

**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. 30

Tuesday March 21, 2006

Thirtieth Day

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The House of Representatives meets at the State House in Providence, Tuesday, March 21, 2006 and is called to order at 4:24 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, Wasylyk, Watson, Williams, Williamson, Winfield.

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

**INVOCATION**

The Honorable Speaker presents Representative McManus 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 16, 2006 is approved as printed.

**ANNOUNCEMENTS**

Representative Peter Ginaitt will be unable to attend session Tuesday, March 21 through Thursday, March 23, 2006. He is attending a Homeland Security Summit in Jerusalem, Israel.

Representative Robert Flaherty will be unable to attend session Tuesday, March 21 through Thursday, March 23, 2006 due to the death of his mother.

**REPORTS OF COMMITTEES  
COMMITTEE ON FINANCE**

Representative Costantino, for the Committee on Finance, reports back the following measures, with recommendation of passage:

**House Bill No. 7209**

**BY** Costantino

**ENTITLED**, AN ACT RELATING TO TAXATION -- PUBLIC SERVICE CORPORATION TAX (the tax rate applied by the tax administration shall be not less than the rate applied in the prior year) {LC2094/1}

03/21/2006 Placed on House Calendar

**House Bill No. 7212**

**BY** Carter, Gallison, Costantino, Slater, San Bento

**ENTITLED**, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE - NATIONAL GUARD {LC2091/1}

03/21/2006 Placed on House Calendar

**House Bill No. 7210**

**BY** Costantino

**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION (revenues generated by the environmental protection regulatory fee shall be deposited into the general fund) {LC2090/1}

03/21/2006 Placed on House Calendar

**COMMITTEE ON JUDICIARY**

Representative Lally, for the Committee on Judiciary, reports back the following measure, with recommendation of passage:

**House Bill No. 7834**

**BY** McHugh

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Heidi Guetschow and Noah Finnegan) {LC2663/1}

03/21/2006 Placed on House Calendar

**NEW BUSINESS****House Bill No. 7906****BY** Lima, Lewis, Gallison, Kilmartin**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- PERMIT PROGRAM FOR OF CATS (establish a permit system featuring a spay/neuter program to control the cat population in the state) {LC2744/1}

03/21/2006 Introduced, referred to House H.E.W.

**House Bill No. 7907****BY** Loughlin, Brien T, Landroche, Amaral, McNamara**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - OPERATORS' AND CHAUFFEURS' LICENSES (give limited instruction permit holders 15 days following his or her 18th birthday to apply for a renewal) {LC2735/1}

03/21/2006 Introduced, referred to House H.E.W.

**House Bill No. 7908****BY** Lally**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Eileen Lancelotti and Carl Carnevale) {LC2789/1}

03/21/2006 Introduced, referred to House Judiciary

**House Bill No. 7909****BY** Anguilla, Caprio D, Rice, Flaherty, Lally**ENTITLED**, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS - RHODE ISLAND BUSINESS CORPORATION ACT AND RHODE ISLAND LIMITED LIABILITY COMPANY ACT ( clarify provisions relating to indemnification of directors by a business 1 corporation and also provisions relating to distributions to shareholder of a business corporation) {LC2756/1}

03/21/2006 Introduced, referred to House Corporations

**House Bill No. 7910****BY** Anguilla, Caprio D, Rice, Flaherty, Lally**ENTITLED**, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS, AND PARTNERSHIPS -- THE RHODE ISLAND LIMITED LIABILITY COMPANY ACT {LC2757/1}

03/21/2006 Introduced, referred to House Corporations

**House Bill No. 7911****BY** Dennigan, Diaz, Slater, Williams**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES - REFUGEE RESOURCE CENTER {LC2792/1}

03/21/2006 Introduced, referred to House Finance

**House Bill No. 7912****BY** Singleton, Menard, Moran**ENTITLED**, AN ACT RELATING TO TAXATION {LC2680/1}

03/21/2006 Introduced, referred to House Finance

**House Bill No. 7913****BY** Palumbo, Lima, Davey, Mumford, Ucci**ENTITLED**, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION {LC2801/1}

03/21/2006 Introduced, referred to House Finance

**House Bill No. 7914****BY** Moura, Palumbo**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- LABOR AND PAYMENT OF DEBTS**BY CONTRACTORS** {LC509/1}

03/21/2006 Introduced, referred to House Labor

**House Bill No. 7915****BY** Moura, Palumbo**ENTITLED**, AN ACT RELATING TO LABOR AND PAYMENT OF DEBTS**BY CONTRACTORS** {LC1238/1}

03/21/2006 Introduced, referred to House Labor

**House Bill No. 7916****BY** Palumbo, Moura**ENTITLED**, AN ACT RELATING TO LABOR -- PAYMENT OF DEBTS**BY CONTRACTORS** {LC1803/1}

03/21/2006 Introduced, referred to House Labor

**House Bill No. 7917****BY** Ginatt**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY {LC1634/1}

03/21/2006 Introduced, referred to House Environment and Natural Resources

**House Resolution No. 7918****BY** Picard, Laroche, Brien T**ENTITLED**, HOUSE RESOLUTION CONGRATULATING OWEN BEBEAU ON BEING SELECTED TO RECEIVE THE VOCATIONAL SERVICE AWARD FROM THE WOONSOCKET ROTARY {LC2765/1}

Representative Picard requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Picard seconded by Representatives Brien, Laroche, and Menard and by unanimous consent, on a voice vote.

**House Resolution No. 7919****BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXTENDING CONGRATULATIONS {LC2840/1}

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 voice vote.

**House Resolution No. 7920****BY** Fox, Watson**ENTITLED**, HOUSE RESOLUTION EXPRESSING CONDOLENCES {LC2839/1}

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. 7921****BY** Gallison, Rice, Amaral, Loughlin**ENTITLED**, HOUSE RESOLUTION RESPECTFULLY REQUESTING THE UNITED STATES NAVY AND THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO EXPEDITE THE PROCESS OF REMOVING THE LEAD PAINT HAZARD FROM THE AREA NEAR THE PORTSMOUTH MELVILLE SCHOOL {LC2852/1}

Representative Gallison requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Gallison seconded by Representatives Rice, Amaral and Loughlin by unanimous consent, on a voice vote.

**House Resolution No. 7922****BY** Naughton, Crowley, Church, Rice, Almeida**ENTITLED**, HOUSE RESOLUTION CREATING A SPECIAL HOUSE COMMISSION TO PROMOTE AND DEVELOP A NATIONALLY RECOGNIZED CORD BLOOD PROGRAM/BANK FOR THE FUTURE OF DISEASE MANAGEMENT IN THE STATE OF RHODE ISLAND {LC2845/1}

Representative Naughton requests unanimous consent for immediate consideration.

There is no objection.

Read and passed, on a motion of Representative Naughton seconded by Representatives Crowley, Rice, Malik, Church and many other members of the House by unanimous consent, on a voice vote.

## CALENDAR

From the Calendar are taken:

**IN ORDER FOR TUESDAY, MARCH 21, 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.

By unanimous consent, Representative Fox moves to recommit to the Committee on Separation of Powers, seconded by Representative Coderre. There is no objection.

Read and recommitted to the Committee on Separation of Powers.

**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.

By unanimous consent, Representative Fox moves to recommit to the Committee on Separation of Powers, seconded by Representative Coderre. There is no objection.

Read and recommitted to the Committee on Separation of Powers.

**3 2006-H 7176****BY Coderre E**

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

Committee on Separation of Powers recommends passage.

Representative Coderre moves passage of the act, seconded by Representatives Gallison and Amaral.

Read and passed, on a roll call vote, 55 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 55: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Church, Coderre, Corvese, Costantino, Davey, Ehrhardt, Fox, Gallison, Gemma, Giannini, Handy, Jackson, Jacquard, Kennedy, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McHugh, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, Savage, Shanley, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Watson, Williams.

NAYS - 0.

**4 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.

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

Representative Coderre, 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 -- S 2141 SUBSTITUTE A****AN ACT RELATING TO SEPARATION OF POWERS**

Mr. Speaker:

I hereby move to amend 2006 -- S 2141 SUBSTITUTE A, entitled "AN ACT RELATING TO SEPARATION OF POWERS", as follows:

(1) Page 8, line 34, by deleting all of the text appearing on line 34.

(2) Page 9, line 1, by deleting all of the language appearing on said line except for the last word "The" appearing at the end of said line, and inserting the letter "(e)" before said word "The".

Respectfully submitted,

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REPRESENTATIVE CODERRE=====  
LC00400/2  
=====

The motion to amend prevails on a roll call vote 61 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 61: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, Diaz, Ehrhardt, Fox, Gallison, Gemma, Giannini, Gorham, Handy, Jackson, Jacquard, Kennedy, Kilmartin, Lally, Landroche, Laroche, Lewiss, Lima, Long, Loughlin, Malik, McCauley, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Naughton, O'Neill, Pacheco, Petrarca, Picard, Rice, Rose, San Bento, Savage, Schadone, Shanley, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Watson, Williams.

NAYS - 0.

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, on a roll call vote, 60 members voting in the affirmative and 0 members voting in the negative as follows:

YEAS - 60: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Church, Corvese, Costantino, Crowley, Davey, Dennigan, Diaz, Ehrhardt, 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, Petrarca, Picard, Rice, Rose, Savage, Schadone, Shanley, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Watson, Williams.

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.

#### **5 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.

Representative Coderre moves passage of the act, seconded by Representatives Pacheco, Davey and Moura.

The bill marked Substitute "A" is read and passed, in concurrence, and the original bill indefinitely postponed, 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, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, Diaz, Ehrhardt, 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, Story, Sullivan, Trillo, Ucci, Watson, Williams.

NAYS - 0.



**6 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.

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

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 0 members voting in the negative as follows:

YEAS - 63: The Honorable Speaker Murphy and Representatives Ajello, Almeida, Amaral, Anguilla, Brien, Caprio, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, Diaz, Ehrhardt, 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, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Watson, Williams, Williamson.

NAYS - 0.

**REQUEST**

Representative DeSimone requests the journal to reflect that if he had voted on (06-S 2595 SUB A), he would have voted in the affirmative.

**7 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.

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

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

**FLOOR AMENDMENT  
TO  
2006 -- S 2143 AS AMENDED****AN ACT RELATING TO WATERS AND NAVIGATION -- WATER RESOURCES BOARD**

Mr. Speaker:

I hereby move to amend 2006 -- S 2143 AS AMENDED, entitled "AN ACT RELATING TO WATERS AND NAVIGATION -- WATER RESOURCES BOARD", as follows:

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

" SECTION 1. Section 46-15-21 of the General Laws in Chapter 46-15 entitled "Water Resources Board" is hereby amended to read as follows:

46-15-21. Annual report. Reporting requirements. -- In the month of January, the board 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 statement covering its operations during the year. (a) 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, and the president of the senate and the secretary of state of its activities during that fiscal year. The report shall provide: a summary of the board's meetings including when the board and its committees met, subjects addressed, decisions rendered and meeting minutes; a summary of the board's actions including a listing of the proposals and plans for public water supply systems received; hearings held, findings, assessments, recommendations, and decisions rendered concerning proposed projects for public water supply systems; water supply studies conducted; consents issued for transport of water to another state; decisions rendered requiring or authorizing a water supplier to provide water to other water supply systems; rules and regulations promulgated; violations and penalties assessed; actions taken to abate nuisances or restrain or prevent violations, and any actions taken to investigate the activities of municipal water departments, special water districts or private water companies; a synopsis of the hearings, complaints, suspensions, or other legal matters related to the authority of the board; a summary of any training courses held pursuant to subdivision 46-15.1-5.2(2); a consolidated financial statement of all funds received and expended by the board including the source of the funds; a listing of the staff and/or consultants employed by the board; and a listing of findings and recommendation derived from board activities. The report shall be posted electronically as prescribed in section 42-20-8.2. The director of the department of administration shall be responsible for the enforcement of the provisions of this subsection.

(b) Forthwith upon passage of this act, and by March 31 of each year thereafter, the board shall submit to the governor, the speaker of the house of representatives, and the president of the senate an annual work plan for the upcoming fiscal year. Said annual work plan shall list the tasks the board plans on working on over the course of the upcoming fiscal year including a description of how the elements are consistent with and supportive of the systems level plan developed and implemented by the Rhode Island Bays, Rivers, and Watersheds Coordination Team, as prescribed in section 46-31-5.

(c) Within ninety (90) days of the end of the fiscal year 2007, and within ninety (90) days after the end of each fiscal year thereafter, the board shall submit to the governor, the speaker of the house of representatives, the president of the senate and the secretary of state an annual performance report for that fiscal year. Said report shall describe and evaluate the successes and shortcomings of the implementation of the annual work plan pertaining to that fiscal year, and shall include a summary of progress made in the following areas: formulation and maintenance of a long range guide plan and implementing program for the development of major water resources and transmission systems, as prescribed in section 46-15-13; promulgation of an emergency plan for water supplies in the event of a water emergency declaration by the governor, as prescribed in section 46-15-14; and actions undertaken for the cooperative

development, conservation, and use of state water resources, as prescribed in section 46-15-13. The report shall be posted electronically as prescribed in section 42-20-8.2. The director of the department of administration shall be responsible for the enforcement of the provisions of this subsection.

SECTION 2. Sections 46-15.1-1, 46-15.1-2, 46-15.1-2.3, 46-15.1-2.4 and 46-15.1-21 of the General Laws in Chapter 46-15.1 entitled "Water Supply Facilities" are hereby amended to read as follows:

46-15.1-1. Legislative declaration -- Water resources board (corporate) -- Applicable sections. -- The findings and declarations made by section 46-15-1 are hereby made applicable to this chapter.

The water resources board (corporate) under this chapter constitutes a body politic and corporate and a public instrumentality of the state having a distinct legal existence from the state and not constituting a department of state government.

The following sections also apply to the water resources board, the state agency: sections 46-15.1-1.1, 46-15.1-2(a), 46-15.1-2.2, 46-15.2-3, 46-15.1-2.4, 46-15.1-4.1, 46-15.1-5(15) -- (25), 46-15.1-20 and 46-15.1-21.

46-15.1-2. Board created -- Appointment of members. -- (a) There is hereby authorized, created and established a water resources board consisting of ~~thirteen (13)~~ fifteen (15) members as follows: Five (5) Eleven (11) members shall represent the public and shall be appointed by the governor with advice and consent of the senate as herein provided, at least two (2) of whom shall be affiliated with public water systems in Rhode Island; one member shall be from the house of representatives who shall be appointed by the speaker of the house of representatives and one member shall be from the senate who shall be appointed by the president of the senate; one member to be selected by the Rhode Island agricultural council established pursuant to the provisions of chapter 3 of title 2 and of whom shall be a person who is actively engaged in the agricultural business, preferably an owner and/or operator of an agricultural business; with respect to which appointment the governor shall give due consideration to the recommendation of the Rhode Island Agricultural Council established pursuant to the provisions of chapter 3 of title 2; one of whom shall be a representative of a conservation organization, with respect to which appointment the governor shall give due consideration to the recommendation of the Environment Council of Rhode Island; one of whom shall be a professional with expertise in one or more of the following fields: geology, hydrology, or engineering; one of whom shall be a representative of a large public water system; one of whom shall be a representative of a small public water system; one of whom shall be a representative of a large water user; and one of whom shall be a representative of small water user; one of who shall be a professional with expertise in financial planning and/or investment; and three (3) of whom shall be members of the general public. The public members shall be chosen as far as is reasonably practicable to represent the drought regions of the state as specified in the Rhode Island Drought Management Plan. No person shall be eligible for appointment to the board unless he or she is a resident of this state. the The remaining five (5) four (4) members are the director of environmental management, the director of the Rhode Island economic development corporation who shall serve as a nonvoting ex officio member, the director of the chief of the division of planning within the department of administration who shall serve as a nonvoting ex officio member, and the director of the department of health, and the chairperson of the joint committee on water resources all of whom shall serve ex officio. When this chapter shall take effect, the governor shall appoint one of the public members of the board to serve until the first day of March, 1992,

~~two (2) members to serve until the first day of March, 1993, two (2) members to serve until the first day of March, 1994, and all to Members shall serve until their successors are appointed and qualified and shall be eligible to succeed themselves. In the month of February, 1992, and in the month of February in each year thereafter, the governor, with the advice and consent of the senate, shall appoint successors to the public members of the board whose terms shall expire in such year, to hold office commencing on the first day of March in the year of appointment day they are qualified and until the first day of March in the third year after their respective appointments and until their respective successors are appointed and qualified. ~~The member selected by the Rhode Island agricultural council shall be selected by the executive committee of the Rhode Island agricultural council in the month of February, to hold office commencing on the first day of March in the year of appointment, and until the first day of March in the third year after his or her respective appointment and until his or her successor is qualified and appointed.~~~~

(b) Those members of the board as of the effective date of this act who were appointed to the board by members of the general assembly and the chairperson of the joint committee on water resources shall cease to be members of the board on the effective date of this act, and the governor shall thereupon appoint five (5) new public members pursuant to this section, one of whom shall be a professional with expertise in financial planning and/or investment; one of whom shall be a professional with expertise in one or more of the following fields: geology, hydrology or engineering; and one of whom shall be a representative of a conservation organization appointed by the governor as prescribed in this section. The member of the board selected by the Rhode Island Agricultural Council shall continue to serve the balance of his or her term. Upon expiration of his or her term, the governor shall appoint one member who is actively engaged in the agricultural business, preferably an owner and/or operator of an agricultural business as prescribed in this section. Those members of the board as of the effective date of this act who were appointed to the board by the governor shall continue to serve the balance of their current terms. Thereafter, the appointment shall be made by the governor as prescribed in this section.

(c) Any vacancy which may occur in the board for a public member shall be filled by the governor, with the advice and consent of the senate, for the remainder of the unexpired term in the same manner as the members predecessor as prescribed in this section. Each ex-officio member of the board may designate a subordinate within his or her department; and the chairperson of the joint committee on water resources may designate a subordinate within his or her department, and the chairperson of the joint committee on water resources may designate a member of the committee or a member of its staff to represent him or her at all meetings of the board.

(d) Members of the board 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.

~~(b)~~(e) The water resources board is designated to carry out the provisions of this chapter. In exercising its powers under this chapter the board constitutes a body politic and corporate and a public instrumentality of the state having a distinct legal existence from the state and not constituting a department of the state government. The board may take action under this chapter at any meeting of the board. A member of the board who is affiliated with a public water system in Rhode Island, as provided in section 46-15-2, shall not thereby be disqualified from acting as a member of the board on a transaction under this chapter with a public water system. Upon the

enactment of this chapter, and annually in the month of March thereafter, the board shall choose a treasurer to act as such under this chapter. The treasurer need not be a member of the board or of its staff and shall serve until his or her successor is chosen and takes office, unless sooner removed by the board with or without cause. In the event of a vacancy in the office of treasurer, the board shall fill the vacancy for the unexpired term.

~~(e)~~(f) Nothing contained herein shall be construed as terminating or discontinuing the existence of the water resources board as it exists prior to July 1, 1993 for purposes of chapters 15.1, 15.2, and 15.3 of this title, and the water resources board created hereby shall be and shall be deemed to be a continuation of the water resources board as it existed prior to July 1, 1993 for the purposes enumerated in chapters 15.1, 15.2, and 15.3 of this title. Nothing contained herein shall affect the bonding or financing authority of the water resources board as it exists prior to July 1, 1993 nor shall anything contained herein be construed as terminating, altering, discontinuing, or in any way impairing the bonding or financing power of the water resources board as it exists under chapters 15.1, 15.2, and 15.3 of this title prior to July 1, 1993.

46-15.1-2.3. Officers of the board -- Quorum and vote required for action. -- Forthwith, and upon the enactment of this chapter, and annually in the month of March, thereafter, the board shall elect one of its public members as chairperson, one of its public members as vice chairperson, and shall also elect a secretary either from its membership or its technical staff. The board may elect from among its members such other officers as it deems necessary. Seven (7) voting members of the board constitutes a quorum, ~~and the vote of seven (7) members is necessary for any action taken by the board.~~ A majority vote of those present and voting shall be required for action. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all of the duties of the board.

46-15.1-2.4. Compensation of members. -- (a) ~~The members of the board, including the chairperson may receive compensation in the amount of fifty dollars (\$50.00) for each day or portion thereof of actual service in attending meetings of the board in which business is transacted.~~ The members of the board shall serve without compensation.

(b) The members of the board may also be reimbursed for their actual expenses necessarily incurred in the performance of their duties.

46-15.1-21. Annual report of water provider. -- Each water providing and water supply company both public and private doing business in this state shall forward an annual report to the ~~Joint Committee on Water Resources~~ governor, speaker of the house of representatives, the president of the senate and secretary of state setting forth the status of any water supply within the company's jurisdiction and control-, and progress made towards achieving the goals of the entity's water supply management plan as prescribed in sections 46-15.3-5.1 and 46-15.3-7.

SECTION 3. Chapter 46-15.1 of the General Laws entitled "Water Supply Facilities" is hereby amended by adding thereto the following sections:

46-15.1-1.1. Definitions. -- (a) "Large public water system" means a water supplier that pumps more than fifty million (50,000,000) gallons of water per year pursuant to section 46-15.3-5.1.

(b) "Small public water system" means a water supplier that pumps less than fifty million (50,000,000) gallons per year.

(c) "Large water user" means a water user that withdraws more than three million (3,000,000) gallons per year, which is equivalent to eight thousand two hundred (8,200) gallons per day.

(d) "Small water user" means a water user that withdraws less than three million

(3,000,000) gallons per year, which is equivalent to eight thousand two hundred (8,200) gallons per day.

46-15.1-5.2. Duties of the board. -- The board shall have the following additional duties:

(a) Within ninety (90) days after the end of each fiscal year, the board (corporate) shall 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: a summary of the board's (corporate) meetings including when the board (corporate) met, subjects addressed, and decisions rendered; a summary of the board's (corporate) actions including a listing of entities for which water supply facilities were established, leased, contracted for the use of, or which received water sold from such facilities; bonds and notes issued; grants or loans applied or contracted for; funds invested or deposited; assets acquired; assets sold, leased, or conveyed to municipal water agencies, departments, special water districts, or private water companies; contracts entered into to supply raw or processed water; trust agreements entered into with corporate trustees; actions taken in support of the work of the Rhode Island Rivers Council; a synopsis of any law suits or other legal matters related to the authority of the board (corporate); a consolidated financial statement of all funds received and expended by the board (corporate) including the source of the funds; a listing of the staff and/or consultants employed by the board (corporate); a summary of performance during the previous fiscal year including accomplishments, shortcomings and remedies; and a listing of findings and recommendation derived from board (corporate) activities. The report shall be posted electronically on the general assembly and the secretary of state's website as prescribed in section 42-20-8.2. The director of the department of administration shall be responsible for the enforcement of the provisions of this section.

(b) The board shall conduct a training course for newly appointed and qualified members and new designees of ex-officio members within six (6) months of their qualification or designation. The course shall be developed by the general manager, approved by the board, and conducted by the general manager. The board may approve the use of any board or staff members or other individuals to assist with training. The training course shall include instruction in the following areas: the provisions of chapters 46-13, 46-14, 46-15, 46-15.1, 46-15.2, 46-15.3, 46-15.4, 46-15.5, 46-15.6, 46-15.7, 42-46, 38-2 and 36-14; 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 4. This act shall take effect upon passage."

Respectfully submitted,

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

=====  
LC00402/3  
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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, Anguilla, Brien, Caprio, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, Diaz, Ehrhardt, 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, Story, Sullivan, Trillo, Ucci, Watson, Williams, Williamson.

NAYS - 0.

Read and passed, as amended, 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, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, Diaz, Ehrhardt, 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, Story, Sullivan, Trillo, Ucci, Watson, Williamson.

NAYS - 0.

**8 2006-S 2598**

**BY Felag**

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

Committee on Separation of Powers recommends passage in concurrence.

Representative Coderre moves passage of the act, seconded by Representatives Gallison, Crowley and Amaral.

Read and passed, in concurrence, 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, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, Fox, Gallison, Gemma, Giannini, 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, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Williamson.

NAYS - 0.

**REQUEST**

Representative Gorham requests the journal to reflect that if he had voted on (06-S 2598 in concurrence), he would have voted in the affirmative.

**9 2006-S 2142 as amended****BY Gallo****ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS --  
EDUCATION**

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

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

Read and passed, as amended, in concurrence, 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, Church, Coderre, Corvese, Costantino, Crowley, Davey, Dennigan, DeSimone, Diaz, Ehrhardt, 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, Story, Sullivan, Trillo, Ucci, Wasylyk, Watson, Williams, Williamson.

NAYS - 0.

**10 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.

Read, and by unanimous consent, ordered to be placed on the Calendar for Wednesday, March 22, 2006.

**11 2006-S 2011 SUB A****BY Walaska****ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --  
DEFINITIONS AND GENERAL CODE PROVISIONS**

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

Representative Kennedy moves passage of the act, seconded by Representative Landroche.



The bill marked Substitute "A" is read and passed, in concurrence, and the original bill indefinitely postponed, on a roll call vote, 64 members voting in the affirmative and 1 member voting in the negative as follows:

YEAS - 64: 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, McManus, McNamara, Melo, Menard, Moffitt, Moran, Moura, Naughton, O'Neill, Pacheco, Palumbo, Petrarca, Picard, Rice, Rose, San Bento, Savage, Shanley, Singleton, Slater, Story, Sullivan, Trillo, Ucci, Wasyluk, Watson, Williams.

NAYS - 1: Representative McHugh.

### 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, with the exception of item #11 (06-S 2011 SUB A, in concurrence).

### ANNOUNCEMENTS

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 Costantino announces that the Committee on Finance will continue its hearing today, at the rise of the House, in Room 35 of the State House.

### PERSONAL PRIVILEGE

Representative Williams rises on a point of personal privilege.

### ADJOURNMENT

At 4:44 o'clock P.M. on motion of Representative Williamson, and the entire Warwick delegation and as a further mark of respect to the memory of Gertrude Flaherty, mother of Representative Robert Flaherty; on motion of Representative Singleton, and as a further mark of respect to the memory of Kevin Kane; on motion of Representative McNamara and as a further mark of respect to the memory of Mary F. Oliver; on motion of Representative Williamson, and

as a further mark of respect to the memory of Frank Podgurski; on motion of Representative Jackson, and as a further mark of respect to the memories of Josephine Murdock, Bernard Donald Mazza, Sr., and Jamie M. Santos; seconded by Representatives Fox and Watson the House adjourns, on a unanimous rising vote.

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

APPENDIX

INVOCATION

REPRESENTATIVE WILLIAM J. McMANUS

Thank you God for Your presence here with us and Your blessings on this Assembly today and every day. Amen.

**TRANSMITTED TO THE GOVERNOR**

**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}

**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}

**Senate Bill No. 2140** SUB A

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

**ENTITLED**, AN ACT RELATING TO SEPARATION OF POWERS ( remove legislators and  
legislative appointees from various boards and commissions) {LC401/1/A}

## APPENDIX

## CALENDAR

## 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.

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

Committee on Finance recommends passage.

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

Committee on Finance recommends passage in concurrence.

**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.

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

**1 2006-H 7209****BY Costantino****ENTITLED,** AN ACT RELATING TO TAXATION -- PUBLIC SERVICE CORPORATION TAX

Committee on Finance recommends passage.

**2 2006-H 7210****BY Costantino****ENTITLED,** AN ACT RELATING TO WATERS AND NAVIGATION

Committee on Finance recommends passage.

**3 2006-H 7212****BY Carter****ENTITLED,** AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE - NATIONAL GUARD

Committee on Finance recommends passage.

**4 2006-H 7834**

**BY McHugh**

**ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

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

**Tuesday, March 21, 2006**