

State of Rhode Island and Providence Plantations

Journal of the Senate

JANUARY SESSION of the General Assembly begun and held at the State House in the City of Providence on Tuesday, the first day of January in the year of Our Lord two thousand and two.

Volume129, No.57	Friday, May 31, 2002	Fifty-seventh Day
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The Senate meets pursuant to adjournment and is called to order by His Honor, the Lieutenant Governor, Charles J. Fogarty, at 1:16 o'clock P.M.

The roll is called and a quorum is declared present with 49 Senators present and 1 Senator absent as follows:

PRESENT _ 49: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisen, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

ABSENT - 1: Senator Cicilline.

INVOCATION

His Honor, the Lieutenant Governor, by unanimous consent, presentsSenate Majority Leader Irons, to deliver the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG

His Honor, the Lieutenant Governor, by unanimous consent, presentsSenate Majority Leader Irons, to lead the Senate in the pledge of allegiance to the flag.

APPROVAL OF RECORD

The Senate Journal of Wednesday, May 29, 2002 proceedings is read in part.

Upon suggestion ofSenate Majority Leader Irons, and by unanimous consent, further reading of the Journal is dispensed with and the Journal approved as recorded.

GUESTS

Upon suggestion of Senator Graziano, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Dr. Judith Brissett of Washington, D.C. and Dr. Robert McKenna of Newport.

Upon suggestion of Senator Gibbs, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber the Honorable Susan Farmer.

REPORTS OF COMMITTEES

COMMITTEE ON CORPORATIONS

Senator Celona, from the Committee on Corporations, reports back, with recommendation of passage of the following measures:

(02-S 2348) (Substitute ``A") An Act relating to commercial law _ general regulatory provisions _ deceptive trade practices.

Read and ordered to be placed on the Calendar.

(02-S 2359) An Act relating to health and safety _ Pain Assessment Act of 2002.

Read and ordered to be placed on the Calendar.

(02-S 2570) (Substitute ``A" as amended) An Act relating to health and safety.

Read and ordered to be placed on the Calendar.

(02-S 2643) An Act relating to health and safety _ health care services _ Utilization Review Act.

Read and ordered to be placed on the Calendar.

(02-S 2693) An Act relating to insurance _ nonprofit medical and hospital service corporations.

Read and ordered to be placed on the Calendar.

(02-S 2975) An Act relating to motor and other vehicles _ lighting equipment and reflectors.

Read and ordered to be placed on the Calendar.

(02-S 2993) An Act reinstating and restoring forfeited or revoked corporate charters.

Read and ordered to be placed on the Consent Calendar.

(02-S 3009) An Act relating to insurance _ agents, brokers, and solicitors.

Read and ordered to be placed on the Calendar.

(02-S 3023) An Act authorizing the town of East Greenwich to finance the acquisition of open space and/or recreation development projects and to issue not more than \$1,000,000 bonds and/or notes therefor.

Read and ordered to be placed on the Calendar.

(02-S 3026) An Act relating to the town of East Greenwich authorizing the exemption of certain property from taxation.

Read and ordered to be placed on the Consent Calendar.

(02-S 3034) An Act relating to insurance _ small employer health insurance availability act.

Read and ordered to be placed on the Calendar.

(02-S 3035) An Act authorizing the city of East Providence to finance the planning, construction and reconstruction of streets and/or sidewalks within the city and the design and construction of a new library in the Riverside section of the city and to issue not more than \$4,500,000 bonds and notes therefor.

Read and ordered to be placed on the Calendar.

(02-S 3036) An Act authorizing the city of East Providence, upon the abandonment of the Martin Middle School by the School Department of the city, to finance the design and conversion of the Martin Middle School and its site into a multi-purpose community/recreation complex and to issue not more than \$5,000,000 bonds and notes therefor.

Read and ordered to be placed on the Calendar.

(02-S 3037) An Act authorizing the city of East Providence to finance the repairs, renovations, and energy efficiency improvements to city schools and to issue not more than \$9,000,000 bonds and notes therefor.

Read and ordered to be placed on the Calendar.

(02-S 3038) An Act authorizing the city of East Providence to finance the following projects in the city: repairs to the Loeff Carousel, upgrade of the Watchemoket storm drain; repairs and renovations to the police station; feasibility study and preliminary planning for a new fire station; waterfront development; soccer field and other recreational facility development; Warren Avenue street scape; the acquisition of property; and repairs and improvements to the storm drainage and sanitary sewer systems and to issue not more than \$4,500,000 bonds and notes therefor.

Read and ordered to be placed on the Calendar.

(02-H 6719) (Substitute ``A" as amended) An Act relating to health and safety _ unlicensed health care practices.

Read and ordered to be placed on the Calendar.

(02-H 6725) An Act relating to liability insurance _ rental vehicles.

Read and ordered to be placed on the Calendar.

(02-H 6783) (Substitute ``A") An Act relating to businesses and professions.

Read and ordered to be placed on the Calendar.

(02-H 6916) An Act relating to towns and cities.

Read and ordered to be placed on the Calendar.

(02-H 7299 as amended) An Act relating to health and safety _ Pain Assessment Act.

Read and ordered to be placed on the Consent Calendar.

(02-H 7320) (Substitute ``A") An Act relating to health and safety _ health care services _ utilization review act.

Read and ordered to be placed on the Calendar.

(02-H 7926 as amended) An Act relating to mortgages.

Read and ordered to be placed on the Consent Calendar.

(02-H 8025) An Act relating to the city of Pawtucket _ abandoned motor vehicles.

Read and ordered to be placed on the Consent Calendar.

(02-H 8027) (Substitute ``A") An Act relating to commercial law _ general regulatory provisions _ deceptive trade practices.

Read and ordered to be placed on the Consent Calendar.

(02-H 8088) An Act to vacate the forfeiture or revocation of the charter of the Smithfield Youth Soccer Association.

Read and ordered to be placed on the Consent Calendar.

(02-H 8144) An Act validating and ratifying amendments to the charter of the town of Barrington.

Read and ordered to be placed on the Consent Calendar.

(02-H 8160) An Act relating to taxation _ property subject to taxation.

Read and ordered to be placed on the Calendar.

(02-H 8161) An Act relating to businesses and professions _ hawkers and peddlers.

Read and ordered to be placed on the Consent Calendar.

(02-H 8172) An Act authorizing the town of East Greenwich to finance the acquisition of open space and/or recreation development projects and to issue not more than \$1,000,000 bonds and/or notes therefor.

Read and ordered to be placed on the Calendar.

(02-H 8174) An Act authorizing the town of Tiverton to finance the construction, equipping and furnishing of three elementary schools, which shall be attached to one core facility and situated on one site on North Brayton Road in the town and to issue not more than \$25,700,000 bonds and/or notes therefor.

Read and ordered to be placed on the Calendar.

(02-H 8176) An Act authorizing the town of Portsmouth to finance the construction of a new gymnasium, renovations to the locker rooms and renovations to the existing gymnasium at Portsmouth High School by the issuance of not more than \$4,850,000 bonds and/or notes therefor to be allocated as follows, \$4,200,000 to finance the construction of a new gymnasium, \$300,000 to finance renovations to the locker rooms and \$350,000 to finance renovations to the existing gymnasium.

Read and ordered to be placed on the Calendar.

(02-H 8177) An Act authorizing the town of Tiverton to finance the construction, renovation, equipping and furnishing of the Tiverton middle and high schools, including, but not limited to, locker replacement at the middle school and athletic field improvements, an auxiliary gym, tennis courts, music room additions, science labs and a guidance suite at the high school and to issue not more than \$3,735,000.

Read and ordered to be placed on the Calendar.

(02-H 8188) An Act authorizing the city of East Providence to finance the repairs, renovations, and energy efficiency improvements to city schools and to issue not more than \$9,000,000 bonds and notes therefor.

Read and ordered to be placed on the Calendar.

(02-H 8189) An Act authorizing the city of East Providence to finance the following projects in the city: repairs to the Loeff Carousel, upgrade of the Watchemoket storm drain; repairs and renovations to the police station; feasibility study and preliminary planning for a new fire station; waterfront development; soccer field and other recreational facility development; Warren Avenue street scape; the acquisition of property; and repairs and improvements to the storm drainage and sanitary sewer systems and to issue not more than \$4,500,000 bonds and notes therefor.

Read and ordered to be placed on the Calendar.

(02-H 8190) An Act authorizing the city of East Providence, upon the abandonment of the Martin Middle School by the School Department of the city, to finance the design and conversion of the Martin Middle School and its site into a multi-purpose community/recreation complex and to issue not more than \$5,000,000 bonds and notes therefor.

Read and ordered to be placed on the Calendar.

(02-H 8205) Joint Resolution to reform and finance long-term care services through a consumer-centered system of coordinated services and integrated care.

Read and ordered to be placed on the Consent Calendar.

COMMITTEE ON JUDICIARY

Senator Montalbano, from the Committee on Judiciary, reports back, with recommendation of passage of the following measure:

(02-H 7269) (Substitute ``A") An Act relating to state affairs and government.

Read and ordered to be placed on the Calendar.

NEW BUSINESS

Senator Blais presents (02-S 3063) Senate Resolution congratulating Brian E. Marchesseault on attaining the rank of Eagle Scout.

Senator Blais requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Blais, seconded by the entire Senate, and by unanimous consent, read and passed, under suspension of the rules, upon a voice vote.

Senate Majority Leader Irons and Senators McBurney, Sosnowski, McDonald, Walsh and others present (02-S 3064) Senate Resolution welcoming Dr. Robert D. Ballard as a faculty member at the University of Rhode Island.

Senate Majority Leader Irons requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion ofSenate Majority Leader Irons, seconded by the entire Senate, and by unanimous consent, read and passed, under suspension of the rules, upon a voice vote.

Senator McDonald presents (02-S 3065) Senate Resolution congratulating Matthew O'Grady on attaining the rank of Eagle Scout.

Senator McDonald requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator McDonald, seconded by the entire Senate, and by unanimous consent, read and passed, under suspension of the rules, upon a voice vote.

Senator McDonald presents (02-S 3066) Senate Resolution congratulating Nathan L. Staples on attaining the rank of Eagle Scout.

Senator McDonald requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator McDonald, seconded by the entire Senate, and by unanimous consent, read and passed, under suspension of the rules, upon a voice vote.

Senator Paiva Weed presents (02-S 3067) An Act to vacate the forfeiture or revocation of the charter of D.E.R. Realty Corporation.

Senator Paiva Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Paiva Weed, seconded by Senator Coderre, and by unanimous consent, read and passed, under suspension of the rules, upon a voice vote.

REPORT OF COMMITTEE
COMMITTEE ON CORPORATIONS

Senator Celona, from the Committee on Corporations, reports back, with recommendation of passage of the following measure:

(02-S 2896) (Substitute ``A" as amended) An Act relating to insurance _ Small Employer Health Insurance Availability Act.

Read and ordered to be placed on the Calendar.

CONSENT CALENDAR

In order for the day is taken up as follows:

Upon motion ofSenate Majority Leader Irons, seconded by Senator Algieri, the following measures on today's Consent Calendar, by unanimous consent, are read and passed, item numbers 1, 4-8, and 11-25 in concurrence, upon a voice

vote:

1. (02-H7277) An Act relating to revaluation of the assessment of local taxes in the city of Providence.
2. (02-S2993) An Act reinstating and restoring forfeited or revoked corporate charters.
3. (02-S3026) An Act relating to the town of East Greenwich authorizing the exemption of certain property from taxation.
4. (02-H8025) An Act relating to the city of Pawtucket _ abandoned motor vehicles.
5. (02-H8088) An Act to vacate the forfeiture or revocation of the charter of the Smithfield Youth Soccer Association.
6. (02-H8144) An Act validating and ratifying amendments to the charter of the town of Barrington.
7. (02-H8161) An Act relating to businesses and professions _ hawkers and peddlers.
8. (02-H8205) Joint Resolution to reform and finance long-term care services through a consumer-centered system of coordinated services and integrated care.
9. (02-S3018) Senate Resolution memorializing the United States Congress to allow the State of Rhode Island to create, implement, and oversee a pilot program allowing for the reimportation of prescription drugs from Canadian pharmacies.
10. (02-S3046) An Act relating to the freezing of the tax rate and evaluation in the town of Exeter.
11. (02-H8057) An Act relating to solemnization of marriages.
12. (02-H8139) An Act relating to solemnization of marriages.
13. (02-H8224) An Act relating to solemnization of marriages.
14. (02-H7055) An Act relating to the town of North Providence _ tax incentive program.
15. (02-H7192) An Act relating to towns and cities _ general powers.
16. (02-H7814) An Act relating to primary elections _ city of East Providence.
17. (02-H7896) An Act amending the charter of North Providence.
18. (02-H8022) An Act relating to towns and cities _ town of Richmond.
19. (02-H8049) An Act relating to taxes _ levy and assessment of local taxes.
20. (02-H8164) An Act relating to taxation _ levy and assessment of local taxes.
21. (02-H8202) An Act relating to the establishment of a town charter in the town of Hopkinton.
22. (02-H8042) An Act authorizing the formation of a regional school district representing the towns of Exeter and West Greenwich.
23. (02-H7299 as amended) An Act relating to health and safety _ Pain Assessment Act.
24. (02-H7926 as amended) An Act relating to mortgages.

25. (02-H8027) (Substitute ``A") An Act relating to commercial law _ general regulatory provisions _ deceptive trade practices.

CALENDAR

In order for the day is taken up as follows:

3. (02-S2727 as amended) An Act relating to indebtedness of towns and cities _ municipal deficits.

Committee on Finance recommends passage as amended.

Senator Montalbano moves passage, seconded by Senator Coderre.

The act is read and passed, as amended, upon a roll call vote with 27 Senators voting in the affirmative and 11 Senators voting in the negative as follows:

YEAS _ 27: Senators Alves, Badeau, Celona, Coderre, Cote, Damiani, Fogarty, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, McBurney, McCaffrey, Montalbano, Perry, Polisena, Revens, Roney, Ruggerio, Tassoni, Walaska.

NAYS _ 11: Senators Algieri, Bates, Blais, Breene, Connors, Felag, Kelly, Lenihan, McDonald, Paiva Weed, Walsh.

4. (02-S2399) (Substitute ``A") An Act relating to state affairs and government _ outdoor lighting control.

Joint Committee on Environment and Energy recommends indefinite postponement of the original bill and passage of Substitute ``A".

Senator Blais moves passage, seconded by Senator Breene.

The bill marked Substitute ``A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 38: Senators Algieri, Alves, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Felag, Fogarty, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Perry, Polisena, Revens, Roney, Ruggerio, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

5. (02-H8051) (Substitute ``A") An Act relating to taxation _ situs and ownership of taxable property.

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

Senator Revens moves passage, seconded by Senator Garabedian.

Senator Revens, seconded by Senator Celona, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 8051) (Substitute ``A'')

Mr. President:

I hereby move to amend (02-H 8051) (Substitute ``A'') entitled ``AN ACT RELATING TO TAXATION _ SITUS AND OWNERSHIP OF TAXABLE PROPERTY", as follows:

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

``SECTION 1. Chapter 44-4 of the General Laws entitled ``Situs and Ownership of Taxable Property" is hereby amended by adding thereto the following section:

44-4-4.2. LEASEHOLD IMPROVEMENTS TAXED TO TENANT OF QUASI-PUBLIC CORPORATION. _
Commencing with taxes assessed on December 31, 2001, whenever real property is owned by a quasi-public corporation and leased to a tenant which is engaged in any business for profit, and such property is located at an airport terminal building with more than ten thousand (10,000) air carrier aircraft operations annually, any tax on leasehold improvements shall be paid by the tenant, who, for the purposes of taxation, shall be deemed to be the owner of any such leasehold improvements, regardless of whether the improvements become state property, unless the improvements or the tenant or subtenant are otherwise exempt from taxation.

SECTION 2. This act shall take effect upon passage and shall apply to taxes assessed commencing December 31, 2001. If any court of competent jurisdiction shall adjudge to be invalid or unconstitutional the application of section 1 of this act to periods prior to the enactment of this act, this act shall nevertheless be effective for the dates of assessment occurring on or after passage of this act."

Respectfully submitted,

JOHN C. REVENS, JR.
Senator, District 18

The motion to amend prevails upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 38: Senators Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS _ 0.

Upon motion of Senator Revens, seconded by Senator Celona, the bill marked Substitute ``A" is read and passed, as amended, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 40 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 40: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS _ 0.

6. (02-S2703) (Substitute ``A'') An Act relating to health insurance coverage.

Joint Committee on Environment and Energy recommends indefinite postponement of the original bill and passage of Substitute ``A".

Senator Sosnowski moves passage, seconded by Senator Enos.

Senators Sosnowski, Coderre and Damiani discuss the act.

The bill marked Substitute ``A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 41 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 41: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

7. (02-H7063) (Substitute ``A") An Act relating to towns and cities _ uniform relocation payments.

Ordered on the Calendar.

Senator Celona moves passage, seconded by Senator Damiani.

Senators Enos, Celona, Goodwin and Ruggerio discuss the act.

The bill marked Substitute ``A" is read and passed, in concurrence, and the original bill indefinitely postponed, upon a roll call vote with 31 Senators voting in the affirmative and 11 Senators voting in the negative as follows:

YEAS _ 31: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Coderre, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Hunter, Irons, Issa, Izzo, McBurney, McCaffrey, McDonald, Montalbano, Parella, Polisena, Raptakis, Revens, Sosnowski, Tassoni, Walaska.

NAYS _ 11: Senators Connors, Goodwin, Graziano, Igliazzi, Kelly, Lenihan, Perry, Roney, Ruggerio, Walsh, Walton.

9. (02-H7274) (Substitute ``A") An Act relating to businesses and professions _ telecommunications.

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute ``A".

Senator Celona moves passage, seconded by Senator Damiani and others.

The bill marked Substitute ``A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 40 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 40: Senators Algieri, Alves, Badeau, Bates, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

10. (02-H8002) An Act authorizing the city of Warwick to issue bonds and notes in an amount not to exceed \$5,000,000 for drainage projects.

Committee on Corporations recommends passage in concurrence.

Senator Revens moves passage, seconded by Senator McCaffrey and others.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 40 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 40: Senators Algieri, Badeau, Bates, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

11. (02-H8126) An Act authorizing the city of Warwick to issue bonds and notes in an amount not to exceed \$7,500,000 for public safety projects.

Committee on Corporations recommends passage in concurrence.

Senator Revens moves passage, seconded by Senators Walaska and McCaffrey.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 40 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 40: Senators Algieri, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Parella, Perry, Polisena, Revens, Roney, Ruggerio, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

12. (02-H8194) An Act authorizing the city of East Providence to finance the planning, construction and reconstruction of streets and/or sidewalks within the city and the design and construction of a new Library in the Riverside section of the city and to issue not more than \$4,500,000 bonds and notes therefor.

Committee on Corporations recommends passage in concurrence.

Senator Felag moves passage, seconded by Senator Celona.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 41 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 41: Senators Algieri, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

13. (02-H8195) An Act authorizing the city of Warwick to issue bonds and notes in an amount not to exceed \$3,000,000 for renovations and improvements to the McDermott Pool and the Thayer and Warburton Ice Arenas.

Committee on Corporations recommends passage in concurrence.

Senator Revens moves passage, seconded by Senators Walaska and McCaffrey.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 41 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 41: Senators Algieri, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

14. (02-H8204) An Act relating to towns and cities _ Middletown Water Supply System authorizing bonds and notes therefor in an amount not to exceed \$5,000,000.

Committee on Corporations recommends passage in concurrence.

Senator Gibbs moves passage, seconded by Senator Blais.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 41 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 41: Senators Algieri, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

15. (02-H8207) An Act relating to parking surcharges in the Warwick Airport Parking District.

Committee on Corporations recommends passage in concurrence.

Senator Revens moves passage, seconded by Senators McCaffrey and Walaska.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 39 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 39: Senators Algieri, Alves, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

16. (02-H7112) (Substitute ``A" as amended) An Act relating to fair housing practices act.

Ordered on the Calendar.

Senator Sosnowski moves passage, seconded by Senator Coderre.

The bill marked Substitute ``A" is read and passed, as amended, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 38: Senators Algieri, Alves, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Parella, Perry, Polisena, Raptakis, Revens, Roney, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

18. (02-H8082) (Substitute ``A") An Act relating to elections.

Ordered on the Calendar.

Senator Hunter moves passage, seconded by Senator Issa.

The bill marked Substitute ``A" is read and passed, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 39 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 39: Senators Algieri, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

19. (02-H7121) (Substitute ``A") An Act relating to property _ homestead exemption.

Ordered on the Calendar.

Senator Celona moves passage, seconded by Senator Coderre.

The bill marked Substitute ``A" is read and passed, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 41 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 41: Senators Algieri, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

20. (02-H7771 as amended) An Act relating to alcoholic beverages _ retail licenses.

Ordered on the Calendar.

Senator Goodwin moves passage, seconded by Senator Connors.

The act is read and passed, as amended, in concurrence, by unanimous consent, upon a roll call vote with 39 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 39: Senators Algieri, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

TRANSMITTAL

By unanimous consent, all Senate matters and (02-H 8051) (Substitute ``A") on the Clerk's desk are ordered to be transmitted to His Excellency, the Governor or to the Honorable House of Representatives forthwith.

RECESS

Upon suggestion of Senate Majority Leader Irons, and by unanimous consent, the Senate stands at Recess at 1:48 o'clock P.M. until the call of the Chair.

CALLED TO ORDER

The Senate is Called to Order at 2:33 o'clock P.M.

CALENDAR

23. (02-S2348) (Substitute ``A") An Act relating to commercial law _ general regulatory provisions _ deceptive trade practices.

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute ``A".

Senator Hunter moves passage, seconded by Senator Celona.

The bill marked Substitute ``A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 38: Senators Algieri, Badeau, Bates, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliozi, Irons, Issa, Izzo, Kelly, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS _ 0.

24. (02-S2359 as amended) An Act relating to health and safety _ Pain Assessment Act of 2002.

Committee on Corporations recommends passage as amended.

Senator Graziano moves passage, seconded by Senator McDonald.

The act is read and passed, as amended, by unanimous consent, upon a roll call vote with 40 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 40: Senators Algieri, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliozi, Irons, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey,

McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Tassoni, Walaska, Walsh.

NAYS _ 0.

25. (02-S2570) (Substitute ``A" as amended) An Act relating to health and safety.

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute ``A" as amended.

Senator Walaska moves passage, seconded by Senator Celona.

The bill marked Substitute ``A" is read and passed, as amended, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 40 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 40: Senators Algieri, Badeau, Bates, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

26. (02-S2643) (Substitute ``A" as amended) An Act relating to health and safety _ health care services _ Utilization Review Act.

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute ``A" as amended.

Senator Walaska moves passage, seconded by Senator Celona and others.

The bill marked Substitute ``A" is read and passed, as amended, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 39 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 39: Senators Alves, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kelly, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS _ 0.

27. (02-S2693) (Substitute ``A") An Act relating to insurance _ nonprofit medical and hospital service corporations.

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute ``A".

Senator Walaska moves passage, seconded by Senator Celona.

The bill marked Substitute ``A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 38: Senators Alves, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Lenihan, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska,

Walsh.

NAYS _ 0.

28. (02-S2975) An Act relating to motor and other vehicles _ lighting equipment and reflectors.

Committee on Corporations recommends passage.

Senator Celona moves passage, seconded by Senator Damiani.

The act is read and passed, by unanimous consent, upon a roll call vote with 42 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 42: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

29. (02-S3009) An Act relating to insurance _ agents, brokers, and solicitors.

Committee on Corporations recommends passage.

Senator Bates moves passage, seconded by Senators Hunter and Celona.

The act is read and passed, upon a roll call vote with 40 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS _ 40: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Gibbs, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kelly, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 1: Senator Garabedian.

30. (02-S3023) An Act authorizing the town of East Greenwich to finance the acquisition of open space and/or recreation development projects and to issue not more than \$1,000,000 bonds and/or notes therefor.

Committee on Corporations recommends passage.

Senator Lenihan moves passage, seconded by Senator Ruggerio.

The act is read and passed, by unanimous consent, upon a roll call vote with 42 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 42: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

31. (02-S3034) An Act relating to insurance _ small employer health insurance availability act.

Committee on Corporations recommends passage.

Senator Walaska moves passage, seconded by Senator Celona.

Senator Walaska, seconded by Senator Celona, offers the following written motion to amend:

FLOOR AMENDMENT
TO
(02-S 3034)

Mr. President:

I hereby move to amend (02-S 3034) entitled ``AN ACT RELATING TO INSURANCE _ SMALL EMPLOYER HEALTH INSURANCE AVAILABILITY ACT'', as follows:

(1) On page 8, between lines 22 and 23, by inserting the following language: ``A health benefit plan or pilot program established pursuant to this section shall not include more than the lesser of ten thousand (10,000) individuals or five percent (5%) of the carrier's existing subscribers."

Respectfully submitted,

WILLIAM A. WALASKA
Senator, District 17

The motion to amend prevails upon a roll call vote with 41 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 41: Senators Algieri, Alves, Badeau, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

Upon motion of Senator Walaska, seconded by Senator Celona, the act is read and passed, as amended, by unanimous consent, upon a roll call vote with 39 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 39: Senators Algieri, Badeau, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliazzi, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

32. (02-S3035) An Act authorizing the city of East Providence to finance the planning, construction and reconstruction of streets and/or sidewalks within the city and the design and construction of a new library in the Riverside section of the city and to issue not more than \$4,500,000 bonds and notes therefor.

Committee on Corporations recommends passage.

Senate Majority Leader Irons moves passage, seconded by Senator Montalbano.

The act is read and passed, by unanimous consent, upon a roll call vote with 40 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 40: Senators Algieri, Badeau, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisen, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

34. (02-S3037) An Act authorizing the city of East Providence to finance the repairs, renovations, and energy efficiency improvements to city schools and to issue not more than \$9,000,000 bonds and notes therefor.

Committee on Corporations recommends passage.

Senate Majority Leader Irons moves passage, seconded by Senator Damiani.

The act is read and passed, by unanimous consent, upon a roll call vote with 39 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 39: Senators Algieri, Alves, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisen, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

35. (02-S3038) An Act authorizing the city of East Providence to finance the following projects in the city: repairs to the Loeff Carousel, upgrade of the Watchemoket storm drain; repairs and renovations to the police station; feasibility study and preliminary planning for a new fire station; waterfront development; soccer field and other recreational facility development; Warren Avenue street scape; the acquisition of property; and repairs and improvements to the storm drainage and sanitary sewer systems and to issue not more than \$4,500,000 bonds and notes therefor.

Committee on Corporations recommends passage.

Senator Damiani moves passage, seconded by Senate Majority Leader Irons.

The act is read and passed, by unanimous consent, upon a roll call vote with 41 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 41: Senators Algieri, Alves, Badeau, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisen, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

36. (02-H6719) (Substitute ``B") An Act relating to health and safety _ unlicensed health care practices.

Committee on Corporations recommends indefinite postponement of the original bill and the bill marked Substitute ``A" and passage of Substitute ``B".

Senator Walaska moves passage, seconded by Senator Celona.

The bill marked Substitute ``B" is read and passed, and the original bill and the bill marked Substitute ``A" indefinitely postponed, by unanimous consent, upon a roll call vote with 40 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 40: Senators Algieri, Alves, Badeau, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

37. (02-H6725) An Act relating to liability insurance _ rental vehicles.

Committee on Corporations recommends passage in concurrence.

Senator Walaska moves passage, seconded by Senator Celona.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 38: Senators Algieri, Badeau, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walsh.

NAYS _ 0.

38. (02-H6783) (Substitute ``A") An Act relating to businesses and professions.

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

Senator Celona moves passage, seconded by Senator Damiani.

The bill marked Substitute ``A" is read and passed, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 41 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 41: Senators Algieri, Alves, Badeau, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

39. (02-H6916) An Act relating to towns and cities.

Committee on Corporations recommends passage in concurrence.

Senator Badeau moves passage, seconded by Senator Kelly.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 39 Senators voting in the

affirmative and 0 Senators voting in the negative as follows:

YEAS _ 39: Senators Algieri, Alves, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliozi, Irons, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

40. (02-H7320) (Substitute ``A") An Act relating to health and safety _ health care services _ utilization review act.

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

Senator Walaska moves passage, seconded by Senator Celona.

The bill marked Substitute ``A" is read and passed, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 37: Senators Alves, Badeau, Blais, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Graziano, Hunter, Igliozi, Irons, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

NEW BUSINESS

Senators Walaska, Revens, McCaffrey, Lenihan and Garabedian present (02-S 3068) An Act authorizing the city of Warwick to issue bonds and notes in an amount not to exceed \$7,500,000 for public safety projects.

Read and referred to the Committee on Corporations.

Senators Paiva Weed, Felag, Walsh, McDonald and Sosnowski present (by request of the Lieutenant Governor) (02-S 3069) An Act relating to waters and navigation _ coastal and estuary habitat restoration program and trust fund.

Senator Paiva Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Paiva Weed, seconded by Senators Montalbano, Gallo, Felag and others, and by unanimous consent, read and passed, upon a roll call vote with 42 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 42: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliozi, Irons, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

CALENDAR

41. (02-H8160) An Act relating to taxation _ property subject to taxation.

Committee on Corporations recommends passage in concurrence.

Senator Lenihan moves passage, seconded by Senator Ruggerio.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 41 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 41: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

42. (02-H8172) An Act authorizing the town of East Greenwich to finance the acquisition of open space and/or recreation development projects and to issue not more than \$1,000,000 bonds and/or notes therefor.

Committee on Corporations recommends passage in concurrence.

Senator Lenihan moves passage, seconded by Senator Ruggerio.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 40 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 40: Senators Algieri, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

43. (02-H8174) An Act authorizing the town of Tiverton to finance the construction, equipping and furnishing of three elementary schools, which shall be attached to one core facility and situated on one site on North Brayton Road in the town and to issue not more than \$25,700,000 bonds and/or notes therefor.

Committee on Corporations recommends passage in concurrence.

Senator Enos moves passage, seconded by Senators Celona and Felag.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 39 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 39: Senators Algieri, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

44. (02-H8176) An Act authorizing the town of Portsmouth to finance the construction of a new gymnasium, renovations to the locker rooms and renovations to the existing gymnasium at Portsmouth High School by the issuance of not more than \$4,850,000 bonds and/or notes therefor to be allocated as follows, \$4,200,000 to finance the construction of a new gymnasium, \$300,000 to finance renovations to the locker rooms and \$350,000 to finance renovations to the existing gymnasium.

Committee on Corporations recommends passage in concurrence.

Senator Felag moves passage, seconded by Senators Gibbs, Parella and Enos.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 40 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 40: Senators Algieri, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

45. (02-H8177) An Act authorizing the town of Tiverton to finance the construction, renovation, equipping and furnishing of the Tiverton middle and high schools, including, but not limited to, locker replacement at the middle school and athletic field improvements, an auxiliary gym, tennis courts, music room additions, science labs and a guidance suite at the high school and to issue not more than \$3,735,000.

Committee on Corporations recommends passage in concurrence.

Senator Enos moves passage, seconded by Senators Parella and Felag.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 39 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 39: Senators Algieri, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliazzi, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

46. (02-H8188) An Act authorizing the city of East Providence to finance the repairs, renovations, and energy efficiency improvements to city schools and to issue not more than \$9,000,000 bonds and notes therefor.

Committee on Corporations recommends passage in concurrence.

Senator Damiani moves passage, seconded by Senate Majority Leader Irons.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 41 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 41: Senators Algieri, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan,

Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

47. (02-H8189) An Act authorizing the city of East Providence to finance the following projects in the city: repairs to the Loeff Carousel, upgrade of the Watchemoket storm drain; repairs and renovations to the police station; feasibility study and preliminary planning for a new fire station; waterfront development; soccer field and other recreational facility development; Warren Avenue street scape; the acquisition of property; and repairs and improvements to the storm drainage and sanitary sewer systems and to issue not more than \$4,500,000 bonds and notes therefor.

Committee on Corporations recommends passage in concurrence.

Senator Damiani moves passage, seconded by Senator Bates.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 41 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 41: Senators Algieri, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

RECESS

Upon suggestion of Senate Majority Leader Irons, and by unanimous consent, the Senate stands at Recess at 2:51 o'clock P.M. until the call of the Chair.

CALLED TO ORDER

The Senate is Called to Order at 4:55 o'clock P.M.

NEW BUSINESS

Senator Alves presents (02-S 3070) An Act relating to the Pawtuxet River Walkway.

Senator Alves requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Alves, seconded by Senator Coderre, and by unanimous consent, read and passed, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 34: Senators Algieri, Alves, Badeau, Bates, Breene, Celona, Coderre, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Kelly, Lenihan, McCaffrey, McDonald, Paiva Weed, Perry, Polisena, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walsh, Walton.

NAYS _ 0.

Senator Paiva Weed presents (02-S 3071) An Act relating to solemnization of marriages.

Senator Paiva Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Paiva Weed, seconded by Senator McCaffrey, and by unanimous consent, read and passed, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 37: Senators Algieri, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Enos, Felag, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Kells, McBurney, McCaffrey, McDonald, Paiva Weed, Perry, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

**FROM THE
HOUSE OF REPRESENTATIVES**

A message from the House of Representatives transmits with announcement of passage:

(02-H 6932) An Act relating to motor and other vehicles _ operators' and chauffeurs' licenses.

Read and ordered to be placed on the Calendar.

Also:

(02-H 8226) An Act relating to the Tobacco Settlement Financing Corporation Act.

Read and ordered to be placed on the Calendar.

Also:

(02-H 6951) An Act relating to state affairs and government.

Read and referred to the Committee on Corporations.

Also:

(02-H 8201) An Act relating to taxation _ property subject to taxation.

Read and referred to the Committee on Corporations.

Also:

(02-H 7533) (Substitute ``A") An Act relating to property taxes for designated properties in Providence.

Read and referred to the Committee on Finance.

Also:

(02-H 7998) An Act relating to the Community Action Program.

Read and referred to the Committee on Finance.

Also:

(02-H 8199 as amended) An Act relating to taxation _ film production tax credit.

Read and referred to the Committee on Finance.

Also:

(02-H 7447) An Act relating to interstate compact for adult offender supervision.

Read and referred to the Committee on Judiciary.

Also:

(02-H 7725) (Substitute ``A") An Act relating to statutes and statutory construction.

Read and referred to the Committee on Judiciary.

REPORTS OF COMMITTEES

COMMITTEE ON CORPORATIONS

Senator Celona, from the Committee on Corporations, reports back, with recommendation of passage of the following measures:

(02-S 2484) An Act relating to the Housing Resources Commission.

Read and ordered to be placed on the Calendar.

(02-S 2645) (Substitute ``A") An Act relating to liability insurance for motor vehicles.

Read and ordered to be placed on the Calendar.

(02-H 8169) An Act authorizing the town of Portsmouth to finance the construction of a new gymnasium, renovations to the locker rooms and renovations to the existing gymnasium at Portsmouth High School by the issuance of not more than \$4,850,000 bonds and/or notes therefor to be allocated as follows, \$4,200,000 to finance the construction of a new gymnasium, \$300,000 to finance renovations to the locker rooms and \$350,000 to finance renovations to the existing gymnasium.

Read and ordered to be placed on the Calendar.

JOINT COMMITTEE ON

HIGHWAY SAFETY

Senator Damiani, from the Joint Committee on Highway Safety, reports back, with recommendation of passage of the following measure:

(02-S 2670) (Substitute ``A") An Act relating to motor and other vehicles _ parking facilities and privileges.

Read and ordered to be placed on the Calendar.

COMMITTEE ON CORPORATIONS

Senator Celona, from the Committee on Corporations, reports back, with recommendation of passage of the following measures:

(02-S 2869) (Substitute ``A" as amended) An Act relating to insurance companies.

Read and ordered to be placed on the Calendar.

(02-S 2896 as amended) An Act relating to insurance _ Small Employer Health Insurance Availability Act.

Read and ordered to be placed on the Calendar.

COMMITTEE ON JUDICIARY

Senator Montalbano, from the Committee on Judiciary, reports back, with recommendation of passage of the following measures:

(02-S 2778) (Substitute ``A") Joint Resolution creating a special legislative commission to study simplification and clarification of the Rhode Island General Laws.

Read and ordered to be placed on the Calendar.

(02-H 6766) (Substitute ``B" as amended) An Act relating to noise limits for motor vehicles.

Read and ordered to be placed on the Calendar.

(02-H 7270) (Substitute ``A" as amended) An Act relating to administrative procedures.

Read and ordered to be placed on the Calendar.

(02-H 7588) (Substitute ``A" as amended) An Act relating to Rhode Island Uniform Commercial Drivers License Act.

Read and ordered to be placed on the Calendar.

(02-H 8191) An Act relating to solemnization of marriages.

Read and ordered to be placed on the Calendar.

JOINT COMMITTEE ON ENVIRONMENT AND ENERGY

Senator Sosnowski, from the Joint Committee on Environment and Energy, reports back, with recommendation of passage of the following measure:

(02-S 2771) (Substitute ``A") An Act relating to fish and wildlife.

Read and ordered to be placed on the Calendar.

COMMITTEE ON CORPORATIONS

Senator Celona, from the Committee on Corporations, reports back, with recommendation of passage of the following measures:

(02-S 2585) An Act relating to motor vehicles _ electric personal assistive mobility device.

Read and ordered to be placed on the Calendar.

(02-H 6660 as amended) An Act relating to criminal offenses _ weapons.

Read and ordered to be placed on the Calendar.

(02-H 6918) (Substitute ``A") An Act relating to medical savings account.

Read and ordered to be placed on the Calendar.

(02-H 7271) (Substitute ``A" as amended) An Act relating to motor and other vehicles.

Read and ordered to be placed on the Calendar.

**FROM THE
HOUSE OF REPRESENTATIVES**

A message from the House of Representatives transmits with announcement of passage:

(02-H 7261) (Substitute ``A") An Act relating to health and safety _ licensing of health care facilities.

Read and referred to the Committee on Judiciary.

Also:

(02-H 6824) (Substitute ``A") An Act relating to the Rhode Island Student Investment Initiative.

Read and referred to the Committee on Finance.

Also:

(02-H 7537) An Act relating to motor and other vehicles _ registration of vehicles.

Read and referred to the Committee on Judiciary.

Also:

(02-H 7543) (Substitute ``A" as amended) An Act relating to state affairs and government _ the Rhode Island Carbon Fuel Reduction and Air Pollution Control Act.

Read and referred to the Committee on Judiciary.

FROM THE DESK

Upon suggestion of Senator Celona, and without objection, the following act is removed from the Desk and placed on the Calendar:

(02-H 7803) (Substitute ``A") House Resolution making an appropriation to pay certain claims.

Read and ordered to be placed on the Calendar.

**FROM THE
HOUSE OF REPRESENTATIVES**

A message from the House of Representatives transmits with announcement of passage:

(02-H 7701) (Substitute ``A") An Act relating to public property and works _ Public-Private Redevelopment Initiative Act.

Read and ordered to be placed on the Calendar.

Also:

(02-H 7795) An Act relating to public property and works _ management and disposal of property.

Read and ordered to be placed on the Calendar.

Also:

(02-H 8179) (Substitute ``A") An Act relating to the Convention Center Authority.

Read and ordered to be placed on the Calendar.

Also:

(02-H 8053) An Act relating to labor and labor relations.

Read and ordered to be placed on the Calendar.

REPORTS OF COMMITTEES

COMMITTEE ON FINANCE

Senator Caprio, from the Committee on Finance, reports back, with recommendation of passage of the following measure:

(02-H 7533) (Substitute ``A") An Act relating to property taxes for designated properties in Providence.

Read and ordered to be placed on the Calendar.

COMMITTEE ON JUDICIARY

Senator Montalbano, from the Committee on Judiciary, reports back, with recommendation of passage of the following measure:

(02-H 7261) (Substitute ``A") An Act relating to health and safety _ licensing of health care facilities.

Read and ordered to be placed on the Calendar.

COMMITTEE ON LABOR

Senator Badeau, from the Committee on Labor, reports back, with recommendation of passage of the following measure:

(02-H 7676) An Act relating to public property and works _ state purchases.

Read and ordered to be placed on the Calendar.

COMMITTEE ON JUDICIARY

Senator Montalbano, from the Committee on Judiciary, reports back, with recommendation that the advice and consent of the Senate be given the following:

Appointment of Dr. Seth S. Macinko of Kingston VICE Robert Rheault (resigned) to the Marine Fisheries Council for a term expiring April 1, 2006.

Senator Montalbano requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Montalbano, seconded by Senator Coderre, the confirmation of the Senate is given this appointment, upon a roll call vote with 37 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS _ 37: Senators Algieri, Alves, Badeau, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Donelan, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Paiva Weed, Perry, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 1: Senator Polisena.

Appointment of Kibbe S. Reilly of Providence VICE Michael E. Schwartz (resigned) to the Rhode Island Public Telecommunications Authority for a term expiring January 31, 2004.

Senator Montalbano requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Montalbano, seconded by Senator Coderre, and by unanimous consent, the confirmation of the Senate is given this appointment, upon a roll call vote with 40 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 40: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Donelan,

Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Perry, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

Appointment of James J. Lepore of Smithfield (Rhode Island Bar Association Seat) VICE George L. Santopietro, Esquire, to the Commission on Judicial Tenure and Discipline, for a term expiring April 1, 2005.

Senator Montalbano requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Montalbano, seconded by Senator Coderre, and by unanimous consent, the confirmation of the Senate is given this appointment, upon a roll call vote with 44 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 44: Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

NEW BUSINESS

Senators Izzo, Celona, Blais, Fogarty and Walaska present (02-S 3072) Senate Resolution creating a special Senate partnership on pharmaceutical access for all Rhode Islanders.

Senator Izzo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Izzo, seconded by the entire Senate, and by unanimous consent, read and passed, under suspension of the rules, upon a voice vote.

Senators Blais, Breene and Raptakis present (02-S 3073) Senate Resolution congratulating Lila Ritchotte on her retirement and expressing gratitude for her years of dedicated service to the town of Coventry.

Senator Blais requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Blais, seconded by the entire Senate, and by unanimous consent, read and passed, under suspension of the rules, upon a voice vote.

CALENDAR

50. (02-H6932) An Act relating to motor and other vehicles _ operators' and chauffeurs' licenses.

Ordered to be placed on the Calendar.

Senator Damiani moves passage, seconded by Senator Polisena.

Senators Issa and Damiani discuss the act.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 40 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 40: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Kells, Kelly, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roney, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

FROM THE DESK

Upon suggestion of Senator Fogarty, and without objection, the following act is removed from the Desk for consideration:

(02-S 2871) (Substitute ``A") An Act relating to towns and cities _ Burrillville _ optional retirement for police/firefighters.

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute ``A".

Senator Fogarty requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Fogarty, seconded by Senator Celona, and by unanimous consent, read and passed, upon a roll call vote with 43 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 43: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roney, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

CALENDAR

49. (02-H7269) (Substitute ``A") An Act relating to state affairs and government.

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute ``A".

Senator Blais moves passage, seconded by Senator Coderre.

The bill marked Substitute ``A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 43 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 43: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Donelan, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan,

McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

51. (02-H8226) An Act relating to the Tobacco Settlement Financing Corporation Act.

Ordered to be placed on the Calendar.

Senator Alves moves passage, seconded by Senate Majority Leader Irons.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 42 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 42: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Perry, Polisena, Revens, Roney, Ruggerio, Sheehan, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

52. (02-S2484) An Act relating to the Housing Resources Commission.

Committee on Corporations recommends passage.

Senator Gibbs moves passage, seconded by Senator Blais.

The act is read and passed, by unanimous consent, upon a roll call vote with 41 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 41: Senators Algieri, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

54. (02-H8169) An Act authorizing the town of Portsmouth to finance the construction of a new gymnasium, renovations to the locker rooms and renovations to the existing gymnasium at Portsmouth High School by the issuance of not more than \$4,850,000 bonds and/or notes therefor to be allocated as follows, \$4,200,000 to finance the construction of a new gymnasium, \$300,000 to finance renovations to the locker rooms and \$350,000 to finance renovations to the existing gymnasium.

Committee on Corporations recommends passage in concurrence.

Senator Felag moves passage, seconded by Senator Enos.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 45 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 45: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

**FROM THE
HOUSE OF REPRESENTATIVES**

A message from the House of Representatives transmits with announcement of passage:

(02-H 7533) (Substitute ``A") An Act relating to property taxes for designated properties in Providence.

Senator Goodwin requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Goodwin, seconded by Senator Coderre, and by unanimous consent, read and passed, in concurrence, upon a roll call vote with 44 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 44: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

CALENDAR

55. (02-S2670) (Substitute ``A") An Act relating to motor and other vehicles _ parking facilities and privileges.

Joint Committee on Highway Safety recommends indefinite postponement of the original bill and passage of Substitute ``A".

Senator Damiani moves passage, seconded by Senator Polisena.

The bill marked Substitute ``A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 45 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 45: Senators Algieri, Alves, Badeau, Bates, Breene, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

56. (02-S2869) (Substitute ``A" as amended) An Act relating to insurance companies.

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute ``A" as amended.

Senator Blais moves passage, seconded by Senator Celona.

The bill marked Substitute ``A" is read and passed, as amended, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 45 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 45: Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

57. (02-S2896 as amended) An Act relating to insurance _ Small Employer Health Insurance Availability Act.

Committee on Corporations recommends passage as amended.

Senator Badeau moves passage, seconded by Senator Walaska.

The act is read and passed, as amended, by unanimous consent, upon a roll call vote with 45 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 45: Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

58. (02-S2778) (Substitute ``A") Joint Resolution creating a special legislative commission to study simplification and clarification of the Rhode Island General Laws.

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute ``A".

Senator Roney moves passage, seconded by Senator Blais.

The bill marked Substitute ``A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 46 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 46: Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

59. (02-H6766) (Substitute ``B" as amended) An Act relating to noise limits for motor vehicles.

Committee on Judiciary recommends indefinite postponement of the original bill and the bill marked Substitute ``A" and passage of Substitute ``B" as amended.

Senator Montalbano moves passage, seconded by Senators Goodwin and Damiani.

The bill marked Substitute ``B" is read and passed, as amended, and the original bill and the bill marked Substitute ``A" indefinitely postponed, by unanimous consent, upon a roll call vote with 46 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 46: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

60. (02-H7270) (Substitute ``A" as amended) An Act relating to administrative procedures.

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute ``A" as amended in concurrence.

Senator Montalbano moves passage, seconded by Senator Roney and others.

The bill marked Substitute ``A" is read and passed, as amended, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 43 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 43: Senators Algieri, Alves, Badeau, Bates, Blais, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

61. (02-H7588) (Substitute ``A" as amended) An Act relating to Rhode Island Uniform Commercial Drivers License Act.

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute ``A" as amended in concurrence.

Senator Montalbano moves passage, seconded by Senator Celona.

The bill marked Substitute ``A" is read and passed, as amended, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 46 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 46: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

62. (02-H8191) An Act relating to solemnization of marriages.

Committee on Judiciary recommends passage in concurrence.

Senator Montalbano moves passage, seconded by Senator Celona.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 45 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 45: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliozi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

REPORTS OF COMMITTEES

COMMITTEE ON CORPORATIONS

Senator Celona, from the Committee on Corporations, reports back, with recommendation of passage of the following measures:

(02-S 2591) An Act relating to insurance _ nonprofit dental service corporations.

Read and ordered to be placed on the Calendar.

(02-S 2681) An Act relating to public utilities and carriers _ regulatory powers of administration.

Read and ordered to be placed on the Calendar.

(02-H 8201) An Act relating to taxation _ property subject to taxation.

Read and ordered to be placed on the Calendar.

(02-H 8210) An Act relating to state affairs and government _ civil rights of people with disabilities.

Read and ordered to be placed on the Calendar.

COMMITTEE ON SPECIAL LEGISLATION

Senator Goodwin, from the Committee on Special Legislation, reports back, with recommendation of passage of the following measure:

(02-H 8010) (Substitute ``A") An Act relating to retail licenses.

Read and ordered to be placed on the Calendar.

CALENDAR

63. (02-S2771) (Substitute ``A") An Act relating to fish and wildlife.

Joint Committee on Environment and Energy recommends indefinite postponement of the original bill and passage of Substitute ``A".

Senator Sosnowski moves passage, seconded by Senators McDonald and Enos.

Senator Montalbano discusses the act.

The bill marked Substitute ``A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 46 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 46: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliozi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

64. (02-S2585) An Act relating to motor vehicles _ electric personal assistive mobility device.

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute ``A".

Senator Walaska moves passage, seconded by Senator McCaffrey.

The bill marked Substitute ``A" is read and passed, and the original bill indefinitely postponed, upon a roll call vote with 45 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS _ 45: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliozi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walton.

NAYS _ 1: Senator Walsh.

65. (02-H6660 as amended) An Act relating to criminal offenses _ weapons.

Committee on Corporations recommends passage as amended in concurrence.

Senator Damiani moves passage, seconded by Senators Blais, Walsh and others.

The act is read and passed, as amended, in concurrence, by unanimous consent, upon a roll call vote with 46 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 46: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliozi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

66. (02-H6918) (Substitute ``A") An Act relating to medical savings account.

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

Senator Blais moves passage, seconded by Senator Breene.

The bill marked Substitute ``A" is read and passed, in concurrence, and the original bill indefinitely postponed, upon a roll call vote with 43 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS _ 43: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Donelan,

Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 1: Senator Paiva Weed.

67. (02-H7271) (Substitute ``B") An Act relating to motor and other vehicles.

Committee on Corporations recommends indefinite postponement of the original bill and the bill marked Substitute ``A" and passage of Substitute ``B".

Senator Walaska moves passage, seconded by Senator Celona.

The bill marked Substitute ``B" is read and passed, and the original bill and the bill marked Substitute ``A" indefinitely postponed, by unanimous consent, upon a roll call vote with 43 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 43: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walton.

NAYS _ 0.

68. (02-S3068) An Act authorizing the city of Warwick to issue bonds and notes in an amount not to exceed \$7,500,000 for public safety projects.

Committee on Corporations recommends passage.

Senator Walaska moves passage, seconded by Senators McCaffrey and Revens.

The act is read and passed, by unanimous consent, upon a roll call vote with 43 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 43: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walton.

NAYS _ 0.

2. (02-S3040) An Act relating to corporations, associations and partnerships _ Rhode Island certified capital companies act.

Committee on Finance recommends passage.

Senator Alves moves passage, seconded by Senator Coderre.

Senators Lenihan and Alves discuss the act.

Senator Alves, seconded by Senator Coderre, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-S 3040)

Mr. President:

I hereby move to amend (02-S 3040) entitled ``AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS, AND PARTNERSHIPS _ RHODE ISLAND CERTIFIED CAPITAL COMPANIES ACT'', as follows:

- (1) On page 5, line 33, delete the number ``(1)'' before the ``(h)''.
- (2) On page 6, line 10, delete the ``(h)'' and insert in its place thereof ``(i)''.
- (3) On page 6, line 15, add a new paragraph to read as follows ``(j) Nothing in this subsection shall limit an insurance company's ownership of nonvoting equity interests in a certified capital company."
- (4) On page 6, line 22, delete the number ``2004'' and insert in its place thereof the number ``2005''.
- (5) On page 6, line 23, delete the symbols and letter ``(d)'' and insert in its place thereof the symbols and letter ``(b)''; and on line 23, after the word ``section'' but before the period ``.", add the following: ``beginning with the estimated payments for the tax year ending December 31, 2005."
- (6) On page 9, lines 13 and 14, delete the words and symbols ``subsection 7-17-4(a) of this chapter'' and insert in its place thereof ``this section''.
- (7) On page 10, line 3, delete the words ``the following to the authority'' and insert in place thereof ``and/or provide, as appropriate, to the authority, with copies to the chairman of the house finance committee and the chairman of the senate finance committee''.
- (8) On page 10, lines 4 and 5, by deleting the words ``each certified capital company shall report the following to the authority''.
- (9) On page 10, line 18, delete the words ``Each certified capital company shall provide to the authority''.
- (10) On page 10, line 29, add the following paragraphs:

``(5) On a semi-annual basis, on or before January 31 and July 31 in each year, a listing of each of the qualified businesses and each of the Slater Center businesses receiving a qualified investment and a portfolio performance report relating to such entities.

(6) On an annual basis, on or before September 15 in each year, the audited financial statements for each of the Economic Policy Council, Samuel Slater Technology Fund, the Slater Center on both a consolidated and consolidating basis, and all of such reports to be prepared in conformity with generally accepted accounting principles or government auditing standards as appropriate.

(7) On an annual basis, on or before February 15 in each year, the unaudited financial statements for each of the Economic Policy Council, Samuel Slater Technology Fund, the Slater Center on both a consolidated and consolidating basis, and all of such reports to be prepared in conformity with generally accepted accounting principles or government auditing standards as appropriate."
- (11) On page 12, line 5, after the word ``company'' add the following: `` , the chairman of the house finance committee and the chairman of the senate finance committee".

(12) On page 13, line 20, after the period ``." following the word ``certification" insert thereafter ``All such rules and regulations shall be promulgated in conformity with the Rhode Island Administrative Procedures Act, chapter 35 of title 42."

Respectfully submitted,

STEPHEN D. ALVES
Senator, District 19

The motion to amend prevails upon a roll call vote with 40 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 40: Senators Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Connors, Damiani, Donelan, Enos, Felag, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Polisena, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

Senator Garabedian discusses the act.

Upon motion of Senator Alves, seconded by Senators Coderre and Garabedian, the act is read and passed, as amended, upon a roll call vote with 43 Senators voting in the affirmative and 3 Senators voting in the negative as follows:

YEAS _ 43: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Polisena, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walton.

NAYS _ 3: Senators Lenihan, McDonald, Walsh.

TRANSMITTAL

By unanimous consent, all Senate matters and (02-H 7269) (Substitute ``A") on the Clerk's desk are ordered to be transmitted to His Excellency, the Governor or to the Honorable House of Representatives forthwith.

RECESS

Upon suggestion of Senate Majority Leader Irons, and by unanimous consent, the Senate stands at Recess at 5:30 o'clock P.M. until the call of the Chair.

CALLED TO ORDER

The Senate is called to order at 6:56 o'clock P.M.

**FROM THE
HOUSE OF REPRESENTATIVES**

A message from the House of Representatives transmits with announcement of passage:

(02-H 8231) Joint Resolution approving the financing of new parking facilities and access control systems at the University of Rhode Island.

Read and referred to the Committee on Finance.

Also:

(02-H 7809) (Substitute ``A") An Act relating to the naming of state properties.

Read and ordered to be held on the Desk.

Also:

(02-H 6697) An Act relating to the General Assembly.

Read and ordered to be placed on the Calendar.

Also:

(02-H 6703) An Act relating to the General Assembly.

Read and ordered to be placed on the Calendar.

Also:

(02-H 6721) An Act relating to the General Assembly.

Read and ordered to be placed on the Calendar.

Also:

(02-H 6722) An Act relating to the General Assembly.

Read and ordered to be placed on the Calendar.

Also:

(02-H 6877) (Substitute ``A") An Act relating to fish and wildlife _ menhaden management area.

Read and ordered to be placed on the Calendar.

Also:

(02-H 7996) (Substitute ``A") An Act relating to Lyme disease treatment.

Read and ordered to be placed on the Calendar.

Also:

(02-H 8192) An Act relating to the freezing of the tax rate and evaluation in the town of Exeter.

Read and ordered to be placed on the Calendar.

FROM THE DESK

Upon suggestion of Senator Fogarty, the following act is removed from the Desk and placed on the Calendar:

(02-H 8105) (Substitute ``A") An Act relating to towns and cities _ Burrillville _ optional retirement for police/firefighters.

Read and ordered to be placed on the Calendar.

REPORT OF COMMITTEE

JOINT COMMITTEE ON ENVIRONMENT AND ENERGY

Senator Sosnowski, from the Joint Committee on Environment and Energy, reports back, with recommendation of passage of the following measure:

(02-S 2546) An Act relating to fish and wildlife _ general provisions.

Read and ordered to be placed on the Calendar.

CALENDAR

70. (02-H7795) An Act relating to public property and works _ management and disposal of property.

Ordered to be placed on the Calendar.

Senator Caprio moves passage, seconded by Senator Raptakis.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 43 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 43: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Cote, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliozi, Issa, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

71. (02-H7701) (Substitute ``A") An Act relating to public property and works _ Public-Private Redevelopment Initiative Act.

Ordered to be placed on the Calendar.

Senator Ruggerio moves passage, seconded by Senator Badeau.

The bill marked Substitute ``A" is read and passed, in concurrence, and the original bill indefinitely postponed, upon a roll call vote with 37 Senators voting in the affirmative and 3 Senators voting in the negative as follows:

YEAS _ 37: Senators Algieri, Alves, Badeau, Caprio, Celona, Coderre, Cote, Donelan, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Igliozi, Irons, Issa, Izzo, Kells, McBurney, McCaffrey, McDonald, Montalbano,

Paiva Weed, Parella, Polisena, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 3: Senators Blais, Breene, Lenihan.

73. (02-H8053) An Act relating to labor and labor relations.

Ordered to be placed on the Calendar.

Senator Badeau moves passage, seconded by Senator Ruggerio.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 43 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 43: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Cote, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Paiva Weed, Parella, Perry, Polisena, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

74. (02-H7261) (Substitute ``A") An Act relating to health and safety _ licensing of health care facilities.

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

Senator Montalbano moves passage, seconded by Senator Coderre.

The bill marked Substitute ``A" is read and passed, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 43 Senators voting in the affirmative, 0 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS _ 43: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Coderre, Cote, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

ABSTAINED _ 1: Senator Celona.

75. (02-H7676) An Act relating to public property and works _ state purchases.

Committee on Labor recommends passage in concurrence.

Senator Badeau moves passage, seconded by Senators Tassoni and Ruggerio.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 45 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 45: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Cote, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

76. (02-H8010) (Substitute ``A") An Act relating to retail licenses.

Committee on Special Legislation recommends indefinite postponement of the original bill and passage of Substitute ``A".

Senator Goodwin moves passage, seconded by Senator Coderre.

The bill marked Substitute ``A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 43 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 43: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Cote, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Kells, Kelly, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

77. (02-S2591) (Substitute ``A") An Act relating to insurance _ nonprofit dental service corporations.

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute ``A".

Senator Walaska moves passage, seconded by Senator Celona.

The bill marked Substitute ``A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 44 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 44: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Cote, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

79. (02-H8201) An Act relating to taxation _ property subject to taxation.

Committee on Corporations recommends passage in concurrence.

Senator Celona moves passage, seconded by Senator Coderre.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 44 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 44: Senators Algieri, Alves, Badeau, Bates, Breene, Caprio, Celona, Coderre, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

80. (02-H8210) (Substitute ``A") An Act relating to state affairs and government _ civil rights of people with disabilities.

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute ``A".

Senator Celona moves passage, seconded by Senator Goodwin.

The bill marked Substitute ``A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 46 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 46: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

NEW BUSINESS

Senators Izzo, Paiva Weed, Ruggerio, Goodwin and Alves present (02-S 3074) An Act relating to human services _ medical assistance.

Senator Izzo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Izzo moves passage, seconded by Senator Sosnowski.

Senator Izzo, seconded by Senator Sosnowski, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-S 3074)

Mr. President:

I hereby move to amend (02-S 3074) entitled ``AN ACT RELATING TO HUMAN SERVICES _ MEDICAL ASSISTANCE", as follows:

On page 2, line 1. Change the word ``subsection" to the word ``section."

On page 2, line 14. Change the word ``subsection" to the word ``section."

On page 2, line 21. Change the section reference from ``42-66.2-11 to ``42-66.2."

Respectfully submitted,

THOMAS J. IZZO
Senator, District 13

The motion to amend prevails upon a roll call vote with 44 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 44: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

Upon motion of Senator Izzo, seconded by Senator Sosnowski, the act is read and passed, as amended by unanimous consent, upon a roll call vote with 44 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 44: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

Senators Izzo, Sosnowski, Blais, Perry, Walton and Sheehan present (02-S 3075) An Act relating to the Pharmaceutical Assistance to the Elderly Act.

Senator Izzo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Izzo, seconded by Senator Sosnowski, and by unanimous consent, read and passed, upon a roll call vote with 43 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 43: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, McBurney, McCaffrey, Montalbano, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

CALENDAR

69. (02-H7803) (Substitute ``A") House Resolution making an appropriation to pay certain claims.

Read and ordered to be placed on the Calendar.

Senator Bates moves passage, seconded by Senator Blais.

The bill marked Substitute ``A" is read and passed, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 45 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 45: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

**FROM THE
HOUSE OF REPRESENTATIVES**

A message from the House of Representatives transmits with announcement of passage:

(02-H 7357) (Substitute ``A" as amended) An Act relating to military affairs and defense _ Emergency Health Powers Act.

Read and ordered to be placed on the Calendar.

SPECIAL PRESENTATION

His Honor, the Lieutenant Governor, welcomes to the rostrum, the Honorable William V. Irons, Senate Majority Leader, for the purpose of a special presentation.

Senate Majority Leader Irons and Senators Goodwin and Fogarty present (02-S 3076) Senate Resolution welcoming the legendary Carol Burnett to the State of Rhode Island.

Senate Majority Leader Irons requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

The resolution is read before the body.

Senate Majority Leader Irons moves passage, seconded by Senators Coderre and Fogarty.

The resolution is read, and a roll call vote recorded, as requested by Senate Majority Leader Irons, with 25 Senators voting in the affirmative and 25 Senators voting in the negative as follows:

YEAS _ 25: Senators Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 25: Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi.

In an unprecedented historical moment, His Honor, the Lieutenant Governor, casts the tie-breaking vote, with His Honor, the Lieutenant Governor, voting in the affirmative and the resolution passed.

The moment is noted for historical significance, as the tie-breaking vote is the only one to be cast by His Honor, the Lieutenant Governor, in his tenure as the presiding officer of the Rhode Island Senate. In addition, this will be forever the last tie-breaking vote, as the duties of presiding officer will be relinquished next year to the President of the Senate, who will be elected from the members of the Senate.

Upon suggestion of His Honor, the Lieutenant Governor, it is moved by Senator Coderre, and seconded by the entire body, that the record reflect the body voting unanimously to approve the special resolution honoring Carol Burnett.

SPECIAL GUEST

CAROL BURNETT

His Honor, the Lieutenant Governor, welcomes to the rostrum award-winning comedian Carol Burnett.

The Senate attends with a jubilant greeting.

Miss Burnett addresses the body, delighting the members with one of her legendary trademarks, a Tarzan cry, along with her keen sense of humor.

His Honor, the Lieutenant Governor, andSenate Majority Leader Irons, present Miss Burnett with an honorary citizenship and several gifts.

The Senate attends as Miss Burnett leaves the rostrum.

REPORT OF COMMITTEE

COMMITTEE ON SPECIAL LEGISLATION

Senator Goodwin, from the Committee on Special Legislation, reports back, with recommendation of passage of the following measure:

(02-H 7766) An Act relating to alcoholic beverages.

Read and ordered to be placed on the Calendar.

FROM THE DESK

Upon suggestion of Senator Coderre, and without objection, the following act is removed from the Desk and placed on the Calendar:

(02-H 8198) An Act relating to the Little Compton Agricultural Conservancy Trust.

Read and ordered to be placed on the Calendar.

**FROM THE
HOUSE OF REPRESENTATIVES**

A message from the House of Representatives transmits with announcement of passage:

(02-H 7849) An Act relating to towns and cities _ zoning ordinances.

Read and ordered to be placed on the Calendar.

Also:

(02-H 7957) (Substitute ``A") An Act relating to businesses and professions _ hawkers and peddlers.

Read and ordered to be placed on the Calendar.

Also:

(02-H 8108) (Substitute ``A" as amended) An Act relating to waters and navigation _ Personal Watercraft Safety Act.

Read and ordered to be placed on the Calendar.

Also:

(02-H 8128) An Act authorizing the town of Narragansett to finance the installation, expansion, construction, and improvement of (1) sewers and storm drains primarily located on a portion of assessor's plat Y-3 and serviced or to be serviced by the Scarborough Plant and (2) interceptors, pumping stations and sewage treatment and disposal facilities to service such sewers and storm drains and to impose assessments therefor under Chapter 1278 of the Public Laws of 1928, as amended and to issue not more than \$4,700,000 bonds and notes therefor.

Read and ordered to be placed on the Calendar.

Also:

(02-H 7266) (Substitute ``A" as amended) An Act relating to motor and other vehicles.

Read and ordered to be placed on the Calendar.

(02-H 7769) An Act relating to motor and other vehicles _ equipment and accessories generally.

Read and referred to the Committee on Corporations.

Also:

(02-H 8181) An Act relating to the regulation of earth removal and gravel processing in the town of Coventry.

Read and referred to the Committee on Corporations.

CALENDAR

21. (02-H7732) (Substitute ``A" as amended) An Act making appropriations for the support of the state for the fiscal year ending June 30, 2003.

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute ``A" as amended in concurrence.

Senator Caprio moves passage, seconded by Senators Connors, Felag, Polisena and others.

Senator Lenihan, seconded by Senators Sheehan and Perry, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 7732) (Substitute ``A" as amended)

Mr. President:

I hereby move to amend (02-H 7732) (Substitute ``A" as amended) entitled ``AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2003", as follows:

(1) Article 1, page 1, line 10, change ``355,629,664" to ``357,729,664".

(2) Article 1, page 4, line 9, change ``26,055,589" to ``23,955,589".

(3) Article 1, page 4, line 11, change ``26,865,228" to ``24,765,228".

(4) Article 1, page 8, between lines 21 and 22, insert:

``RICAP _ Digitalization 2,100,000 (2.1 million)"

(5) Article 1, page 8, line 22, change ``2,282,708" to ``4,382,708".

(6) Article 10, page 4, line 8, change ``(1,160,375)" to ``(1,040,375)".

``(10,258,920)" to ``(10,328,920)".

(7) Article 10, page 6, line 26, General Revenues change ``3,502,536" to ``3,382,536".

(8) Article 10, page 6, line 26, change ``28,389,385" to ``28,269,385".

(9) Article 10, page 15, line 4, change ``(936,568)" to ``(816,568)".

(10) Article 10, page 15, line 4, change ``0" to ``120,000".

(11) Change subtotals and totals thereafter.

Respectfully submitted,

J. MICHAEL LENIHAN
Senator, District 22

Senators Caprio, Sheehan, Garabedian and Walaska discuss the amendment.

The motion to amend fails of passage upon a roll call vote with 11 Senators voting in the affirmative, 33 Senators voting in the negative, and 1 Senator abstaining as follows:

YEAS _ 11: Senators Cote, Enos, Garabedian, Gibbs, Kelly, Lenihan, McDonald, Parella, Perry, Raptakis, Sheehan.

NAYS _ 33: Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Connors, Damiani, Donelan, Fogarty, Gallo, Goodwin, Graziano, Hunter, Igliazzi, Irons, Izzo, Kells, McBurney, McCaffrey, Montalbano, Polisena, Revens, Roney, Ruggerio, Sosnowski, Tassoni, Walaska, Walsh, Walton.

ABSTAINED _ 1: Senator Roney.

Senator Gibbs, seconded by Senator Blais, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 7732) (Substitute ``A" as amended)

Mr. President:

I hereby move to amend (02-H 7732) (Substitute ``A" as amended) entitled ``AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2003", as follows:

(1) In Article 1, Section 1 under the caption ``RI Public Telecommunications Authority" by adding the following:

RICAP _ Digitalization 2,100,000

[Note: This language should be inserted on page 8, after line 19, in the House Floor amendment numbered LC02487/35, which amended Article 1.]

(2) In Article 20, page 1, line 20, by inserting the following language after ``2003":

Provided, however, that out of any money allocated to the owners of dog kennels pursuant to this section an amount necessary to fund the digitalization of Channel 36 by the Rhode Island Telecommunications Authority shall be allocated to or reserved in the general fund, accordingly.

(3) By recalculating and renumbering any subtotals and totals accordingly.

Respectfully submitted,

JUNE N. GIBBS
Senator, District 48

Senator Caprio discusses the amendment.

The motion to amend fails of passage upon a roll call vote with 18 Senators voting in the affirmative, 27 Senators voting in the negative, and 1 Senator abstaining as follows:

YEAS _ 18: Senators Algieri, Bates, Blais, Breene, Cote, Enos, Garabedian, Gibbs, Kells, Kelly, Lenihan, McDonald, Parella, Perry, Raptakis, Roney, Sheehan, Walton.

NAYS _ 27: Senators Alves, Badeau, Caprio, Celona, Coderre, Connors, Damiani, Donelan, Fogarty, Gallo, Goodwin, Graziano, Hunter, Igliozi, Irons, Issa, Izzo, McBurney, McCaffrey, Montalbano, Polisena, Revens, Ruggerio, Sosnowski, Tassoni, Walaska, Walsh.

ABSTAINED _ 1: Senator Roney.

Senator Garabedian, seconded by Senator Raptakis, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 7732) (Substitute ``A" as amended)

Mr. President:

I hereby move to amend (02-H 7732) (Substitute ``A" as amended) entitled ``AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2003", as follows:

(1) In Article 1, on page 1, in between lines 26 and 27, by adding the following words and figure:

``Rhode Island Economic Policy Council 250,000".

(2) In Article 1, on page 3, on line 13, by deleting the figure ``480,228,044" and inserting in place thereof the figure ``479,978,044".

(3) In Article 1, on page 3, on line 27, by deleting the figure ``26,055,589" and inserting in place thereof the figure ``25,805,589".

(4) In Article 1, on page 3, on line 29, by deleting the figure ``26,865,228" and inserting in place thereof the figure ``26,615,228".

Respectfully submitted,

ARAM G. GARABEDIAN
Senator, District 14

Senators Alves and Blais discuss the amendment.

The motion to amend fails of passage upon a roll call vote with 1 Senators voting in the affirmative and 46 Senators voting in the negative as follows:

YEAS _ 1: Senator Garabedian

NAYS _ 46: Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

Senator Walsh, seconded by Senator Sosnowski, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 7732) (Substitute ``A" as amended)

Mr. President:

I hereby move to amend (02-H 7732) (Substitute ``A" as amended) entitled ``AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2003", as follows:

1. In Article 1, page 7, line 13, by deleting the figure ``169,438,085" and inserting in place thereof the figure ``176,438,085".

2. In Article 1, page 7, line 24, by deleting the figure ``558,585,742" and inserting in place thereof the figure ``565,585,742".

3. In Article 20, page 1, line 20, after the figure ``(5.5%)" by inserting the following: ``less the sum of seven million dollars (\$7,000,000)".

Respectfully submitted,

DONNA WALSH
Senator, District 25

Senators Alves, Sosnowski and Senate Majority Leader Irons discuss the amendment.

The motion to amend fails of passage upon a roll call vote with 11 Senators voting in the affirmative, 34 Senators voting in the negative, and 2 Senators abstaining as follows:

YEAS _ 11: Senators Algieri, Breene, Connors, Gibbs, Lenihan, McDonald, Parella, Raptakis, Sheehan, Sosnowski, Walsh.

NAYS _ 34: Senators Alves, Badeau, Bates, Blais, Caprio, Celona, Coderre, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Goodwin, Graziano, Hunter, Igliozi, Irons, Issa, Izzo, Kells, Kelly, McBurney, McCaffrey, Montalbano, Paiva Weed, Perry, Revens, Roney, Ruggerio, Tassoni, Walaska.

ABSTAINED _ 2: Senators Polisena, Walton.

Senator Lenihan, seconded by Senators Paiva Weed and Sheehan, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 7732) (Substitute ``A" as amended)

Mr. President:

I hereby move to amend (02-H 7732) (Substitute ``A" as amended) entitled ``AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2003", as follows:

(1) In Article 1, page 11, line 29, by deleting the figure ``5,077,251" and inserting in place thereof the figure ``4,077,251".

(2) In Article 1, page 12, line 30, by deleting the figure ``2,664,459,945" and inserting in place thereof the figure ``2,663,459,945".

(3) In Article 1, page 13, line 4, by deleting the figure ``5,400,941,055" and inserting in place thereof the figure ``5,399,940,055".

Respectfully submitted,

J. MICHAEL LENIHAN
Senator, District 22

Senators Alves, Sheehan, Paiva Weed and Senate Majority Leader Irons discuss the amendment.

The motion to amend fails of passage upon a roll call vote with 12 Senators voting in the affirmative and 31 Senators voting in the negative as follows:

YEAS _ 12: Senators Algieri, Breene, Connors, Kelly, Lenihan, McDonald, Paiva Weed, Parella, Raptakis, Sheehan, Sosnowski, Walsh.

NAYS _ 31: Senators Alves, Badeau, Bates, Caprio, Celona, Coderre, Cote, Damiani, Donelan, Enos, Fogarty, Gallo, Garabedian, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, McBurney, McCaffrey, Montalbano, Perry, Polisena, Revens, Roney, Ruggerio, Tassoni, Walaska.

Senator Lenihan, seconded by Senator Garabedian, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 7732) (Substitute ``A" as amended)

Mr. President:

I hereby move to amend (02-H 7732) (Substitute ``A" as amended) entitled ``AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2003", as follows:

(1) In Article 1, page 13, by deleting lines 5 through 15, up to and including the word ``Advisor" on line 15.

(2) In Article 1, page 16, line 4, by deleting the comma `", " after the word ``limitation" and by inserting a period `". " in place thereof, and deleting all of the language thereafter up to and including line 12.

Respectfully submitted,

J. MICHAEL LENIHAN
Senator, District 22

Senators Garabedian, Paiva Weed, Sheehan and Montalbano discuss the amendment.

The motion to amend fails of passage upon a roll call vote with 5 Senators voting in the affirmative and 42 Senators voting in the negative as follows:

YEAS _ 5: Senators Cote, Garabedian, Lenihan, Raptakis, Sheehan.

NAYS _ 42: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Connors, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Revens, Roney, Ruggerio, Sosnowski, Tassoni, Walaska, Walsh, Walton.

Senator Lenihan, seconded by Senators Garabedian and Sheehan, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 7732) (Substitute ``A" as amended)

Mr. President:

I hereby move to amend (02-H 7732) (Substitute ``A" as amended) entitled ``AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2003", as follows:

In Article 1, as amended by floor amendment LC 2507/3, Section 15, page 19, line 44, after the word ``plan", by adding the language ``and present to the general assembly for approval".

Respectfully submitted,

J. MICHAEL LENIHAN
Senator, District 22

Senators Ruggerio and Garabedian discuss the amendment.

The motion to amend fails of passage upon a roll call vote with 4 Senators voting in the affirmative and 39 Senators voting in the negative as follows:

YEAS _ 4: Senators Cote, Garabedian, Lenihan, Sheehan.

NAYS _ 39: Senators Algieri, Alves, Badeau, Breene, Caprio, Celona, Coderre, Connors, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sosnowski, Tassoni, Walsh, Walton.

Senator Lenihan, seconded by Senator Garabedian, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 7732) (Substitute ``A" as amended)

Mr. President:

I hereby move to amend (02-H 7732) (Substitute ``A" as amended) entitled ``AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2003", as follows:

1. In Article 8, as amended by floor amendment LC 02507/3, page 12, between lines 3 and 4, by adding the following language: ``SECTION 4. The general assembly shall annually make an appropriation of \$10,000,000 to the sinking fund established by chapter 35-8, entitled ``Bonded Indebtedness of the State" until such time as the amount shall equal the revenues used from the receipt of the sale of tobacco proceeds transferred to the state in the fiscal year ending June 30, 2002.

"

2. In Article 8, page 12, line 4, by deleting the number ``4" and adding the number ``5".

Respectfully submitted,

J. MICHAEL LENIHAN
Senator, District 22

Senators Sheehan and Issa discuss the amendment.

The motion to amend fails of passage upon a roll call vote with 6 Senators voting in the affirmative and 38 Senators voting in the negative as follows:

YEAS _ 6: Senators Cote, Garabedian, Kelly, Lenihan, Parella, Sheehan.

NAYS _ 38: Senators Algieri, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Connors, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Perry, Polisena, Raptakis, Roney, Ruggerio, Sosnowski, Tassoni, Walaska, Walsh, Walton.

Senator Kells, seconded by Senator Garabedian, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 7732) (Substitute ``A" as amended)

Mr. President:

I hereby move to amend (02-H 7732) (Substitute ``A" as amended) entitled ``AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2003", as follows:

1. In Article 6, page 2, line 11, by inserting the following language after the word ``Park.":

``(5) PUBLIC SAFETY BONDS \$17,000,000

Shall an act passed at the 2002 session of the general assembly entitled `AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT _ LAW ENFORCEMENT STANDARDS AND TRAINING'

Rhode Island Law Enforcement Training Center \$17,000,000

Approval of this question will authorize the State of Rhode Island to issue its general obligation bonds, refunding bonds and temporary notes in an amount not to exceed \$17,000,000 for design, development and construction of a new centralized law enforcement training center.

Approval of this question will authorize design, development and construction of a new centralized law enforcement training facility to foster and promote police professionalism and excellence in the delivery of public safety services. The new law enforcement training center will provide comprehensive recruit and in-service training for all Rhode Island law enforcement officers including, but not limited to, the State Police, Sheriffs, Providence Police, and all Rhode Island municipal police departments. The center will be used by all Rhode Island law enforcement agencies to provide basic and advanced tactical training and skills development in the detection, investigation, prevention and apprehension of crime as well as the proper use of force, improved oral and written communications, better community policing, safer emergency vehicle operation, and greater cultural appreciation and respect for diversity."

Respectfully submitted,

ROBERT T. KELLS
Senator, District 10

The motion to amend fails of passage upon a roll call vote with 6 Senators voting in the affirmative and 41 Senators voting in the negative as follows:

YEAS _ 6: Senators Damiani, Enos, Igliazzi, Kells, Sheehan, Walton.

NAYS _ 41: Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Connors, Cote, Donelan, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Irons, Issa, Izzo, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sosnowski, Tassoni, Walaska, Walsh.

Senator Raptakis, seconded by Senator Garabedian, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 7732) (Substitute ``A" as amended)

Mr. President:

I hereby move to amend (02-H 7732) (Substitute ``A" as amended) entitled ``AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2003", as follows:

1. In Article 20, page 1, line 20, by inserting after the number ``2002" the following language: ``an amount not to exceed \$13,500,000".

2. In Article 20, page 1, lines 20-23 by deleting all new language after the number ``2002" to the word ``thereafter" and inserting in place thereof the following: ``For fiscal year 2003 and thereafter, the dog kennels owners' income shall be calculated annually to the nearest percentage using the consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index, for the previous year as calculated for the northeast region by the United States department of labor."

Respectfully submitted,

LEONIDAS P. RAPTAKIS
Senator, District 20

Senator Alves discusses the amendment.

The motion to amend fails of passage upon a roll call vote with 10 Senators voting in the affirmative and 37 Senators voting in the negative as follows:

YEAS _ 10: Senators Breene, Cote, Enos, Garabedian, Gibbs, Lenihan, Parella, Raptakis, Sheehan, Walsh.

NAYS _ 37: Senators Algiere, Alves, Badeau, Bates, Blais, Caprio, Celona, Coderre, Connors, Damiani, Donelan, Felag, Fogarty, Gallo, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Perry, Polisena, Revens, Roney, Ruggerio, Sosnowski, Tassoni, Walaska, Walton.

COMMUNICATION

His Honor, the Lieutenant Governor, presents the following communication:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
SENATE CHAMBER**

STATEMENT OF POTENTIAL CONFLICT

To the Honorable Senate: I, M. Teresa Paiva Weed, under oath depose and say:

- 1. I am a duly elected member of the Rhode Island Senate.
- 2. This statement is made in accord with Rhode Island General Law section 36-14-6.
- 3. In my official capacity, I may be expected or required to vote or participate in the deliberations of amendment LC02464/41, now pending before the Senate or a committee thereof.
- 4. I request that I be excused from voting, deliberating or taking action on the matter.
- 5. I do not desire to vote or deliberate because I have a conflict of interest.
- 6. This statement is true to the best of my knowledge.

M. TERESA PAIVA WEED
Senator, District 49

Subscribed and sworn to before me this 31st day of May, 2002.

JAMES M. DONELAN
Notary Public

Ordered to be placed on file.

CALENDAR

Senator Garabedian, seconded by Senator Cote, offers the following written motion to amend:

**FLOOR AMENDMENT
TO**

(02-H 7732) (Substitute ``A" as amended)

Mr. President:

I hereby move to amend (02-H 7732) (Substitute ``A" as amended) entitled ``AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2003", as follows:

1. In Article 20, page 1, line 3, by deleting all the language through page 2 line 22 and adding the following language in place thereof:

``SECTION 1. Section 42-61.2-7 of the General Laws in Chapter 42-61.2 entitled ``Video Lottery Terminal" is hereby amended to read as follows:

42-61.2-7. DIVISION OF REVENUE. _ (a) Notwithstanding the provisions of section 42-61-15, the allocation of net terminal income derived from video lottery games is as follows:

(1) For deposit in the general fund and to the state lottery commission fund for administrative purposes: No less than fifty-one percent (51%);

(2) To the licensed video lottery retailer: thirty-one percent (31%);

(3) To the owners of dog kennels who are under contract with a licensee: six percent (6%) of net terminal income derived from video lottery games located at the facility. The six percent (6%) not allocated to the owner of dog kennels reverts back to the general revenue fund and to the state lottery commission for administrative purposes;

(4) To the technology provider: eleven percent (11%) of the net terminal income of the provider's terminals less all reasonable charges and fees to the communications provider associated with the supplying, maintenance, and operations of the communications system. The lottery commission shall determine the fees to the communications system provider which shall be no more than two and one-half percent (2.5%) of the net terminal income;

(5) To the city or town in which the licensed video retailer is licensed: one percent (1%); and

(6) Unclaimed prizes and credits shall remit to the general fund of the state;

(7) Payments into the state's general fund specified in subdivisions (a)(1) and (a)(6) shall be made on an estimated monthly basis. Payment shall be made on the tenth day following the close of the month except for the last month when payment shall be on the last business day.

(b) Provided, however, that for the fiscal year commencing July 1, 1993 and subsequent fiscal years, the sum of five million dollars (\$5,000,000) to the extent possible shall be contributed to the distressed communities relief program, pursuant to section 45-13-12, to be distributed according to the formula and the contributions shall be as follows:

(1) One million one hundred fifty-two thousand six hundred eighty-three dollars (\$1,152,683) of the net terminal income due retailers under subdivision (a)(2) deposited as general revenues as follows: Lincoln Greyhound Park seven hundred sixty-seven thousand, six hundred eighty-seven dollars (\$767,687) and Newport Jai Alai Fronton three hundred eighty-four thousand nine hundred ninety-six dollars (\$384,996).

(2) Two hundred eighteen thousand five hundred seventy-nine dollars (\$218,579) of the net terminal income due kennel owners under subdivision (a)(3) deposited as general revenues.

(3) Six hundred and twenty-eight thousand seven hundred and thirty-seven dollars (\$628,737) of the net terminal income due the technology providers under subsection (a)(4) deposited as general revenues.

(iv) Three million dollars (\$3,000,000) from the state general revenue fund.

(c) Notwithstanding the provisions contained in this section, all video lottery commissions shall be frozen at the fiscal

year 2001 levels for fiscal year 2003. Provided, further, that the projected revenues created shall be distributed consistent with RIGL section 45-13-1(b) and more specifically shall be as follows:

FY 2003 Municipal Aid as Basis for Lottery Revenue Sharing

General Lottery Revenue Municipality Sharing

Barrington	\$268,360	\$222,300
Bristol	\$827,878	\$685,785
Burrillville	\$640,816	\$530,829
Central Falls	\$1,264,206	\$1,047,223
Charlestown	\$312,919	\$259,211
Coventry	\$903,835	\$748,705
Cranston	\$2,894,538	\$2,397,732
Cumberland	\$1,218,034	\$1,008,976
East Greenwich	\$164,615	\$136,361
East Providence	\$2,150,984	\$1,781,798
Exeter	\$120,175	\$99,549
Foster	\$208,837	\$172,993
Glocester	\$374,033	\$309,836
Hopkinton	\$270,893	\$224,398
Jamestown	\$175,535	\$145,407
Johnston	\$1,883,151	\$1,559,935
Lincoln	\$623,679	\$516,633
Little Compton	\$92,574	\$76,685
Middletown	\$711,148	\$589,090
Narragansett	\$636,472	\$527,231
Newport	\$1,645,120	\$1,362,759
New Shoreham	\$67,458	\$55,880
North Kingstown	\$783,115	\$648,705
North Providence	\$1,709,396	\$1,416,003
North Smithfield	\$540,233	\$447,510
Pawtucket	\$3,876,505	\$3,211,158
Portsmouth	\$552,100	\$457,340
Providence	\$11,595,992	\$9,605,706
Richmond	\$157,561	\$130,518
Scituate	\$305,026	\$252,673
Smithfield	\$1,293,622	\$1,071,590
South Kingston	\$884,648	\$732,811
Tiverton	\$478,839	\$396,653
Warren	\$409,822	\$339,482
Warwick	\$3,645,200	\$3,019,554
Westerly	\$538,105	\$445,747
West Greenwich	\$141,059	\$116,848
West Warwick	\$1,152,863	\$954,991
Woonsocket	\$2,768,585	\$2,293,397
Subtotal	\$48,287,931	\$40,000,000

Provided, further, that any provider's expenditures for marketing and promotion shall be maintained at not less than those expenditures for fiscal year 2001.

SECTION 2. There is hereby created a joint legislative study commission which shall study all aspects of lottery revenue sharing, including, but not limited to, disclosure procedures and requirements, revenue allocation, audit procedures, costs analysis and other similar business practices considered reasonable within the gaming and state

sponsored lottery industries. The commission shall be comprised of ten (10) members: three (3) shall be appointed by the speaker, one (1) of whom shall be from the minority party; three (3) shall be appointed by the senate majority leader, one (1) of whom shall be from the minority party; one (1) shall be the chairman of the lottery commission or his or her designee; one (1) shall be the vice-chairman of the lottery commission or his or her designee; one (1) shall be the house finance chairman or his or her designee; and one (1) shall be the senate finance chairman or his or her designee. The committee shall report its findings and recommendations to the speaker and the senate majority leader no later than February 1, 2003.

SECTION 3. This act shall take effect upon passage."

Respectfully submitted,

ARAM G. GARABEDIAN
Senator, District 14

Senators Alves, Parella and Goodwin discuss the amendment.

The motion to amend fails of passage upon a roll call vote with 6 Senators voting in the affirmative and 37 Senators voting in the negative as follows:

YEAS _ 6: Senators Algieri, Cote, Garabedian, Parella, Sheehan, Walsh.

NAYS _ 37: Senators Alves, Badeau, Blais, Breene, Caprio, Celona, Coderre, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, McBurney, McCaffrey, McDonald, Montalbano, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sosnowski, Tassoni, Walaska, Walton.

Senators Alves, Paiva Weed, Lenihan, Fogarty, Sheehan, Ruggerio, Blais andSenate Majority Leader Irons discuss the act.

The bill marked Substitute ``A" is read and passed, as amended, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 43 Senators voting in the affirmative and 4 Senators voting in the negative as follows:

YEAS _ 43: Senators Alves, Badeau, Bates, Blais, Caprio, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 4: Senators Algieri, Breene, Garabedian, Gibbs.

RECONSIDERATION

Upon suggestion of Senator Alves, seconded by Senator Coderre, and without objection, (02-H 8226) is reconsidered.

(02-H 8226) An Act relating to tobacco settlement financing.

Senator Alves moves passage, seconded by Senator Coderre.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 43 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 43: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Connors, Cote, Damiani,

Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliozi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McCaffrey, McDonald, Montalbano, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roney, Sheehan, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

CALENDAR

22. (02-H8215) An Act relating to motor vehicle violations _ fine schedule reconciliation and conformation.

Ordered on the Calendar.

Senator Montalbano moves passage, seconded by Senator Damiani.

The act is read and passed, in concurrence, upon a roll call vote with 32 Senators voting in the affirmative and 6 Senators voting in the negative as follows:

YEAS _ 32: Senators Algieri, Badeau, Blais, Breene, Celona, Damiani, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliozi, Irons, Izzo, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Roney, Ruggerio, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 6: Senators Coderre, Connors, Cote, Enos, Kells, Raptakis.

8. (02-H7878) (Substitute ``A") An Act relating to taxation _ tax sales.

Ordered on the Calendar.

Senator Montalbano moves passage, seconded by Senator Coderre.

Senator Montalbano, seconded by Senator Coderre, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 7878) (Substitute ``A")

Mr. President:

I hereby move to amend (02-H 7878) (Substitute ``A") entitled ``AN ACT RELATING TO TAXATION _ TAX SALES", as follows:

(1) On page 2, line 16, by deleting ``remainderment" and substituting the word ``remaindermen" in place thereof.

(2) On page 3, line 22, by deleting the following language: ``This section shall apply retroactively to January 1, 1992."

(3) On page 4, line 4, by deleting the words ``This act shall take effect upon passage" and inserting the language: ``This act shall take effect on January 7, 2003" in place thereof.

Respectfully submitted,

JOSEPH A. MONTALBANO

Senator, District 37

The motion to amend prevails upon a roll call vote with 42 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 42: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Hunter, Igliozi, Irons, Issa, Izzo, Kelly, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

Upon motion of Senator Montalbano, seconded by Senator Coderre, the bill marked Substitute ``A" is read and passed, as amended, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 45 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 45: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliozi, Irons, Issa, Izzo, Kells, Kelly, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

78. (02-S2681) An Act relating to public utilities and carriers _ regulatory powers of administration.

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute ``A".

Upon suggestion of Senator Coderre, and without objection, ordered to be recommitted to the Committee on Corporations.

81. (02-H6697) An Act relating to the General Assembly.

Ordered to be placed on the Calendar.

Senator Blais moves passage, seconded by Senator Breene.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 43 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 43: Senators Algieri, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliozi, Irons, Issa, Izzo, Kells, Lenihan, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

82. (02-H6703) An Act relating to the General Assembly.

Ordered to be placed on the Calendar.

Senator Blais moves passage, seconded by Senator Enos.

The act is read and passed, in concurrence, upon a roll call vote with 43 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS _ 43: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Iglizzi, Irons, Issa, Izzo, Kells, Lenihan, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 1: Senator Perry.

83. (02-H6721) An Act relating to the General Assembly.

Ordered to be placed on the Calendar.

Senator Blais moves passage, seconded by Senator Breene.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 45 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 45: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Iglizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

84. (02-H6722) An Act relating to the General Assembly.

Ordered to be placed on the Calendar.

Senator Blais moves passage, seconded by Senate Majority Leader Irons.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 45 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 45: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Iglizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

85. (02-H6877) (Substitute ``A") An Act relating to fish and wildlife _ menhaden management area.

Ordered to be placed on the Calendar.

Senator Sosnowski moves passage, seconded by Senator Enos.

The bill marked Substitute ``A" is read and passed, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 45 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 45: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Connors, Cote, Damiani,

Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

86. (02-H7996) (Substitute ``A") An Act relating to Lyme disease treatment.

Ordered to be placed on the Calendar.

Senator Algieri moves passage, seconded by Senator Breene.

The bill marked Substitute ``A" is read and passed, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 44 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 44: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Connors, Cote, Damiani, Donelan, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

87. (02-H8192) An Act relating to the freezing of the tax rate and evaluation in the town of Exeter.

Ordered to be placed on the Calendar.

Senator Breene moves passage, seconded by Senator Blais.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 45 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 45: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

88. (02-H8105) (Substitute ``A") An Act relating to towns and cities _ Burrillville _ optional retirement for police/firefighters.

Ordered to be placed on the Calendar.

Senator Fogarty moves passage, seconded by Senator Damiani.

The bill marked Substitute ``A" is read and passed, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 43 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 43: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kelly, Lenihan, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

89. (02-H8068) An Act relating to the Rhode Island Underground Storage Tank Review Board.

Ordered to be placed on the Calendar.

Senator Celona moves passage, seconded by Senator Montalbano.

Senators Blais, Celona, Raptakis and Senate Majority Leader Irons discuss the act.

The act is read and passed, in concurrence, upon a roll call vote with 37 Senators voting in the affirmative and 4 Senators voting in the negative as follows:

YEAS _ 37: Senators Alves, Badeau, Breene, Caprio, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglionzi, Irons, Issa, Izzo, Kells, Kelly, McCaffrey, McDonald, Montalbano, Paiva Weed, Polisena, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 4: Senators Algiere, Blais, Lenihan, Raptakis.

90. (02-H7266) (Substitute ``A" as amended) An Act relating to motor and other vehicles.

Ordered to be placed on the Calendar.

Senator Coderre moves passage, seconded by Senator Celona.

The bill marked Substitute ``A" is read and passed, as amended, in concurrence, and the original bill indefinitely postponed, upon a roll call vote with 40 Senators voting in the affirmative and 4 Senators voting in the negative as follows:

YEAS _ 40: Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Goodwin, Graziano, Hunter, Iglionzi, Irons, Issa, Izzo, Kells, Kelly, McCaffrey, McDonald, Montalbano, Parella, Polisena, Raptakis, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walton.

NAYS _ 4: Senators Gibbs, Lenihan, Paiva Weed, Walsh.

1. (02-S2865) (Substitute ``A") An Act relating to military affairs and defense _ emergency health powers act.

Committee on Health, Education and Welfare recommends indefinite postponement of the original bill and passage of Substitute ``A".

Senator Tassoni moves passage, seconded by Senator Polisena.

Senator Connors discusses the act.

Senator Tassoni, seconded by Senator Polisena, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-S 2865) (Substitute "A")

Mr. President

I hereby move to amend (02-S 2865) (Substitute "A") entitled "AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE - EMERGENCY HEALTH POWERS ACT", as follows:

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

"SECTION 1. Section 23-8-4 of the General Laws in chapter 23-8 entitled "Quarantine Generally" is hereby amended to read as follows:

23-8-4. QUARANTINE. -- If the state director of health, or his or her duly authorized agent, determines, upon investigation, that a threat to the public health exists because any person is exposed to, suffering, or appears to be suffering, from a communicable disease, the director or his or her authorized agent may cause that person to be confined, in some proper place, for the purpose of isolation or quarantine, until the threat to the public health has abated. SECTION 2. Chapter 23-8 of the General Laws entitled "Quarantine Generally" is hereby amended by adding thereto the following section:

23-8-4.1. ISOLATION AND QUARANTINE. -- (a) State policy and powers. It is the policy of the state that the individual dignity of any person isolated or quarantined during a state of public health emergency or state of disaster emergency shall be respected at all times and upon all occasions. The needs of persons isolated or quarantined shall be addressed in a systematic and competent fashion. To the extent possible, the premises in which persons are isolated or quarantined shall be maintained in safe and hygienic manners, designed to minimize the likelihood of further transmission of infection or other harm to persons subject to isolation or quarantine. Adequate food, clothing, medication, and other necessities, and competent medical care shall be provided. Consistent with this policy, the state director of health may exercise, for such period as the state of public health emergency or state of disaster emergency exists, the following emergency powers over persons: (1) If a persons own residence is insufficient to establish and maintain places of isolation and quarantine; and (2) To require isolation or quarantine of any person by the least restrictive means necessary to protect the public health, provided, however, isolation or quarantine shall not be authorized unless no less-restrictive alternative is readily available. All reasonable means shall be taken to prevent the transmission of infection among the isolated or quarantined individuals.

(b) Individual cooperation. The department of health shall issue such rules and orders as are necessary and reasonable in scope to prevent the spread of the disease. A person subject to isolation or quarantine shall obey these rules and orders, shall not go beyond the isolation or quarantine premises, and shall not put himself or herself in contact with any person not subject to isolation or quarantine other than a physician or other health care provider, department of health personnel, or person authorized to enter an isolation or quarantine premises by the department of health authority. Intentional violations of these provisions shall constitute a misdemeanor.

(c) Unauthorized entry. No individual, other than an individual authorized by the department of health, shall enter an isolation or quarantine premises. If any individual knowingly and willfully enters an isolation or quarantine premises without permission of the department of health, that individual shall be liable for a misdemeanor. If, by reason of an unauthorized entry into an isolation or quarantine premises, the individual poses a danger to public health, he or she, may be subject to isolation or quarantine pursuant to the provisions of this chapter.

(d) Termination. Isolation or quarantine of any individual shall be terminated when the department of health or a court determines that such isolation or quarantine of such individual is no longer necessary to protect the public health or a court of competent jurisdiction determines quarantine or isolation is no longer warranted. An individual shall be released within twenty-four (24) hours of such a determination.

(e) Due process.

- (1) Before isolating or quarantining an individual or group of individuals, the department of health shall obtain a written, order from a judge of the superior court of this state, authorizing such action. Said order may be obtained ex parte, if the court finds that notification would expose the public to unwarranted risk. The court shall state such findings, including the grounds for granting the order ex parte, in the body of its written order of quarantine or isolation. The court shall immediately appoint an attorney to represent the interest of the person. The attorney shall be compensated as a court appointed attorney. The court shall substitute telephonic communication with a party who is unable to appear in person. Nothing herein shall be construed so as to deprive a person of retaining their own counsel, if they so desire. The court shall grant such order upon finding that probable cause exists to believe isolation or quarantine is warranted pursuant to the provisions of this act. A copy of the authorizing order shall be given to the individual isolated or quarantined, along with notification that the individual has a right to a hearing under this paragraph.
- (2) Notwithstanding the preceding subparagraph, the department of health may isolate or quarantine an individual or group of individuals without first obtaining a written, ex parte order from the court if any delay in the isolation or quarantine of the individual would pose an immediate threat to the public health. Following such isolation or quarantine, the department of health shall within eight (8) hours obtain a written, order from the court authorizing the isolation or quarantine. "(3) The individual subject to isolation and quarantine shall be entitled to file a petition for release at any time, including, but not limited to, a petition based upon successful compliance with treatment or an ability to be treated in a less restrictive setting. (4) An order of the director pursuant to this section shall set forth; (i) The legal authority under which the order is issued; (ii) The factual grounds upon which the determination that isolation or quarantine is warranted is based; and (iii) A finding that no less-restrictive treatment alternatives, or alternatives to quarantine or isolation, are available. (5) The department of health, shall within a reasonable period of time of isolating or quarantining an individual suspected of having an infectious or contagious disease, exercise all due diligence to confirm or negate such a diagnosis." (6) An individual isolated or quarantined pursuant to the provisions of subparagraphs (1) or (2) herein shall have the right to a court hearing to contest the ex parte order. If such individual or his or her representative requests a hearing, the hearing shall be held within seventy-two (72) hours of receipt of such request. The request shall be in such form as the court directs and may be on a form prepared by the department of health for this purpose. A request for a hearing shall not stay the order of isolation or quarantine. At the hearing, the department of health must show by clear and convincing evidence that the isolation or quarantine is warranted and complies with the provisions of this act. (7) The court shall retain jurisdiction over the matter, and shall review its order periodically, but no more than ten (10) days between each review. Review dates shall be set at each hearing. A person, or his or her representative, may agree to a longer period for review, but the reasons for such longer intervals shall be stated upon the record in court. At each review, the department shall have the burden of proven that the continuation of the isolation or quarantine is warranted. Medical, scientific, or technical information may be admitted by the court by affidavit, if appreciate notice, as directed by the court, is provided to the adverse party. (8) An individual isolated or quarantined pursuant to the provisions of this section may request a hearing in the courts of this state for remedies regarding his or her treatment and the terms and conditions of such quarantine or isolation. Upon receiving a request for either type of hearing described in this subparagraph, the court shall fix a date for a hearing. The hearing shall take place within ten (10) days of the receipt of the request by the court. The request for a hearing shall not alter the order of isolation or quarantine. (9) If, upon a hearing, the court finds that the isolation or quarantine of the individual is not warranted under the provisions of this section, then the individual shall be released from isolation or quarantine. If the court finds that the isolation or quarantine of the individual is not in compliance with the provisions of subsection (a), the court may then fashion remedies appropriate to the circumstances of the state of public health emergency, or state of disaster emergency and in keeping with the provisions of this act. (10) Judicial decisions shall be based upon clear and convincing evidence with the burden of proof maintained by the department of health, and a written record of the disposition of the case shall be made and retained. The petitioner shall have the right to be represented by counsel or other lawful representative. The manner in which the request for a hearing is filed and acted upon will be in accordance with the existing laws and rules of the superior court of this state or any such rules that are developed by the courts for use during a state of health emergency or state of disaster emergency. (11) A hearing scheduled under this section shall be conducted pursuant to the Rhode Island rules of evidence and the superior court rules of civil procedure.

SECTION 3. Title 23 of the General Laws entitled "Health and Safety" is hereby amended by adding thereto the following chapter:

CHAPTER 10.2

BIOTERRORISM PREPAREDNESS AND REPORTING ACT

23-10.2-1 PURPOSES. - -

- (1) To authorize the collection of data and records, and the management of persons.
- (2) To facilitate the early detection of health emergency, and allow for immediate investigation of such an emergency by granting access to individual health needs under special circumstances.
- (3) To grant state officials the authority to provide care and treatment to persons who are ill or who have been exposed to infection, and to separate affected individuals from the population at large for the purpose of interrupting the transmission of infectious disease.
- (4) To ensure that the needs of infected or exposed persons will be addressed to the fullest extent possible, given the primary goal of controlling serious health threats.
- (5) To provide state officials with the ability to prevent, detect, manage and contain emergency health threats without unduly interfering with civil rights and liberties.

23-10.2-2. DEFINITIONS. --

- (1) "Health care facility" means any nonfederal institution, building, or agency or portion thereof, whether public or private (for-profit or nonprofit) that is used, operated, or designed to provide health services, medical treatment, or nursing, rehabilitative, or preventive care to any person or persons. This includes, but is not limited to: ambulatory surgical facilities, home health agencies, hospices, hospitals, infirmaries, intermediate care facilities, kidney treatment centers, long-term care facilities, medical assistance facilities, mental health centers, outpatient facilities, public health centers, rehabilitation facilities, residential treatments facilities, skilled nursing facilities, and adult daycare centers. The term also includes, but is not limited to, the following related property when used for or in connection with the foregoing: laboratories; research facilities; pharmacies; laundry facilities; health personnel training and lodging facilities; patient, guest, and health personnel food service facilities; and offices and office buildings for persons engaged in health care professions or services.
- (2) "Health care provider" means any person or entity who provides health care services including, but not limited to, hospitals, medical clinics and offices, special care facilities, medical laboratories, physicians, pharmacists, dentists, physician assistants, nurse practitioners, registered and other nurses, paramedics, emergency medical or laboratory technicians, and ambulance and emergency medical workers.

23-10.2-3. REPORTING - POTENTIAL PUBLIC HEALTH EMERGENCIES. -- (a)(1) Illness or health condition.

Whenever any physician or health care provider knows that any person under his or her professional care is affected with any illness or health condition that is caused by bioterrorism or biological toxins and might pose a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability, he or she shall report all cases in the manner provided for in this section. Reportable illnesses and health conditions include, but are not limited to, the diseases caused by the biological agents listed in 42 C.F.R. section 72, app. A (2000) and any illnesses or health conditions identified by the department of health as potential causes of a public health emergency.

(a)(2) Manner of reporting. The report pursuant to subsection (a) of this section shall be made immediately to the department of health. The report shall include as much of the following information as is available: the patient's name, date of birth, sex, race, and current address (including city and county); the name and address of the health care provider, coroner, or medical examiner and of the reporting individual, if different; and any other information needed to locate the patient for follow-up. For cases related to animal or insect bites, the suspected locating information of the biting animal or insect, and the name and address of any known owner, shall be reported. The report shall be made within twenty-four (24) hours to the department of health. The report shall include as much of the following information as is available: the patient's name, date of birth, sex, race, and current address (including city and county); the name and address of the health care provider, coroner, or medical examiner and of the reporting individual, if different; and any other information needed to locate the patient for follow-up. For cases related to animal or insect bites, the suspected locating information of the biting animal or insect, and the name and address of any known owner, shall be reported.

(b)(1) Pharmacists. In addition to the foregoing requirements for health care providers, a pharmacist shall report any unusual or increased prescription rates, unusual types of prescriptions, or unusual trends in pharmacy visits that may be caused by bioterrorism or biological toxins and might pose a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability. Prescription-related events that require a report include, but are not limited to:

- (i) An unusual increase in the number of prescriptions to treat fever, respiratory, or gastrointestinal complaints;

- (ii) An unusual increase in the number of prescriptions for antibiotics;
 - (iii) An unusual increase in the number of requests for information on over-the-counter pharmaceuticals to treat fever, respiratory, or gastrointestinal complaints; and
 - (iv) Any prescription that treats a disease that is relatively uncommon and has bioterrorism potential.
- (b)(2)Manner of reporting. The report shall be made within twenty-four (24) hours to the department of health and shall not contain any information identifiable to a particular patient or customer.
- (c) Animal diseases. Every veterinarian, livestock owner, veterinary diagnostic laboratory director, or other person having the care of animals shall report animals having or suspected of having any disease that may be caused by bioterrorism or biological toxins and might pose a substantial risk of a significant number of human and animal fatalities or incidents of permanent or long-term disability. The report shall be made within twenty-four (24) hours to the department of environmental management and shall include as much of the following information as is available: the suspected locating information of the animal, the name and address of any known owner, and the name and address of the reporting individual.
- (d) Laboratories. For the purposes of this section, the definition of "health care provider" shall include out-of-state medical laboratories, provided that such laboratories have agreed to the reporting requirements of this state. Results must be reported by the laboratory that performs the test, but an in-state laboratory that sends specimens to an out-of-state laboratory is also responsible for reporting results. (e) Enforcement. The department of health may enforce the provisions of this section in accordance with existing enforcement rules and regulations.

23-10.2-4. TRACKING - POTENTIAL PUBLIC HEALTH EMERGENCIES. -- The department of health shall ascertain the existence of cases of an illness or health condition, caused by bioterrorism or biological toxin, that poses a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability; investigate all such cases for sources of infection and to ensure that they are subject to proper control measures; and define the distribution of the illness or health condition. To fulfill these duties, the department of health shall identify exposed individuals as follows:

- (1) Identification of individuals. Acting on information developed in accordance with the provisions of this chapter, or other reliable information, the department of health shall identify all individuals thought to have been exposed to an illness or health condition, caused by bioterrorism or biological toxins, that poses a substantial risk of significant number of human fatalities or incidents of permanent or long-term disability. The department of health shall maintain to the extent practicable the confidentiality of the names of the individuals whose identity is being sought.
- (2) Interviewing of individuals. The department of health shall counsel and interview such individuals as appropriate to assist in the positive identification of exposed individuals and develop information relating to the source and spread of the illness or health condition. Such information includes the name and address (including city and county) of any person from whom the illness or health condition may have been contracted and to whom the illness or health condition may have spread.
- (3) Examination of facilities or materials. The department of health shall, for examination purposes, close, evacuate, or decontaminate any facility or decontaminate or destroy any material when the authority reasonably suspects that such facility or material may endanger the public health.
- (4) Enforcement. An order of the department of health given to effectuate the purposes of this section shall be enforceable immediately by the department of health.

23-10.2-5. VACCINATION AND TREATMENT. -- The department of health may exercise, for such period as the state of public health emergency, or state of disaster emergency exists, the following emergency powers over persons:

- (1) Except as otherwise provided in subsection (ii), to require a person to be vaccinated and/or treated for an infectious disease; provided, however, if an individual refuses for any reason to be vaccinated and/or treated for the disease, he or she may so refuse and be subject to isolation or quarantine.
- (i) Vaccination may be performed by any qualified person authorized by the department of health.
- (ii) The vaccine shall not be given if the department of health has reason to know that a particular individual is likely to suffer from serious harm from the vaccination.
- (iii) Treatment may be preformed by any qualified person authorized by the department of health.
- (iv) Treatment must not be such as is reasonably likely to lead to serious harm to the affected individual.

(2) If, by reason of refusal of vaccination or treatment, the person poses a danger to the public health, he or she may be subject to isolation or quarantine pursuant to the provisions of section 23-8-4.1.

23-10.2-6. COLLECTION OF LABORATORY SPECIMENS - PERFORMANCE OF TESTS. -- The department of health may, for such period as the

state of public health emergency, or state of disaster emergency exists, collect specimens and perform tests on any person or animal, living or deceased, and acquire any previously collected specimens or test results that are reasonable and necessary for emergency response.

- (1) Marking. All specimens shall be clearly marked.
- (2) Contamination. Specimen collection, handling, storage, and transport to the testing site shall be performed in a manner that will reasonably preclude specimen contamination or adulteration and provide for the safe collection, storage, handling, and transport of such specimen.
- (3) Chain of custody. Any person authorized to collect specimens or perform tests shall use chain of custody procedures to ensure proper record keeping, handling, labeling, and identification of specimens to be tested. This requirement applies to all specimens, including specimens collected using on-site testing kits.
- (4) Criminal investigation. Recognizing that, during a state of public health emergency, or state of disaster emergency any specimen collected or test performed may be evidence in a criminal investigation, any business, facility, or agency authorized to collect specimens or perform tests shall provide such support as is reasonable and necessary to aid in a relevant criminal investigation.

23-10.2-7. PROSECUTION OF VIOLATIONS. - - It shall be the duty of the director of health to report to the appropriate local, state or federal law enforcement authority in this state any violation of the requirements of section 23-10.1-1 and

23-10.1-2, and it shall be the duty of the appropriate local, state or federal law enforcement authority to immediately obtain warrants for the apprehension of persons violating the requirements of section 23-10.1-1 and 23-10.1-2.

- 23-10.2-8. CONFLICTING LAWS. - - (a) Federal supremacy. This chapter shall not restrict any person from complying with federal law or regulations.
- (b) Prior conflicting acts. In the event of a conflict between this chapter and other state or local laws or regulations concerning public health powers, the provisions of this chapter apply.

- 23-10.2-9. REPORTS. - - Not later than ninety (90) days after the date of the enactment of this act, and every twelve (12) months thereafter, the governor shall transmit to the general assembly a report that shall include:
- (1) A description of the detection and tracking efforts made under this chapter;
 - (2) A description of the state(s) of public health emergencies declared under this chapter;
 - (3) A description of the emergency powers utilized under this chapter; and
 - (4) A description of the monies transferred and liabilities and expenses incurred under this chapter.

23-10.2-10. MEDICAL ADVISORY COMMITTEE. - - There is hereby created an Emergency Medical Advisory Council. Said council shall consist of the director of the department of health and three (3) physicians appointed by the director, all of whom shall have knowledge in education and expertise in the area of emergency management

SECTION 4. Sections 30-15-2, 30-15-3, 30-15-6, 30-15-9 and 30-15-15 of the General Laws in Chapter 30-15 entitled "Emergency Management" are hereby amended to read as follows: 30-15-2. PURPOSES OF PROVISIONS. -- The purposes of this chapter are:

- (1) To reduce vulnerability of people and communities of this state to damage, injury, and loss of life and property resulting from natural or man-made catastrophes, riots, or hostile military or paramilitary action or acts of terrorism;
- (2) To prepare for prompt and efficient rescue, care, and treatment of persons victimized or threatened by disaster;
- (3) To provide a setting conducive to the rapid and orderly start of restoration and rehabilitation of persons and property affected by disasters;
- (4) To clarify and strengthen the roles of the governor, state agencies, and local governments in prevention of, preparation for, and response to and recovery from disasters;
- (5) To authorize and provide for cooperation in disaster prevention, preparedness, response, and recovery;
- (6) To authorize and provide for coordination of activities relating to disaster prevention, preparedness, response, and recovery by agencies and officers of this state, and similar state-local, interstate, federal-state, and foreign activities in which the state and its political subdivisions may participate; and
- (7) To provide a disaster management system embodying all four (4) phases of emergency management: mitigation; preparedness; response; and recovery.

(8) [Deleted by P.L. 2000, ch. 170, section 2].

(9) To prepare for emergency health threats, including those caused by acts of terrorism require the exercise of extraordinary government functions.

(10) To provide the state with the ability to respond, rapidly and effectively to potential or actual public health emergencies or disaster emergencies.

30-15-3. DEFINITIONS. -- As used in this chapter:

(1) "Disaster" means occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man made cause, including but not limited to:

- (i) Fire;
- (ii) Flood;
- (iii) Earthquake;
- (iv) Wind, storm, wave action, oil spill, or other water contamination requiring emergency action to avert danger or damage;
- (v) Volcanic activity;
- (vi) Epidemic;
- (vii) Air contamination;
- (viii) Blight;
- (ix) Drought;
- (x) Infestation;
- (xi) Explosion;
- (xii) Riots;
- (xiii) Hostile military or paramilitary action; or
- (xiv) Endangerment of the health, safety, or resources of the people of the state;
- (xv) Bioterrorism.

(2) "Political subdivision" means any city or town in Rhode Island; and

(3) "Unorganized militia" means all able-bodied persons between the ages of sixteen (16) and fifty (50) years.

(4) "Bioterrorism" is the intentional use of any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus infectious substance, or biological product, to cause death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism in order to influence the conduct of government or to intimidate or coerce a civilian population or to interrupt commerce or to permanently endanger the environment.

30-15-6. ADVISORY COUNCIL. -- (a) There is hereby created the Rhode Island emergency management advisory council (hereinafter in this chapter called the "council"). The council will consist of thirty-one (31) thirty-five (35) members as follows:

(1) Sixteen (16) ex officio members as follows:

- (i) The lieutenant governor;
- (ii) The adjutant general;
- (iii) The director of administration/statewide planning;
- (iv) The director of health;
- (v) The director of transportation;
- (vi) The director of human services;
- (vii) The superintendent of state police;
- (viii) The public utilities administrator;
- (ix) The director of the department of environmental management;
- (x) The director of mental health, retardation, and hospitals;
- (xi) The director of elderly affairs;
- (xii) The chairperson of the state water resources board;
- (xiii) The chairperson of the governor's commission on disabilities;
- (xiv) The chairperson of the Rhode Island public transit authority;
- (xv) The executive director of the coastal resources management council or his or her designee;
- (xvi) The executive director of the American Red Cross, Rhode Island chapter; and

(2) Fifteen (15) Nineteen (19) members appointed by and serving at the pleasure of the governor, as follows:

- (i) Two (2) Four (4) members of the senate, recommended by the president of the senate, not more than one three (3) of whom shall be from the same political party;
 - (ii) Two (2) Four (4) members of the house of representatives, recommended by the Speaker of the House , not more than one three (3) of whom shall be from the same political party;
 - (iii) One representative of the electric industry;
 - (iv) One representative of the gas industry;
 - (v) One representative of the telephone industry;
 - (vi) The executive director of the Rhode Island petroleum association or other similarly situated person;
 - (vii) Two (2) representatives of the general public, one who shall have expertise in disaster preparedness;
 - (viii) One representative of the Rhode Island league of cities and towns;
 - (ix) One representative of E-911, the uniform emergency telephone authority;
 - (x) One representative of the media;
 - (xi) One representative of the water supply industry;
 - (xii) One representative of the health care industry; and
 - (xiii) One representative of the Rhode Island firefighters association.
- (b) It shall be the duty of the council to advise the governor and the adjutant general on all matters pertaining to disaster preparedness. The lieutenant governor shall serve as chairperson of the council and the adjutant general shall serve as vice-chairperson. In providing advice to the governor and the adjutant general, the council shall, among other matters reasonably related to their authority, do the following:
- (1) Establish a regular meeting schedule and form subcommittees as may be appropriate;
 - (2) Review emergency management plans and other matters as may be acted upon or otherwise provided for in this chapter;
 - (3) Establish priorities and goals on emergency management matters on an annual basis;
 - (4) Study emergency management plans in conjunction with the adjutant general, and otherwise conduct such other studies as may be deemed appropriate;
 - (5) Review the coordination of the state's emergency management programs with appropriate authorized agencies and conduct studies on the programs as may be necessary;
 - (6) Review the plans and operations of the various cities and towns in disaster preparedness in conjunction with the director and his or her office as required or necessary; and
 - (7) [Deleted by P.L. 2000, ch. 170, section 2];
 - (8) Provide an annual report on its activities in conjunction with the adjutant general.

30-15-9. GOVERNOR'S RESPONSIBILITIES RELATING TO DISASTER EMERGENCIES. -- (a) The governor shall be responsible for meeting the dangers to the state and people presented by disasters.

(b) A state of emergency shall be declared by executive order or proclamation of the governor if he or she finds a disaster has occurred or that this occurrence or the threat thereof is imminent. The state of disaster emergency shall continue until the governor finds that the threat or danger has passed or the disaster has been dealt with to the extent that emergency conditions no longer exist and terminates the state of disaster emergency by executive order or proclamation, but no state of disaster emergency may continue for longer than thirty (30) days unless renewed by the governor. The general assembly by concurrent resolution may terminate a state of disaster emergency at any time. Thereupon, the governor shall issue an executive order or proclamation ending the state of disaster emergency. All executive orders or proclamations issued under this subsection shall indicate the nature of the disaster, the area or areas threatened, and the conditions which have brought it about or which make possible termination of the state of disaster emergency. , and what actions are being taken to control the emergency and what action the public should take to protect themselves. An executive order or proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless the circumstances attendant upon the disaster prevent or impede, promptly filed with the agency, the secretary of state, and the city and town clerks in the area to which it applies.

(c) An executive order or proclamation of a state of disaster emergency shall activate the state and local disaster emergency plans applicable to the political subdivision or area in question and shall be authority for the deployment and use of any forces to which the plan or plans apply and for the use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available pursuant to this chapter or any other provision of law relating to disaster emergencies.

(d) During the continuance of any state of disaster emergency the governor is commander-in-chief of the organized and unorganized militia and of all other forces available for emergency duty. To the greatest extent practicable, the governor

- shall delegate or assign command authority by prior arrangement embodied in appropriate executive orders or regulations, but nothing herein restricts the governor's authority to do so by orders issued at the time of the disaster emergency.
- (e) In addition to any other powers conferred upon the governor by law, the governor may: exercise the following powers, limited in scope and duration as is reasonably necessary for emergency response.
- (1) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency, provided that the suspension of any statute, order, rule or regulation will be limited in duration and scope to the action requiring said suspension;
- (2) Utilize all available resources of the state government as reasonably necessary to cope with the disaster emergency and of each political subdivision of the state;
- (3) Transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services;
- (4) Subject to any applicable requirements for compensation under section 30-15-11, commandeer or utilize any private property if the governor finds this necessary to cope with the disaster emergency;
- (5) Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the state if the governor deems this action necessary for the preservation of life or other disaster mitigation, response, or recovery;
- (6) Prescribe routes, modes of transportation, and destinations in connection with evacuation;
- (7) Control ingress and egress to and from a high risk area, the movement of persons within the area, and the occupancy of premises therein;
- (8) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles;
- (9) Make provision for the availability and use of temporary emergency shelter;
- (10) Make and promulgate such rules and regulations as the governor may deem advisable for the assigning, detailing, and making available for duty and use in any city or town of this state any of the personnel, apparatus, or equipment of any police or fire department of any other city or town, or of any volunteer fire company, or of any fire district, and that personnel shall have the same powers, duties, rights, privileges, and immunities as if performing their duties in the city or town in which they normally would be employed, but the personnel shall obey the orders of the police and fire authorities of the city or town to which assigned, detailed, or made available. When assigned, detailed, or made available as aforesaid, the city or town in which the police or firemen shall perform outside duties shall provide them with subsistence or pay them a reasonable allowance therefor, and shall also be liable for any damage to the apparatus or equipment incurred while being so used; provided, however, that a city or town shall be reimbursed by the state out of the general fund of the state for all expenses incurred under the foregoing provisions of this subsection;
- (11) Designate as a special emergency health and sanitation area, any area within the state which has been seriously damaged by disaster, or in which the existence of any military, naval, or air establishment of the United States of America or of any industrial establishment constructed or enlarged for purposes of national defense, has caused an increase in the population of that area to such an extent as to produce unusual problems of health and sanitation. It is the duty of state health authorities and the local code enforcement officials to make and enforce rules and regulations designed to prevent the introduction of any contagious or infectious disease and to safeguard the public health within the area. The governor may promulgate and enforce additional rules and regulations for the protection of the public health within areas as may be necessary;
- (12) Whenever, in the governor's opinion, due to a disaster there is liable to be a serious shortage in the supply of food, fuel, clothing, antitoxins, serums, immunizing agents or any other pharmaceutical agents or medical supplies or any other necessity of life or defense, and the federal authorities are not adequately dealing with the situation, promulgate such rules and regulations as he or she from time to time deems necessary to regulate the sale, purchase, or distribution of those necessities and to prohibit and prevent the wasting, secreting, hiding, or hoarding of or profiteering from those necessities; and
- (13) Do all other things necessary to effectively cope with disasters in the state not inconsistent with other provisions of law.
- (14) To adopt and enforce measures to provide for the safe disposal of infectious waste as may be reasonable and necessary for emergency response due to a state disaster emergency. Such measures may include, but are not limited to, the collection, storage, handling, destruction, treatment, transportation, and disposal of infectious waste.

- (15) To adopt and enforce measures to provide for the safe disposal of corpses as may be reasonable and necessary for emergency response due to a state disaster emergency. Such measures may include, but are not limited to, the embalming, burial, cremation, interment, disinterment, transportation, and disposal of corpses.
 - (16) Upon reasonable grounds to believe that any person is exposed to, suffering, or appears to be suffering, from a communicable disease, the governor may require:
 - (i) Individual examination or testing. To compel a person to submit to a physical examination and/or testing as necessary to diagnose or treat the person.
 - (ii) The medical examination and/or testing may be performed by any qualified person authorized by the department of health.
 - (iii) The medical examination and/or testing must not be reasonably likely to result in serious harm to the affected individual.
 - (iv) The medical examination and/or testing shall be performed immediately upon the order of the department of health without resort to judicial or quasi-judicial authority.
 - (v) If the department of health is uncertain whether a person who refuses to undergo medical examination and/or testing may have been exposed to an infectious disease or otherwise poses a danger to public health, the department of health may subject the individual to isolation or quarantine, pursuant to section 23-8-4.1. 30-15-15. IMMUNITY FROM LIABILITY -- COMPENSATION FOR DEATH OR INJURY OF DISASTER RESPONSE WORKERS. -- (a) All functions under this chapter and all other activities relating to disaster response are hereby declared to be governmental functions. Neither the state nor any political subdivision thereof nor other agencies of the state or political subdivision thereof, nor, except in cases in wilful misconduct, gross negligence, or bad faith, any disaster response worker complying with or reasonably attempting to comply with this chapter, or any order, rule, or regulation promulgated pursuant to the provisions of this chapter, or pursuant to any ordinance relating to precautionary measures enacted by any political subdivision of the state, shall be liable for the death of or injury to persons, or for damage to property, as a result of disaster response activity. The provisions of this section shall not affect the right of any person to receive benefits to which he or she would otherwise be entitled under this chapter, or under the Worker's Compensation Act, chapters 29 -- 38 of title 28, or under any pension law, nor the right of any person to receive any benefits or compensation under any act of congress.
 - (b) Any requirement for a licensee to practice any professional, mechanical, or other skill shall not apply to any authorized disaster response worker who shall, in the course of performing his or her duties as, practice any professional, mechanical, or other skill during a disaster emergency.
 - (c) In the absence of any other benefits as provided by law, all disaster response workers who shall be killed or sustain disability or injury while in training for or on disaster response duty shall be construed to be employees of the state, any other provisions of the law to the contrary notwithstanding, and shall be compensated in like manner as state employees are compensated under the provisions of chapters 29 -- 38 of title 28.
 - (d) As used in this section, the term "disaster response worker" shall include any full or part time paid, volunteer, or auxiliary employee of this state, other states, territories, or possessions, the District of Columbia, the federal government, any neighboring country, or any political subdivision thereof, or any agency or organization or any private person, firm or corporation, performing disaster response services at any place in this state subject to the order or control of, or pursuant to a request of, the state government or any political subdivision thereof.
- SECTION 5. This act shall take effect upon passage."

Respectfully submitted,

JOHN J. TASSONI, JR.
Senator, District 29

The motion to amend prevails upon a roll call vote with 40 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 40: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliozi, Irons, Issa, Kelly, Lenihan, McCaffrey, McDonald, Paiva Weed, Parella, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walton.

NAYS _ 0.

Upon motion of Senator Tassoni, seconded by Senator Polisena, the bill marked Substitute ``A" is read and passed, as amended, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 43 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 43: Senators Algieri, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walton.

NAYS _ 0.

91. (02-S2546 as amended) An Act relating to fish and wildlife _ general provisions.

Joint Committee on Environment and Energy recommends passage as amended.

Senator Breene moves passage, seconded by Senator Algieri.

The act is read and passed, as amended, by unanimous consent, upon a roll call vote with 43 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 43: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Issa, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

92. (02-H7357) (Substitute ``A" as amended) An Act relating to military affairs and defense _ Emergency Health Powers Act.

Ordered to be placed on the Calendar.

Senator Tassoni moves passage, seconded by Senator Polisena.

The bill marked Substitute ``A" is read and passed, as amended, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 41 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 41: Senators Algieri, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Goodwin, Hunter, Iglioizzi, Irons, Issa, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walton.

NAYS _ 0.

93. (02-H7766) An Act relating to alcoholic beverages.

Committee on Special Legislation recommends passage in concurrence.

Senator Goodwin moves passage, seconded by Senator Coderre.

The act is read and passed, in concurrence, upon a roll call vote with 44 Senators voting in the affirmative and 1 Senator

voting in the negative as follows:

YEAS _ 44: Senators Algieri, Alves, Badeau, Bates, Breene, Caprio, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 1: Senator Blais.

94. (02-H8198) An Act relating to the Little Compton Agricultural Conservancy Trust.

Ordered to be placed on the Calendar.

Senator Enos moves passage, seconded by Senator Parella.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 43 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 43: Senators Algieri, Alves, Badeau, Bates, Breene, Caprio, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Polisena, Raptakis, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

95. (02-H8128) An Act authorizing the town of Narragansett to finance the installation, expansion, construction, and improvement of (1) sewers and storm drains primarily located on a portion of assessor's plat Y-3 and serviced or to be serviced by the Scarborough Plant and (2) interceptors, pumping stations and sewage treatment and disposal facilities to service such sewers and storm drains and to impose assessments therefor under Chapter 1278 of the Public Laws of 1928, as amended and to issue not more than \$4,700,000 bonds and notes therefor.

Ordered to be placed on the Calendar.

Senator McDonald moves passage, seconded by Senator Graziano.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 45 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 45: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

96. (02-H7849) An Act relating to towns and cities _ zoning ordinances.

Ordered to be placed on the Calendar.

Senator McDonald moves passage, seconded by Senator Graziano.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 43 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 43: Senators Algieri, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliozi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Polisena, Raptakis, Revens, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS _ 0.

97. (02-H8108) (Substitute ``A" as amended) An Act relating to waters and navigation _ Personal Watercraft Safety Act.

Ordered to be placed on the Calendar.

Upon suggestion of Senator Irons, and without objection, ordered to be placed at the bottom of the Calendar.

98. (02-H7957) (Substitute ``A") An Act relating to businesses and professions _ hawkers and peddlers.

Ordered to be placed on the Calendar.

Senator Damiani moves passage, seconded by Senator Coderre.

The bill marked Substitute ``A" is read and passed, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 42 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 42: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliozi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Polisena, Raptakis, Revens, Roney, Sheehan, Tassoni, Walaska, Walsh.

NAYS _ 0.

53. (02-S2645) (Substitute ``A") An Act relating to liability insurance for motor vehicles.

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute ``A".

Upon suggestion of Senator Bates, and without objection, ordered to be placed at the bottom of the Calendar.

17. (02-H7719) An Act relating to motor and other vehicles _ registration of vehicles.

Ordered on the Calendar.

Upon suggestion of Senator Goodwin, and without objection, ordered to be placed at the bottom of the Calendar.

33. (02-S3036) An Act authorizing the city of East Providence, upon the abandonment of the Martin Middle School by the School Department of the city, to finance the design and conversion of the Martin Middle School and its site into a multi-purpose community/recreation complex and to issue not more than \$5,000,000 bonds and notes therefor.

Committee on Corporations recommends passage.

Upon suggestion of Senate Majority Leader Irons, and without objection, ordered to be placed at the bottom of the Calendar.

48. (02-H8190) An Act authorizing the city of East Providence, upon the abandonment of the Martin Middle School by the School Department of the city, to finance the design and conversion of the Martin Middle School and its site into a

multi-purpose community/recreation complex and to issue not more than \$5,000,000 bonds and notes therefor.

Committee on Corporations recommends passage in concurrence.

Upon suggestion ofSenate Majority Leader Irons, and without objection, ordered to be placed at the bottom of the Calendar.

72. (02-H8179) (Substitute ``A") An Act relating to the Convention Center Authority.

Ordered to be placed on the Calendar.

Upon suggestion ofSenate Majority Leader Irons, and without objection, ordered to be placed at the bottom of the Calendar.

**FROM THE
HOUSE OF REPRESENTATIVES**

A message from the House of Representatives transmits with announcement of passage:

(02-H 8235) An Act relating to solemnization of marriages.

Senator Connors requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Connors, seconded by Senator Coderre, and by unanimous consent, read and passed, in concurrence, upon a roll call vote with 42 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS _ 42: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Coderre, Connors, Cote, Damiani, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliozi, Irons, Issa, Kells, Kelly, Lenihan, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Polisena, Raptakis, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS _ 0.

TRANSMITTAL

By unanimous consent, all Senate matters and (02-H 8130) on the Clerk's desk are ordered to be transmitted to His Excellency, the Governor or to the Honorable House of Representatives forthwith.

**FROM THE
HOUSE OF REPRESENTATIVES**

A message from the House of Representatives transmits with announcement of passage:

(02-S 2009 as amended) An Act relating to poll workers.

Read and ordered to be placed on the Calendar.

Also:

(02-S 2740) (Substitute ``B") An Act relating to public property and works _ Public-Private Redevelopment Initiative Act.

Read and ordered to be placed on the Calendar.

Also:

(02-S 2145) (Substitute ``A") An Act relating to alcoholic beverages.

Read and ordered to be placed on the Calendar.

Also:

(02-S 2772) (Substitute ``A" as amended) An Act relating to alcoholic beverages _ objection by adjoining property owners in the city of Newport.

Read and ordered to be placed on the Calendar.

Also:

(02-H 8235) An Act relating to solemnization of marriages.

Read and ordered to be placed on the Calendar.

Also:

(02-S 2312) (Substitute ``A" as amended) An Act relating to Fair Housing Practices Act.

Read and ordered to be placed on the Calendar.

REPORT OF COMMITTEE

TRANSFER OF BILL

Senator Celona, from the Committee on Corporations, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Corporations to the Committee on Judiciary:

(02-H 8064) An Act relating to courts and civil procedure _ procedure generally _ levy and sale on execution.

Read and referred to the Committee on Judiciary.

**FROM THE
HOUSE OF REPRESENTATIVES**

A message from the House of Representatives transmits with announcement of passage:

(02-H 7537) An Act relating to motor and other vehicles _ registration of vehicles.

Read and referred to the Committee on Judiciary.

Also:

(02-H 7543) (Substitute ``A" as amended) An Act relating to state affairs and government _ the Rhode Island Carbon Fuel Reduction and Air Pollution Control Act.

Read and referred to the Committee on Judiciary.

Also:

(02-H 7809) (Substitute ``A") An Act relating to the naming of state properties.

Read and ordered to be held on the Desk.

Also:

(02-H 8231) Joint Resolution approving the financing of new parking facilities and access control systems at the University of Rhode Island.

Read and referred to the Committee on Finance.

RECESS

Upon suggestion ofSenate Majority Leader Irons, and by unanimous consent, the Senate stands at Recess at 9:45 o'clock P.M. until the call of the Chair.

CALLED TO ORDER

The Senate is Called to Order at 2:15 o'clock P.M. on Tuesday, June 4, 2002.

ADJOURNMENT

Upon motion ofSenate Majority Leader Irons, seconded by Senator Algieri, the Senate adjourns at 2:15 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

CALENDAR

In order for Tuesday, June 4, 2002:

1. (02-S2009 as amended) An Act relating to poll workers.

Ordered to be placed on the Calendar.

2. (02-S2145) (Substitute ``A" as amended) An Act relating to alcoholic beverages.

Committee on Special Legislation recommends indefinite postponement of the original bill and passage of Substitute ``A" as amended in concurrence.

3. (02-S2645) (Substitute ``A") An Act relating to liability insurance for motor vehicles.

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute ``A".

4. (02-S2740) (Substitute ``B") An Act relating to public property and works _ Public-Private Redevelopment Initiative Act.

Ordered to be placed on the Calendar.

5. (02-S2772) (Substitute ``A" as amended) An Act relating to alcoholic beverages _ objection by adjoining property owners in the city of Newport.

Ordered to be placed on the Calendar.

6. (02-S3036) An Act authorizing the city of East Providence, upon the abandonment of the Martin Middle School by the School Department of the city, to finance the design and conversion of the Martin Middle School and its site into a multi-purpose community/recreation complex and to issue not more than \$5,000,000 bonds and notes therefor.

Committee on Corporations recommends passage.

7. (02-H7719) An Act relating to motor and other vehicles _ registration of vehicles.

Ordered on the Calendar.

8. (02-H8108) (Substitute ``A" as amended) An Act relating to waters and navigation _ Personal Watercraft Safety Act.

Ordered to be placed on the Calendar.

9. (02-H8179) (Substitute ``A") An Act relating to the Convention Center Authority.

Ordered to be placed on the Calendar.

10. (02-H8190) An Act authorizing the city of East Providence, upon the abandonment of the Martin Middle School by the School Department of the city, to finance the design and conversion of the Martin Middle School and its site into a multi-purpose community/recreation complex and to issue not more than \$5,000,000 bonds and notes therefor.

Committee on Corporations recommends passage in concurrence.

RAYMOND T. HOYAS, JR.
Secretary of the Senate
Monday, June 3, 2002

As always, your [comments](#) concerning this page are welcomed and appreciated.

Thank you for stopping by!

