and Representatives Ajello, Anguilla, Brien, Caprio, Church, Coderre, Corvese, Costantino, Davey, Dennigan, Diaz, Ehrhardt, Faria, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, Melo, Menard, Moffitt, Moran, Moura, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Shanley, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Watson, Williamson, Winfield.

NAYS - 0.

The bill marked substitute "B" is read and passed, as amended, and the original bill, and the bill marked Substitute A indefinitely postponed, on a roll call vote, 58 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 58: The Honorable Speaker Murphy and Representatives Ajello, Anguilla, Brien, Caprio, Church, Coderre, Corvese, Costantino, Davey, Dennigan, Diaz, Ehrhardt, Faria, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, Melo, Menard, Moffitt, Moran, Moura, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Shanley, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Williamson, Winfield.

NAYS - 0.



**4A. 2006-H 7792****BY Kilmartin****ENTITLED,** HOUSE RESOLUTION ADOPTING RULES OF THE HOUSE OF REPRESENTATIVES FOR THE YEARS 2005-2006

Committee on Rules recommends passage.

Representatives Caprio, Kilmartin, Costantino and Menard discuss the resolution.

Representative Menard, seconded by Representative Brien offers a written motion to amend.

**F L O O R   A M E N D M E N T**  
**TO**  
**2006 -- H 7792**

HOUSE RESOLUTION ADOPTING RULES OF THE HOUSE OF REPRESENTATIVES  
FOR THE YEARS 2005-2006

Mr. Speaker:

I hereby move to amend 2006 -- H 7792, entitled "HOUSE RESOLUTION ADOPTING RULES OF THE HOUSE OF REPRESENTATIVES FOR THE YEARS 2005-2006", as follows:

On page 3, line 15, by inserting the following language after the word "Committee":  
"after March 22, 2006".

Respectfully submitted,

\_\_\_\_\_  
REPRESENTATIVE MENARD

=====  
LC02632/2  
=====

Representatives Menard, Kilmartin and Caprio discuss the amendment.

The motion to amend fails on a roll call vote 18 members voting in the affirmative and 45 members voting in the negative as follows:

YEAS - 18: Representatives Anguilla, Brien, Caprio, Crowley, Davey, DeSimone, Ehrhardt, Gemma, Gorham, Laroche, McHugh, Menard, Story, Trillo, Ucci, Wasylyk, Watson, Winfield.

NAYS - 45: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Church, Coderre, Corvese, Costantino, Diaz, Faria, Fox, Gallison, Giannini, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McNamara, Melo, Moffitt, Moura, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Shanley, Singleton, Slater, Sullivan, Williams, Williamson.

**REQUESTS**

Representatives Smith, McManus and Moran request the journal to reflect that if they had voted on (LC 02632/2), they would have voted in the affirmative.

Representatives Anguilla and Crowley request the journal to reflect that they had voted incorrectly on (LC 02632/2), they voted in the affirmative, they should have voted in the negative.

Representative Menard, seconded by Representative Brien offers a written motion to amend.

Representative Menard discusses the amendment.

Representative Naughton rises on a point of order to object that the amendment is not germane. The Honorable Speaker Murphy rules that the amendment is not germane. An amendment offered to amend a rule other than the one in consideration is not germane and is not in order.

The proper way to address such a matter is when the rules as a whole are under consideration, or by a separate resolution such as the one on today's calendar.

Representatives Gorham and Menard discuss the resolution. Representative Moura rises on a point of order for Representative Menard to speak germane to Rule 26. The Honorable Speaker Murphy rules for Representative Menard to speak germane to Rule 26.

Representative Gemma continues discussion on the resolution.

Read and passed, on a roll call vote, 58 members voting in the affirmative and 7 members voting in the negative as follows:

YEAS - 58: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Anguilla, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, Diaz, Ehrhardt, Faria, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Kennedy, Kilmartin, Lally, Landroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McManus, McNamara, Melo, Moffitt, Moura, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Shanley, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Wasyluk, Watson, Williams, Williamson.

NAYS - 7: Representatives Caprio, DeSimone, Laroche, McHugh, Menard, Smith, Winfield.

**REQUEST**

Representative Moran requests the journal to reflect that if he had voted on (06H 7792), 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.

**ANNOUNCEMENTS**

Representative Faria announces that the Committee on Labor will meet today, at the rise of the House, in Room 201 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 313 of the State House.

Representative McNamara 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 Giannini congratulates Alex Devers, an assistant head page in the House, on receiving the prestigious Eagle Scout Award.

Representative McNamara announces the American Cancer Society is outside the Chamber in honor of March being Colon Cancer Awareness Month.

**GUESTS**

Representative Moffitt welcomes to the House Chamber as a guest his daughter Melanie Moffitt, who has received many Special Olympic Ribbons throughout her life.

The Honorable Speaker Murphy also welcomes Melanie back to the House.

**ADJOURNMENT**

At 5:02 o'clock P.M. on motion of Representative Savage, and as a further mark of respect to the memory of Joseph Ricci, Sr.; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

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

**APPENDIX**

**INVOCATION**

**REPRESENTATIVE RAYMOND C. CHURCH**

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

APPENDIX

TRANSMITTED TO THE GOVERNOR

**Senate Bill No. 2011** SUB A

**BY** Walaska, Alves

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --  
DEFINITIONS AND GENERAL CODE PROVISIONS (define a motorized scooter)  
{LC199/1/A}

## APPENDIX

## CALENDAR

## IN ORDER FOR THURSDAY, MARCH 23, 2006:

**1 2006-H 7201****BY Lewiss****ENTITLED,** AN ACT RELATING TO AIRPORT AND LANDING FIELDS  
Committee on Finance recommends passage.**2 2006-H 7209****BY Costantino****ENTITLED,** AN ACT RELATING TO TAXATION -- PUBLIC SERVICE  
CORPORATION TAX

Committee on Finance recommends passage.

**3 2006-H 7210****BY Costantino****ENTITLED,** AN ACT RELATING TO WATERS AND NAVIGATION

Committee on Finance recommends passage.

**4 2006-H 7212****BY Carter****ENTITLED,** AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -  
NATIONAL GUARD

Committee on Finance recommends passage.

**5 2006-H 7834****BY McHugh****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

**6 2006-S 2464****BY Algieri****ENTITLED,** AN ACT RELATING TO AIRPORT AND LANDING FIELDS

Committee on Finance recommends passage in concurrence.

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

Wednesday, March 22, 2006