

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 seventh day of January in the year of Our Lord two thousand and three.

Volume 130, No. 69

Wednesday, July 2, 2003

Sixty-ninth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable William V. Irons, President of the Senate, at 1:48 o'clock P.M.

The roll is called and a quorum is declared present with 38 Senators present and 0 Senators absent as follows:

PRESENT — 38: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT — 0.

INVOCATION

The Honorable President, by unanimous consent, presents Senate Majority Leader Montalbano, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

The Honorable President, by unanimous consent, presents Senate Majority Leader Montalbano, to lead the Senate in the pledge of allegiance to the flag.

APPROVAL OF RECORD

The Senate Journal of Monday, June 30, 2003 proceedings is read in part.

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

REPORT OF COMMITTEE

COMMITTEE ON ENVIRONMENT

AND AGRICULTURE

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

(03-S 1179) Senate Resolution creating a special Senate commission to study wastewater reclamation and reuse in Rhode Island.

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:

(03-H 5881) (Substitute "A") An Act relating to taxation — mill building and economic revitalization act.

Read and referred to the Committee on Finance.

Also:

(03-H 5849) (Substitute "A" as amended) An Act relating to health and safety — air pollution.

Read and referred to the Committee on Environment and Agriculture.

Also:

(03-H 6487) An Act relating to taxation.

Read and referred to the Committee on Environment and Agriculture.

Also:

(03-H 6578) An Act relating to tree wardens.

Read and referred to the Committee on Environment and Agriculture.

Also:

(03-H 6492) (Substitute "A" as amended) An Act relating to towns and cities — low and moderate income housing.

Read and referred to the Committee on Commerce, Housing and Municipal Government.

Also:

(03-H 6540) (Substitute "A" as amended) An Act relating to Family Court.

Read and referred to the Committee on Commerce, Housing and Municipal Government.

Also:

(03-H 5182) (Substitute "A") An Act relating to sports, racing and athletics — and extension of gambling activities and other facilities.

Read and referred to the Committee on Constitutional and Gaming Issues.

Also:

(03-H 5602) An Act relating to workers' compensation.

Read and referred to the Committee on Labor.

Also:

(03-H 5237) (Substitute "A" as amended) An Act relating to pharmaceutical assistance to the elderly.

Read and ordered to be placed on the Calendar.

Also:

(03-H 5410) (Substitute "A") An Act relating to taxation — personal income tax.

Read and ordered to be placed on the Calendar.

Also:

(03-H 5444) An Act relating to property — residential landlord tenant act.

Read and ordered to be placed on the Calendar.

Also:

(03-H 5686) (Substitute "A") An Act relating to fishing.

Read and ordered to be placed on the Calendar.

Also:

(03-H 5918) (Substitute "A" as amended) An Act relating to credit card lending.

Read and ordered to be placed on the Calendar.

Also:

(03-H 6522) An Act relating to divorce and separation — child support.

Read and ordered to be placed on the Calendar.

Also:

(03-H 6554) Joint Resolution making an appropriation to pay certain claims.

Read and ordered to be placed on the Calendar.

Also:

(03-H 6595) An Act relating to towns and cities — Echo Lake water district.

Read and ordered to be placed on the Calendar.

Also:

(03-H 6596) An Act relating to public finance.

Read and ordered to be placed on the Calendar.

Also:

(03-H 6597) An Act relating to taxation.

Read and ordered to be placed on the Calendar.

CALENDAR

In order for the day is taken up as follows:

Upon suggestion of Senate Majority Leader Montalbano, and without objection, the following acts will be considered in one vote:

- 3. (03-H 5707) An Act relating to insurance.
- 9. (03-H 6055) An Act relating to education — Rhode Island student investment fund.
- 10. (03-S 1189) An Act relating to weapons.

11. (03-S 1196) An Act relating to criminal offenses — disorderly conduct.
20. (03-H 5220) (Substitute "A" as amended) An Act relating to alcoholic beverages — regulation of sales.
21. (03-H 5397) An Act relating to alcoholic beverages — retail licenses.
22. (03-H 5483) (Substitute "A") An Act relating to motor and other vehicles — registration of vehicles.
23. (03-H 6106) (Substitute "A") Joint Resolution memorializing the United States Congress to enact a Medicare prescription drug benefit.
24. (03-H 6163) (Substitute "A") An Act relating to alcoholic beverages — retail licenses.
27. (03-H 6587) An Act relating to special development districts — East Providence.
29. (03-H 5410) (Substitute "A") An Act relating to taxation — personal income tax.
33. (03-H 5237) (Substitute "A" as amended) An Act relating to pharmaceutical assistance to the elderly.

Senate Majority Montalbano moves passage, seconded by Senator Algieri.

The acts are read and passed, 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: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

1. (03-S 816) An Act relating to insurance — extended medical benefits.

Committee on Commerce, Housing and Municipal Government recommends passage.

Senator Lanzi moves passage, seconded by Senators Roberts, Celona, Pichardo and others.

The act is read and passed, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 34: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

2. (03-S 1005) (Substitute "A") Senate Resolution creating a special Senate commission to study the impact and feasibility of moving regulatory authority for the auto body industry from the Department of Business Regulation to the Public Utilities Commission.

Committee on Commerce, Housing and Municipal Government recommends indefinite postponement of the original bill and passage of Substitute "A".

Senator Celona moves passage, seconded by Senators Tassoni and Ciccone.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 36: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

4. (03-S 323) An Act relating to education — Rhode Island Student Investment Fund.

Committee on Finance recommends passage.

Senator Paiva Weed moves passage, seconded by Senators Alves, Ciccone and Ruggerio.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 36: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

5. (03-S 375) (Substitute "A") An Act relating to taxation — business corporation tax.

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

Senator Paiva Weed moves passage, seconded by Senators Gallo, Celona, Alves, Sosnowski 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 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 36: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

6. (03-S 378) (Substitute "A") An Act relating to state affairs and government — pharmaceutical assistance to the elderly act.

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

Senator Goodwin moves passage, seconded by Senators Roberts, Perry, Celona, Algieri, Ciccone, DaPonte, Gibbs, Sheehan, Felag and many 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 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 36: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

7. (03-S 789) An Act relating to taxation — business corporation tax.

Committee on Finance recommends passage.

Senator Paiva Weed moves passage, seconded by Senators Perry, Sosnowski and others.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 36: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo,

Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

8. (03-S 896) (Substitute "A") An Act relating to corporations, associations and partnerships — business corporations.

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

Senator Paiva Weed moves passage, seconded by Senator Ruggerio.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 36: The Honorable President Irons and Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

12. (03-H 5331) An Act relating to alcoholic beverages — licenses generally.

Committee on Constitutional and Gaming Issues recommends passage in concurrence.

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

14. (03-S 1186) An Act enabling the Rhode Island Lottery Commission to enter into a contract with Lincoln Park and Newport Grand Jai Alai.

Committee on Finance recommends passage.

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

15. (03-S 1158) An Act relating to the General Assembly.

Committee on Constitutional and Gaming Issues recommends passage.

Upon suggestion of Senator Cote, and without objection, ordered to be placed on the desk.

16. (03-S 1162) Joint Resolution extending the reporting date of the special legislative commission to develop a strategic plan for Narragansett Bay.

Committee on Constitutional and Gaming Issues recommends passage.

Senator Paiva Weed moves passage, seconded by Senator Roberts and others.

The act is read and passed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 35: The Honorable President Irons and Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

17. (03-S 1168) (Substitute "A") An Act relating to motor and other vehicles — registration of vehicles.

Committee on Constitutional and Gaming Issues recommends indefinite postponement of the original bill and passage of Substitute "A".

Senator Tassoni moves passage, seconded by Senators Celona, Goodwin, Felag, Sosnowski, Ciccone 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 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 35: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

18. (03-S 1178) Joint Resolution memorializing the United States Congress to enact a Medicare prescription drug benefit.

Committee on Constitutional and Gaming Issues recommends passage.

Senator Paiva Weed moves passage, seconded by Senators Roberts, Sheehan, Perry, Gibbs, Blais and Parella.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 36: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

19. (03-H 5017) (Substitute "B") An Act relating to alcoholic beverages — regulation of sales.

Committee on Constitutional and Gaming Issues recommends indefinite postponement of the original bill and the Substitute "A" and passage of Substitute "B".

Senator Goodwin moves passage, seconded by Senator Tassoni.

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 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 35: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

25. (03-H 6393) An Act relating to the General Assembly.

Committee on Constitutional and Gaming Issues recommends passage in concurrence.

Upon suggestion of Senator Ruggerio, and without objection, ordered to be placed on the desk.

26. (03-H 6174) (Substitute "A" as amended) An Act relating to making appropriations for the support of the state for the fiscal year ending June 30, 2004.

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

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

28. (03-H 6554) Joint Resolution making an appropriation to pay certain claims.

Ordered 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 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 35: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Goodwin, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

30. (03-H 5444) An Act relating to property — residential landlord tenant act.

Ordered on the Calendar.

Senator McCaffrey moves passage, seconded by Senators Ruggerio and Goodwin.

The act is read and passed, in concurrence, upon a roll call vote with 33 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS — 33: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, McCaffrey, Montalbano, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS — 1: Senator Parella.

32. (03-H 6522) An Act relating to divorce and separation — child support.

Ordered on the Calendar.

Senator Raptakis moves passage, seconded by Senator McCaffrey.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 35: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

ANNOUNCEMENTS

Senator Fogarty announces that the Committee on Commerce, Housing and Municipal Government will meet today at the recess of the Senate in Room 212 of the State House.

Also:

Senator Goodwin announces that the Committee on Constitutional and Gaming Issues will meet today at the recess of the Senate in Room 211 of the State House.

Also:

Senator Sheehan announces that the Committee on Health and Human Services will meet today at the recess of the Senate in the Senate Lounge of the State House.

Also:

Senator McCaffrey announces that the Committee on Judiciary will meet today at the recess of the Senate in Room 313 of the State House.

Also:

Senator Badeau announces that the Committee on Labor will meet today at the recess of the Senate.

Also:

Senator Lenihan announces that the Committee on Oversight will meet today at the recess of the Senate in Room 211 of the State House.

RECESS

Upon motion of Senate Majority Leader Montalbano, seconded by Senator Algieri, the Senate stands at recess at 2:12 o'clock P.M. until the call of the Chair.

CALLED TO ORDER

The Senate is called to order at 6:15 o'clock P.M.

REPORTS OF COMMITTEES

COMMITTEE ON

CONSTITUTIONAL AND GAMING ISSUES

Senator Goodwin, from the Committee on Constitutional and Gaming Issues, reports back, with recommendation of passage of the following measures:

(03-S 81) An Act relating to retail licenses.

Read and ordered to be placed on the Calendar.

(03-H 6410) An Act relating to alcoholic beverages — brewpub manufacturer's license.

Read and ordered to be placed on the Calendar.

(03-H 6501) An Act relating to alcoholic beverages — retail licenses.

Read and ordered to be placed on the Calendar.

COMMITTEE ON COMMERCE, HOUSING

AND MUNICIPAL GOVERNMENT

Senator Celona, from the Committee on Commerce, Housing and Municipal Government, reports back, with recommendation of passage of the following measures:

(03-S 1188) An Act relating to miscellaneous rules.

Read and ordered to be placed on the Calendar.

(03-H 5299) An Act relating to motor vehicles — funeral processions.

Read and ordered to be placed on the Calendar.

(03-H 5465) An Act relating to miscellaneous rules.

Read and ordered to be placed on the Calendar.

COMMITTEE ON
GOVERNMENT OVERSIGHT

Senator Lenihan, from the Committee on Government Oversight, reports back, with recommendation of passage of the following measures:

(03-H 5510) (Substitute "A") An Act relating to the Governor’s Commission on Disabilities.

Read and ordered to be placed on the Calendar.

(03-S 395) An Act relating to state affairs and government — Governor’s Commission on Disabilities.

Read and ordered to be placed on the Calendar.

COMMITTEE ON JUDICIARY

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

(03-H 5382) An Act relating to residential landlord and tenant act.

Read and ordered to be placed on the Calendar.

(03-H 5808) (Substitute "B") An Act relating to statutes and statutory construction.

Read and ordered to be placed on the Calendar.

COMMITTEE ON FINANCE

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

(03-S 1077) An Act relating to taxation — sales and use taxes — liability and computation.

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:

(03-H 6214) (Substitute "A" as amended) An Act relating to health and safety — refuse disposal.

Read and referred to the Committee on Environment and Agriculture.

Also:

(03-S 1043) (Substitute "A") An Act exempting from taxation the real, mixed and personal property of the Welcome House of South County.

Read and ordered to be placed on the Calendar.

Also:

(03-H 5582) (Substitute "A") An Act relating to courts and civil procedure — jury lists.

Read and ordered to be placed on the Calendar.

Also:

(03-H 5642) An Act relating to education.

Read and ordered to be placed on the Calendar.

Also:

(03-H 5814) (Substitute "A") An Act relating to towns and cities.

Read and ordered to be placed on the Calendar.

Also:

(03-H 5909) (Substitute "B") An Act relating to insurance — small employer health insurance availability act.

Read and ordered to be placed on the Calendar.

Also:

(03-H 6110) (Substitute "A") An Act relating to aeronautics.

Read and ordered to be placed on the Calendar.

Also:

(03-H 6158) An Act relating to state affairs and government — jobs development act.

Read and ordered to be placed on the Calendar.

Also:

(03-H 6591) An Act relating to delinquent and dependent children — interstate compact on juveniles.

Read and ordered to be placed on the Calendar.

Also:

(03-H 6506) An Act relating to towns and cities — creating the West Greenwich water district.

Read and ordered to be placed on the Calendar.

Also:

(03-H 6601) An Act relating to taxation — sales tax.

Read and ordered to be placed on the Calendar.

Also:

(03-H 5041) An Act relating to highways — construction and maintenance of state roads.

Read and referred to the Committee on Finance.

Also:

(03-H 6521) An Act relating to libraries — state aid to libraries.

Read and referred to the Committee on Finance.

Also:

(03-H 5603) (Substitute "A" as amended) An Act relating to bridle and hiking trails.

Read and referred to the Committee on Environment and Agriculture.

Also:

(03-H 6573) An Act relating to sports, racing and athletics — boxing and wrestling.

Read and referred to the Committee on Commerce, Housing and Municipal Government.

REPORTS OF COMMITTEES
COMMITTEE ON ENVIRONMENT
AND AGRICULTURE

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

(03-H 6214) (Substitute "A" as amended) An Act relating to health and safety — refuse disposal.

Read and ordered to be placed on the Calendar.

COMMITTEE ON
HEALTH AND HUMAN SERVICES

Senator Roberts, from the Committee on Health and Human Services, reports back, with recommendation of passage of the following measure:

(03-H 6473 as amended) An Act relating to health and safety.

Read and ordered to be placed on the Calendar.

NEW BUSINESS

Senator Blais presents (03-S 1198) Senate Resolution extending congratulations to the Reminder and to the Stevens family in recognition of the 50th anniversary of Rhode Island’s first buyers guide.

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.

Senators Damiani and Polisena present (03-S 1199) An Act relating to criminal offenses.

Read and ordered to be placed on the Calendar.

Senator Connors presents (03-S 1200) Senate Resolution congratulating William and Christina Hunter of Lincoln, Rhode Island, on the occasion of their 65th wedding anniversary.

Senator Connors requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senator Roberts presents (03-S 1201) Senate Resolution creating a special Senate Commission to make recommendations on school-age child and youth obesity.

Senator Roberts requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senators Celona, Polisena, Montalbano, Lanzi and Algiere present (03-S 1202) An Act relating to taxation.

Senator Celona requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Celona moves passage, seconded by Senators Roberts, Lanzi, Polisena, Blais and others.

The act is read and passed, by unanimous consent, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 33: The Honorable President Irons and Senators Algiere, Alves, Bates, Blais, Breene, Caprio, Celona, Connors, Cote, Damiani, DaPonte, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

Senators DaPonte and Pichardo present (03-S 1203) Joint Resolution creating a special legislative commission to study predatory mortgage lending practices.

Senator DaPonte requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

CALENDAR

Upon suggestion of Senate Majority Leader Montalbano, and without objection, the following acts will be considered in one vote:

36. (03-H 6595) An Act relating to towns and cities — Echo Lake water district.

37. (03-H 6597) An Act relating to taxation.

38. (03-H 6596) An Act relating to public finance.

- 39. (03-H 5382) (Substitute "A") An Act relating to residential landlord and tenant act.
- 41. (03-S 1199) An Act relating to criminal offenses.
- 42. (03-S 1043) (Substitute "A") An Act exempting from taxation the real, mixed and personal property of the Welcome House of South County.
- 44. (03-H 5299) An Act relating to motor vehicles — funeral processions.
- 45. (03-H 5465) An Act relating to miscellaneous rules.
- 48. (03-H 6501) (Substitute "A") An Act relating to alcoholic beverages — retail licenses.

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

The acts are read and passed, 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: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

13. (03-S 432) (Substitute "A" as amended) An Act relating to corporations, associations and partnerships — Rhode Island certified capital companies act.

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

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

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, Dennis L. Algieri, 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 bill (03-H 5918) (Substitute "A" as amended), 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 as follows.

I am an employee of The Washington Trust Company.

- 6. This statement is true to the best of my knowledge.

DENNIS L. ALGIERE

Subscribed and sworn to before me this 2nd day of July, 2003.

RAYMOND T. HOYAS, JR.

Notary Public

Ordered to be placed on file.

CALENDAR

34. (03-H 5918) (Substitute "A" as amended) An Act relating to credit card lending.

Ordered on the Calendar.

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

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 31 Senators voting in the affirmative, 0 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS — 31: The Honorable President Irons and Senators Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Cote, Damiani, DaPonte, Gallo, Gibbs, Goodwin, Lanzi, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS — 0.

ABSTAINED — 1: Senator Algieri.

35. (03-S 1179) Senate Resolution creating a special Senate commission to study wastewater reclamation and reuse in Rhode Island.

Committee on Environment and Agriculture recommends passage.

Senator Sosnowski moves passage, seconded by Senators Roberts and Connors.

The act is read and passed, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 34: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS — 0.

40. (03-H 5808) (Substitute "B") An Act relating to statutes and statutory construction.

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

Senator McCaffrey 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 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 35: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS — 0.

43. (03-S 1188) An Act relating to miscellaneous rules.

Committee on Commerce, Housing and Municipal Government recommends passage.

Senator Celona moves passage, seconded by Senator Tassoni.

The act is read and passed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 35: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS — 0.

46. (03-S 81) (Substitute "A") An Act relating to retail licenses.

Committee on Constitutional and Gaming Issues recommends indefinite postponement of the original bill and passage of Substitute "A".

Senator Walaska moves passage, seconded by Senators Celona, Gallo, Goodwin and Bates.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 36: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS — 0.

47. (03-H 6410) (Substitute "A") An Act relating to alcoholic beverages — brewpub manufacturer’s license.

Committee on Constitutional and Gaming Issues recommends indefinite postponement of the original bill and passage of Substitute "A".

Senator Goodwin moves passage, seconded by Senators Roberts, Breene and 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 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 36: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS — 0.

49. (03-S 1077) (Substitute "A") An Act relating to taxation — sales and use taxes — liability and computation.

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

Senator Revens moves passage, seconded by Senators Raptakis and Damiani.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, upon a roll call vote with 31 Senators voting in the affirmative and 2 Senators voting in the negative as follows:

YEAS — 31: The Honorable President Irons and Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Celona, Ciccone, Cote, Damiani, DaPonte, Felag, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS — 2: Senators Connors, Issa.

50. (03-S 395) (Substitute "A") An Act relating to state affairs and government — Governor’s Commission on Disabilities.

Committee on Government Oversight recommends indefinite postponement of the original bill and passage of Substitute "A".

Upon suggestion of Senator McCaffrey, and without objection, ordered to be recommitted to the Committee on Government Oversight.

51. (03-H 5510) (Substitute "A") An Act relating to the Governor’s Commission on Disabilities.

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

Upon suggestion of Senator McCaffrey, and without objection, ordered to be recommitted to the Committee on Government Oversight.

REPORT OF COMMITTEE
COMMITTEE ON JUDICIARY

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

(03-S 692) An Act relating to domestic relations — child custody.

Read and ordered to be placed on the Calendar.

(03-H 5198) An Act relating to domestic relations — child custody.

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:

(03-H 6350) (Substitute "A") An Act relating to public property and works — acquisition of land.

Read and ordered to be placed on the Calendar.

Also:

(03-H 6607) Joint Resolution creating a special legislative commission to study the feasibility of expanding the number of applications required to obtain an operator’s and chauffeur’s license.

Read and referred to the Committee on Constitutional and Gaming Issues..

RECESS

Upon suggestion of Senate Majority Leader Montalbano, and by unanimous consent, the Senate stands at recess at 6:30 o’clock P.M. until the call of the Chair.

CALLED TO ORDER

The Senate is called to order at 8:49 o’clock P.M.

REPORT OF COMMITTEE
COMMITTEE ON COMMERCE, HOUSING
AND MUNICIPAL GOVERNMENT

Senator Celona, from the Committee on Commerce, Housing and Municipal Government, reports back, with recommendation of passage of the following measure:

(03-H 6381) (Substitute "A") An Act relating to dog racing in Burrillville, Lincoln and West Greenwich.

Read and ordered to be placed on the Calendar.

FROM THE DESK

Upon suggestion of Senate Majority Leader Montalbano, and without objection, the following acts are removed from the desk and acted on as follows:

(03-S 476) (Substitute "A") An Act relating to tax sales.

Upon suggestion of Senate Majority Leader Montalbano, and without objection, ordered to be recommitted to the Committee on Judiciary.

(03-S 117) An Act relating to textbooks.

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

The act is read and passed, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 34: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Cote, Damiani, DaPonte, Felag, Fogarty, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS — 0.

CALENDAR

Upon suggestion of Senate Majority Leader Montalbano, and without objection, the following acts will be considered in one vote:

52. (03-H 5642) An Act relating to education.

53. (03-H 5582) (Substitute "A") An Act relating to courts civil procedure — jury lists.

54. (03-H 5814) (Substitute "A") An Act relating to towns and cities.

56. (03-H 6110) (Substitute "A") An Act relating to aeronautics.

57. (03-H 6158) An Act relating to state affairs and government — jobs development act.

59. (03-H 6591) An Act relating to delinquent and dependent children — interstate compact on juveniles.

60. (03-H 6506) An Act relating to towns and cities — creating the West Greenwich water district.

61. (03-H 6601) An Act relating to taxation — sales tax.

64. (03-H 5198) An Act relating to domestic relations — child custody.

65. (03-H 6350) (Substitute "A") An Act relating to public property and works — acquisition of land.

Senate Majority Leader Montalbano moves passage, seconded by Senator Paiva Weed.

The acts are read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 36: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

58. (03-H 6473 as amended) An Act relating to health and safety.

Committee on Health and Human Services recommends passage as amended.

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

62. (03-H 6214) (Substitute "A" as amended) An Act relating to health and safety — refuse disposal.

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

Senator Sosnowski moves passage, seconded by Senators Breene and Connors.

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: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

63. (03-S 692) An Act relating to domestic relations — child custody.

Committee on Judiciary recommends passage.

Senator Paiva Weed moves passage, seconded by Senators McCaffrey, Gallo and Connors.

The act is read and passed, 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: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

RECONSIDERATION

Upon suggestion of Senator Issa, and without objection, the following act is reconsidered by the Senate:

(03-H 5919 as amended) An Act relating to education — health and safety of pupils.

Senator Tassoni moves passage, seconded by Senator Issa.

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

FLOOR AMENDMENT
TO
(03-H 5919 as amended)

Mr. President:

I hereby move to amend (03-H 5919 as amended), by LC 1578/2 entitled "AN ACT RELATING TO EDUCATION — HEALTH AND SAFETY OF PUPILS", as follows:

- 1. On page 1, of LC 1578/2, by deleting lines 19 through 22.
- 2. On page 2, of LC 1578/2, by deleting lines 1 through 6 and inserting in lieu thereof the following language:

"(b) ‘Harassment, intimidation of bullying’ means an intentional written, verbal or physical act or threat of a physical act that, under the totality of circumstances:

- (1) A reasonable person should know will have the effect of: physically harming a student, damaging a student’s property, placing a student in reasonable fear of harm to his or her person, or placing a student in reasonable fear of damage to his or her property; or**
- (2) Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.’”**

Respectfully submitted,

JOHN J. TASSONI, JR.
Senator, District 22

The motion to amend prevails upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 35: The Honorable President Irons and Senators Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

Upon motion of Senator Tassoni, seconded by Senators Issa and Parry, read and passed, as amended, 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: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

NEW BUSINESS

Senators Paiva Weed, Walaska, Sosnowski, Felag and Algieri present (03-S 1204) An Act relating to waters and navigation — oil spill prevention, administration and response fund.

Senator Paiva Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Paiva Weed moves passage, seconded by Senator Walaska.

Senator Paiva Weed, seconded by Senator Walaska, offers a motion to amend.

The motion to amend prevails on a voice vote.

Upon motion of Senator Paiva Weed, seconded by Senator Walaska, read and passed, as amended, by unanimous consent, under suspension of the

rules, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 36: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

REPORT OF COMMITTEE
COMMITTEE ON COMMERCE, HOUSING
AND MUNICIPAL GOVERNMENT

Senator Celona, from the Committee on Commerce, Housing and Municipal Government, reports back, with recommendation of passage of the following measures:

(03-H 6005) (Substitute "A") An Act relating to health and safety — health care accessibility and quality assurance act.

Read and ordered to be placed on the Calendar.

RECESS

Upon suggestion of Senate Majority Leader Montalbano, and by unanimous consent, the Senate stands at recess at 9:02 o'clock P.M. until the call of the Chair.

CALLED TO ORDER

The Senate is called to order at 10:22 o'clock P.M.

FROM THE
HOUSE OF REPRESENTATIVES

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

(03-S 1132) (Substitute "A" as amended) An Act relating to health and safety — fire safety code.

Senator Celona moves passage, seconded by Senate Majority Leader Montalbano and many 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 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 38: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

Also:

(03-H 6141) (Substitute "A" as amended) An Act relating to health and safety — fire safety code.

Senator Celona moves passage, seconded by Senate Majority Leader Montalbano 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 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 38: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

REPORT OF COMMITTEE
COMMITTEE ON COMMERCE, HOUSING
AND MUNICIPAL GOVERNMENT

Senator Celona, from the Committee on Commerce, Housing and Municipal Government, reports back, with recommendation of passage of the following measures:

(03-S 1173) An Act relating to health and safety — Lyme Disease diagnosis and treatment.

Senator Damiani moves passage, seconded by Senator Connors.

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

FLOOR AMENDMENT
TO
(03-S 1173)

Mr. President:

I hereby move to amend (03-S 1173) entitled "AN ACT RELATING TO HEALTH AND SAFETY — LYME DISEASE DIAGNOSIS AND TREATMENT", as follows:

On page 4, line 8, after the word "passage" by inserting the following language: "and shall expire on December 31, 2004"

Respectfully submitted,

JOHN A. CELONA
Senator, District 7

The motion to amend prevails upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 35: The Honorable President Irons and Senators Algieri, Badeau, Bates, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS — 0.

Senators Sheehan, Sosnowski, Damiani and Polisena discuss the act.

Upon motion of Senator Damiani, seconded by Senator Polisena, read and passed, as amended, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 36: The Honorable President Irons and Senators Algieri, Badeau, Bates, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

(03-H 6136) (Substitute "A") An Act relating to health and safety — Lyme Disease diagnosis and treatment.

Senator Damiani moves passage, seconded by Senator Polisena.

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

FLOOR AMENDMENT
TO
(03-H 6136) (Substitute "A")

Mr. President:

I hereby move to amend (03-H 6136) (Substitute "A") entitled "AN ACT RELATING TO HEALTH AND SAFETY — LYME DISEASE DIAGNOSIS AND TREATMENT", as follows:

On page 4, line 8, after the word "passage" by inserting the following language: "and shall expire on December 31, 2004"

Respectfully submitted,

JOHN A. CELONA
Senator, District 7

The motion to amend prevails upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 36: The Honorable President Irons and Senators Algiere, Badeau, Bates, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

Upon motion of Senator Damiani, 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 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 36: The Honorable President Irons and Senators Algiere, Badeau, Bates, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

NEW BUSINESS

Senators Sosnowski, Paiva Weed and Alves present (03-S 1205) Joint Resolution creating a special legislative commission to study issues related to the funding of oil pollution control and remediation in the state of Rhode Island.

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

GUEST

Upon suggestion of Senator Goodwin, and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable Patrick Butler, Councilman from the City of Providence.

FROM THE
HOUSE OF REPRESENTATIVES

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

(03-S 668) (Substitute "B") An Act relating to motor and other vehicles.

Senator Goodwin moves passage, seconded by Senator Celona and Senate Majority Leader Montalbano.

Senate Majority Leader Montalbano, seconded by Senator Goodwin, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(03-S 668) (Substitute "B")

Mr. President:

I hereby move to amend (03-S 668) (Substitute "B") entitled "AN ACT RELATING TO MOTOR AND OTHER VEHICLES", as follows:

By deleting all the language after the enactment clause, and inserting in lieu thereof the following:

"SECTION 1. Section 31-33-6 of the General Laws in Chapter 31-33 entitled "Safety Responsibility Violations - General Provisions" is hereby amended to read as follows:

31-33-6. Owner's liability for acts of others. — ~~Whenever~~ **(a) Except as provided in subsections (c), (d) and (e) below, whenever** any motor vehicle shall be used, operated, or caused to be operated upon any public highway of this state with the consent of the owner, lessee, or bailee, expressed or implied, the driver of it, if other than the owner, lessee, or bailee, shall in the case of an accident be deemed to be the agent of the owner, lessee, or bailee, of the motor vehicle unless the driver shall have furnished proof of financial responsibility in the amount set forth in chapter 32 of this title, prior to the accident.

(b) For the purposes of this section, the term "owner" includes any person, firm, copartnership, association, or corporation having the lawful possession or control of a motor vehicle under a written sale agreement.

(c) Notwithstanding the provisions of subsections (a) and (b) immediately above, the liability of a lessor of a short-term rental motor vehicle or truck will be subject to a limit of two hundred fifty thousand dollars (\$250,000) for bodily injury to or the death of one person in any one accident, and subject to the limit for one person, to a limit of five hundred thousand dollars (\$500,000) for bodily injury to or the death of two (2) or more persons in any one accident, and a limit of twenty-five thousand dollars (\$25,000) because of injury to or destruction of property of others in any one accident.

(d) Notwithstanding the provisions of subsections (a) and (b) above, if a person, firm, copartnership, association, or corporation:

(1)(A) holds title to a long-term lease motor vehicle or truck as lessor; or

(B) is the successor to or assignee of the lessor's interest in a long-term lease motor vehicle or truck and holds title thereto; and

(2) at the time of the accident, the lessee holds valid motor vehicle liability insurance on the vehicle which contains limits in an amount equal to or greater than one hundred thousand dollars (\$100,000) for bodily injuries to any one person, three hundred thousand dollars (\$300,000) for bodily injuries in any one accident, and fifty thousand dollars (\$50,000) for damage to property of others in any accident or a combined single limit of three hundred thousand dollars (\$300,000) or greater; then the lessee shall, for the purposes of this section, be the "owner" and the title holder will neither be the "owner" for the purposes of this section nor otherwise responsible under this section.

(e) Notwithstanding subsections (a) and (b) above, if a person, firm, copartnership, association, or corporation:

(1)(A) holds title to a long-term lease motor vehicle or truck as lessor; or

(B) is the successor to or assignee of the lessor's interest in a long-term lease motor vehicle or truck and holds title thereto; and

(2) at the time of the accident, the lessee does not hold valid motor vehicle liability insurance on the vehicle which contains limits in an amount equal to or greater than one hundred thousand dollars (\$100,000) for bodily injuries to any one person, three hundred thousand dollars (\$300,000) for bodily injuries in any one accident, and fifty thousand dollars (\$50,000) for damage to property of others in any accident or a combined single limit of three hundred thousand dollars (\$300,000) or greater; then the title holder's financial responsibility as "owner" of the motor vehicle or truck will be limited to the difference between: (1) the motor vehicle liability insurance limit actually maintained by the lessee at the time of the accident; and (2) one hundred thousand dollars (\$100,000) for bodily injuries to any one person, three hundred thousand dollars (\$300,000) for bodily injuries in any one accident, and fifty thousand dollars (\$50,000) for damage to

property of others in any accident.

(f) "Lessor" includes any entity in the business of renting and/or leasing motor vehicles pursuant to a written rental and/or lease agreement.

(g) "Short-term rental motor vehicle or truck" means, for the purposes of this section, a motor vehicle or truck that is leased by a lessor, pursuant to a written lease or rental agreement, for an initially agreed-upon term of less than twelve (12) months.

(h) "Long-term lease motor vehicle or truck" means, for the purposes of this section, a motor vehicle or truck that is leased by a lessor, pursuant to a written lease or rental agreement, for an initially agreed-upon term of twelve (12) months or longer.

SECTION 2. Section 31-34-4 of the General Laws in Chapter 31-34 entitled "Responsibility of Owners of Rental Vehicles" is hereby amended to read as follows:

31-34-4. Liability of owner for negligence of operator. — (a) ~~Any~~ **Except as provided below, any** owner of a for hire motor vehicle or truck who has given proof of financial responsibility under this chapter or who in violation of this chapter has failed to give proof of financial responsibility, shall be jointly and severally liable with any person operating the vehicle for any damages caused by the negligence of any person operating the vehicle by or with the permission of the owner. ~~Nothing in this section shall be construed to prevent an owner who has furnished proof of financial responsibility or any person operating the vehicle from making defense in an action upon the ground of contributory negligence to the extent to which the defense is allowed in other cases.~~

(b) The liability of a lessor of a short-term rental motor vehicle or truck under this section shall be subject to a limit of two hundred fifty thousand dollars (\$250,000) for bodily injury to or the death of one person, and subject to the limit for one person, to a limit of five hundred thousand dollars (\$500,000) for bodily injury to or the death of two or more persons in any one accident, and a limit of twenty-five thousand dollars (\$25,000) because of injury to or destruction of property of others in any one accident.

(c) With respect to any long-term lease motor vehicle or truck:

(1) the owner and/or lessor (and/or its successors or assignees) of a long term lease motor vehicle or truck who is not the operator of the vehicle at the time of an accident shall not be jointly and severally liable with the operator and/or the lessee of the vehicle for any damages caused by the negligence of any person operating the vehicle if, at the time of the accident, the lessee has valid motor vehicle liability insurance which contains limits in an amount equal to or greater than one hundred thousand dollars (\$100,000) for bodily injuries to any one person in any one accident, three hundred thousand dollars (\$300,000) for bodily injuries in any one accident, and fifty thousand dollars (\$50,000) for damage to property of others in any accident or a combined single limit of three hundred thousand dollars (\$300,000) or greater;

(2) If the lessee of a long-term lease motor vehicle or truck does not have insurance in the amounts set forth in subsection (c)(1) above, then the liability of the owner and/or lessor (and/or its successors or assignees) of a long-term lease motor vehicle or truck shall not exceed the difference between: (1) the motor vehicle liability insurance limits actually maintained by the lessee of the long-term lease motor vehicle or truck at the time of the accident; and (2) one hundred thousand dollars (\$100,000) for bodily injuries to any one person, three hundred thousand dollars (\$300,000) for bodily injuries in any one accident, and fifty thousand dollars (\$50,000) for damage to property of others in any accident.

(d) Nothing in this section shall be construed to prevent an owner who has furnished proof of financial responsibility or any person operating the vehicle from making defense in an action upon the ground of comparative negligence to the extent to which the defense is allowed in other cases.

~~(b) (e)~~ Notwithstanding the provisions of subsection (a) of this section, or any provisions contained under title 31 to the contrary, **the operator's valid collectable liability or self-insurance providing coverage or liability protection for any third party liability claims shall be primary, and the valid and collectable liability or self-insurance providing coverage or liability protection for any third-party liability claims for the owner and/or lessor arising out of the operation of the vehicle shall be excess. This shall be stated in ten (10) point type on the face of any short-term rental agreement.** ~~the valid and collectable liability insurance or self-insurance providing coverage or liability protection for third party liability claims arising out of the operation of the rental vehicle shall be primary for the lessor or any person operating the motor vehicle, with the express permission of the lessor unless otherwise stated in at least ten (10) point type on the face of the rental agreement. That insurance or self-insurance is primary only up to the limits required under section 31-31-7.~~

~~(e)~~ (f) "Lessor" includes any entity in the business of renting **and/or leasing** motor vehicles pursuant to a written rental **and/or lease** agreement.

(g) "Short-term rental motor vehicle or truck" means, for the purposes of this section, a motor vehicle or truck that is leased by a lessor, pursuant to a written lease or rental agreement, for an initially agreed-upon term of less than twelve (12) months.

(h) "Long-term lease motor vehicle or truck" means, for the purposes of this section, a motor vehicle or truck that is leased by a lessor, pursuant to a written lease or rental agreement, for an initially agreed-upon term of twelve (12) months or longer.

SECTION 3. This act shall take effect upon passage and shall apply to any accident occurring after the effective date of this act, and shall apply with respect to all accidents involving a for hire motor vehicle or truck subject to a written rental or lease agreement throughout the entire term of said agreement or thirty-nine (39) months, whichever is shorter, provided that:

- (i) the accident occurred after the passage of this act, and
- (ii) the agreement was in effect at the time of passage of this act, or the agreement is entered into before 11:59 p.m. on June 30, 2004.

SECTION 4. Except as provided in Section 3 of this act, the amendments contained in Sections 1 and 2 of this act shall be repealed on July 1, 2004.

Any written rental or lease agreement entered into on or after July 1, 2004 shall be subject to the provisions of sections 31-33-6 and 31-34-4 in effect prior to the passage of this act."

Respectfully submitted,

JOSEPH A. MONTALBANO

Senator, District 17

The motion to amend prevails upon a roll call vote with 36 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS — 36: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 1: Senator Caprio.

Upon motion of Senator Goodwin, seconded by Senate Majority Leader Montalbano and Senator Ruggerio, the bill marked Substitute "B" is read and passed, as amended, and the original bill and the bill marked Substitute "A" indefinitely postponed, upon a roll call vote with 37 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS — 37: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 1: Senator Caprio.

Also:

(03-H 5714) (Substitute "A") An Act relating to motor and other vehicles.

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

Senate Majority Leader Montalbano, seconded by Senator Ruggerio, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(03-H 5714) (Substitute "A")

Mr. President:

I hereby move to amend (03-H 5714) (Substitute "A") entitled "AN ACT RELATING TO MOTOR AND OTHER VEHICLES", as follows:

By deleting all the language after the enactment clause, and inserting in lieu thereof the following:

"SECTION 1. Section 31-33-6 of the General Laws in Chapter 31-33 entitled "Safety Responsibility Violations - General Provisions" is hereby amended to read as follows:

31-33-6. Owner's liability for acts of others. — ~~Whenever~~ **(a) Except as provided in subsections (c), (d) and (e) below, whenever** any motor vehicle shall be used, operated, or caused to be operated upon any public highway of this state with the consent of the owner, lessee, or bailee, expressed or implied, the driver of it, if other than the owner, lessee, or bailee, shall in the case of an accident be deemed to be the agent of the owner, lessee, or bailee, of the motor vehicle unless the driver shall have furnished proof of financial responsibility in the amount set forth in

chapter 32 of this title, prior to the accident.

(b) For the purposes of this section, the term "owner" includes any person, firm, copartnership, association, or corporation having the lawful possession or control of a motor vehicle under a written sale agreement.

(c) Notwithstanding the provisions of subsections (a) and (b) immediately above, the liability of a lessor of a short-term rental motor vehicle or truck will be subject to a limit of two hundred fifty thousand dollars (\$250,000) for bodily injury to or the death of one person in any one accident, and subject to the limit for one person, to a limit of five hundred thousand dollars (\$500,000) for bodily injury to or the death of two (2) or more persons in any one accident, and a limit of twenty-five thousand dollars (\$25,000) because of injury to or destruction of property of others in any one accident.

(d) Notwithstanding the provisions of subsections (a) and (b) above, if a person, firm, copartnership, association, or corporation:

(1)(A) holds title to a long-term lease motor vehicle or truck as lessor; or

(B) is the successor to or assignee of the lessor's interest in a long-term lease motor vehicle or truck and holds title thereto; and

(2) at the time of the accident, the lessee holds valid motor vehicle liability insurance on the vehicle which contains limits in an amount equal to or greater than one hundred thousand dollars (\$100,000) for bodily injuries to any one person, three hundred thousand dollars (\$300,000) for bodily injuries in any one accident, and fifty thousand dollars (\$50,000) for damage to property of others in any accident or a combined single limit of three hundred thousand dollars (\$300,000) or greater; then the lessee shall, for the purposes of this section, be the "owner" and the title holder will neither be the "owner" for the purposes of this section nor otherwise responsible under this section.

(e) Notwithstanding subsections (a) and (b) above, if a person, firm, copartnership, association, or corporation:

(1)(A) holds title to a long-term lease motor vehicle or truck as lessor; or

(B) is the successor to or assignee of the lessor's interest in a long-term lease motor vehicle or truck and holds title thereto; and

(2) at the time of the accident, the lessee does not hold valid motor vehicle liability insurance on the vehicle which contains limits in an amount equal to or greater than one hundred thousand dollars (\$100,000) for bodily injuries to any one person, three hundred thousand dollars (\$300,000) for bodily injuries in any one accident, and fifty thousand dollars (\$50,000) for damage to property of others in any accident or a combined single limit of three hundred thousand dollars (\$300,000) or greater; then the title holder's financial responsibility as "owner" of the motor vehicle or truck will be limited to the difference between: (1) the motor vehicle liability insurance limit actually maintained by the lessee at the time of the accident; and (2) one hundred thousand dollars (\$100,000) for bodily injuries to any one person, three hundred thousand dollars (\$300,000) for bodily injuries in any one accident, and fifty thousand dollars (\$50,000) for damage to property of others in any accident.

(f) "Lessor" includes any entity in the business of renting and/or leasing motor vehicles pursuant to a written rental and/or lease agreement.

(g) "Short-term rental motor vehicle or truck" means, for the purposes of this section, a motor vehicle or truck that is leased by a lessor, pursuant to a written lease or rental agreement, for an initially agreed-upon term of less than twelve (12) months.

(h) "Long-term lease motor vehicle or truck" means, for the purposes of this section, a motor vehicle or truck that is leased by a lessor, pursuant to a written lease or rental agreement, for an initially agreed-upon term of twelve (12) months or longer.

SECTION 2. Section 31-34-4 of the General Laws in Chapter 31-34 entitled "Responsibility of Owners of Rental Vehicles" is hereby amended to read as follows:

31-34-4. Liability of owner for negligence of operator. — (a) ~~Any~~ **Except as provided below, any** owner of a for hire motor vehicle or truck who has given proof of financial responsibility under this chapter or who in violation of this chapter has failed to give proof of financial responsibility, shall be jointly and severally liable with any person operating the vehicle for any damages caused by the negligence of any person operating the vehicle by or with the permission of the owner. ~~Nothing in this section shall be construed to prevent an owner who has furnished proof of financial responsibility or any person operating the vehicle from making defense in an action upon the ground of contributory negligence to the extent to which the defense is allowed in other cases.~~

(b) The liability of a lessor of a short-term rental motor vehicle or truck under this section shall be subject to a limit of two hundred fifty thousand dollars (\$250,000) for bodily injury to or the death of one person, and subject to the limit for one person, to a limit of five hundred thousand dollars (\$500,000) for bodily injury to or the death of two or more persons in any one accident, and a limit of twenty-five thousand dollars (\$25,000) because of injury to or destruction of property of others in any one accident.

(c) With respect to any long-term lease motor vehicle or truck:

(1) the owner and/or lessor (and/or its successors or assignees) of a long term lease motor vehicle or truck who is not the operator of the vehicle at the time of an accident shall not be jointly and severally liable with the operator and/or the lessee of the vehicle for any damages caused by the negligence of any person operating the vehicle if, at the time of the accident, the lessee has valid motor vehicle liability insurance which contains limits in an amount equal to or greater than one hundred thousand dollars (\$100,000) for bodily injuries to any one person in any one accident, three hundred thousand dollars (\$300,000) for bodily injuries in any one accident, and fifty thousand dollars (\$50,000) for damage to property of others in any accident or a combined single limit of three hundred thousand dollars (\$300,000) or greater;

(2) If the lessee of a long-term lease motor vehicle or truck does not have insurance in the amounts set forth in subsection (c)(1) above, then the liability of the owner and/or lessor (and/or its successors or assignees) of a long-term lease motor vehicle or truck shall not exceed the difference between: (1) the motor vehicle liability insurance limits actually maintained by the lessee of the long-term lease motor vehicle or truck at the time of the accident; and (2) one hundred thousand dollars (\$100,000) for bodily injuries to any one person, three hundred thousand dollars (\$300,000) for bodily injuries in any one accident, and fifty thousand dollars (\$50,000) for damage to property of others in any accident.

(d) Nothing in this section shall be construed to prevent an owner who has furnished proof of financial responsibility or any person operating the vehicle from making defense in an action upon the ground of comparative negligence to the extent to which the defense is allowed in other cases.

~~(b) (e) Notwithstanding the provisions of subsection (a) of this section, or any provisions contained under title 31 to the contrary, the operator's valid collectable liability or self-insurance providing coverage or liability protection for any third party liability claims shall be primary, and the valid and collectable liability or self-insurance providing coverage or liability protection for any third-party liability claims for the owner and/or lessor arising out of the operation of the vehicle shall be excess. This shall be stated in ten (10) point type on the face of any short-term rental agreement. the valid and collectable liability insurance or self-insurance providing coverage or liability protection for third party liability claims arising out of the operation of the rental vehicle shall be primary for the lessor or any person operating the motor vehicle, with the express permission of the lessor unless otherwise stated in at least ten (10) point type on the face of the rental agreement. That insurance or self-insurance is primary only up to the limits required under section 31-31-7.~~

- (e) (f) "Lessor" includes any entity in the business of renting **and/or leasing** motor vehicles pursuant to a written rental **and/or lease** agreement.
- (g) "Short-term rental motor vehicle or truck" means, for the purposes of this section, a motor vehicle or truck that is leased by a lessor, pursuant to a written lease or rental agreement, for an initially agreed-upon term of less than twelve (12) months.
- (h) "Long-term lease motor vehicle or truck" means, for the purposes of this section, a motor vehicle or truck that is leased by a lessor, pursuant to a written lease or rental agreement, for an initially agreed-upon term of twelve (12) months or longer.

SECTION 3. This act shall take effect upon passage and shall apply to any accident occurring after the effective date of this act, and shall apply with respect to all accidents involving a for hire motor vehicle or truck subject to a written rental or lease agreement throughout the entire term of said agreement or thirty-nine (39) months, whichever is shorter, provided that:

- (i) the accident occurred after the passage of this act, and
- (ii) the agreement was in effect at the time of passage of this act, or the agreement is entered into before 11:59 p.m. on June 30, 2004.

SECTION 4. Except as provided in Section 3 of this act, the amendments contained in Sections 1 and 2 of this act shall be repealed on July 1, 2004.

Any written rental or lease agreement entered into on or after July 1, 2004 shall be subject to the provisions of sections 31-33-6 and 31-34-4 in effect prior to the passage of this act."

Respectfully submitted,

JOSEPH A. MONTALBANO

Senator, District 17

The motion to amend prevails upon a roll call vote with 37 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS — 37: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

Upon motion of Senator Goodwin, seconded by Senate Majority Leader Montalbano, the bill marked Substitute "A" is read and passed, as amended,

and the original bill indefinitely postponed, upon a roll call vote with 36 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS — 36: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Celona, Ciccone, Connors, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 1: Senator Caprio.

DISCHARGE FROM COMMITTEE

Upon suggestion of Senate Majority Leader Montalbano, seconded by Senator Ruggerio, the following two items are discharged from Committee and placed before the body, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 36: The Honorable President Irons and Senators Algieri, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

(03-S 395) (Substitute "A") An Act relating to state affairs and government — Governor’s Commission on Disabilities.

Senator Lanzi moves passage, seconded by Senator Connors.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 34: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Parella, Perry, Pichardo, Polisena, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

(03-H 5510) (Substitute "A") An Act relating to the Governor’s Commission on Disabilities.

Senator Lanzi moves passage, seconded by Senator Connors.

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: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

FROM THE
HOUSE OF REPRESENTATIVES

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

(03-H 6431) An Act relating to public property and works — acquisition of land.

Read and referred to the Committee on Judiciary.

Also:

(03-H 5415) (Substitute "A") An Act relating to state affairs and government — generic drugs.

Read and referred to the Committee on Health and Human Services.

Also:

(03-H 5210) An Act relating to commercial law — fair trade act.

Read and referred to the Committee on Commerce, Housing and Municipal Government.

Also:

(03-S 578) (Substitute "A" as amended) An Act relating to health and safety — mercury reduction and education act.

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

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 29 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 29: The Honorable President Irons and Senators Algieri, Badeau, Bates, Blais, Caprio, Ciccone, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS — 0.

Also:

(03-H 6610) An Act relating to health and safety — mercury reduction and education act.

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

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 28 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 28: Senators Algieri, Badeau, Bates, Blais, Caprio, Celona, Ciccone, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni.

NAYS — 0.

Also:

(03-S 183) (Substitute "A") An Act relating to cities and towns — exempting from taxation the property of the Woonsocket, R.I. Young Men’s Christian Association.

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

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 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 33: The Honorable President Irons and Senators Algieri, Badeau, Bates, Blais, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

Also:

(03-S 197) (Substitute "A") An Act relating to taxation — personal income tax.

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

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 31 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 31: The Honorable President Irons and Senators Algieri, Badeau, Bates, Blais, Caprio, Celona, Ciccone, Cote, Damiani, DaPonte, Felag,

Gallo, Gibbs, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

Also:

(03-S 241 as amended) An Act relating to businesses and professions — electricians.

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

The act is read and passed, as amended, in concurrence, by unanimous consent, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 32: The Honorable President Irons and Senators Algiere, Badeau, Bates, Blais, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Gallo, Gibbs, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

Also:

(03-S 272) (Substitute "A" as amended) An Act relating to education — health and safety of pupils.

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

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 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 32: The Honorable President Irons and Senators Algiere, Badeau, Bates, Blais, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Gallo, Gibbs, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

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, Dennis L. Algiere, 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 bill (03-S 279 as amended), 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 as follows.

I am an employee of The Washington Trust Company.

6. This statement is true to the best of my knowledge.

DENNIS L. ALGIERE

Senator, District 38

Subscribed and sworn to before me this 2nd day of July, 2003.

RAYMOND T. HOYAS, JR.

Notary Public

Ordered to be placed on file.

FROM THE
HOUSE OF REPRESENTATIVES

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

(03-S 279 as amended) An Act relating to banking law — dishonored checks.

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

The act is read and passed, as amended, in concurrence, by unanimous consent, upon a roll call vote with 30 Senators voting in the affirmative, 0 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS — 30: The Honorable President Irons and Senators Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Gallo, Gibbs, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Perry, Pichardo, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

ABSTAINED — 1: Senator Algieri.

Also:

(03-S 317 as amended) An Act relating to the Department of Health — food establishments.

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

The act is read and passed, as amended, in concurrence, by unanimous consent, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 32: The Honorable President Irons and Senators Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Gallo, Gibbs, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

Also:

(03-S 385) (Substitute "B") An Act relating to motor and other vehicles.

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

The bill marked Substitute "B" is read and passed, in concurrence, and the original bill and the bill marked Substitute "A" indefinitely postponed, by unanimous consent, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 32: The Honorable President Irons and Senators Algieri, Badeau, Bates, Blais, Breene, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Gallo, Gibbs, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

Also:

(03-S 374 as amended) An Act relating to state affairs and government — pharmaceutical assistance to the elderly act.

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

The act is read and passed, as amended, in concurrence, by unanimous consent, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 33: Senators Algieri, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

Also:

(03-S 389) (Substitute "A") An Act relating to the family independence act.

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

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 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 36: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

Also:

(03-S 404) (Substitute "A") An Act relating to insurance — unfair competition and practices.

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

The bill marked Substitute "A" is read and passed, in concurrence, and the original bill indefinitely postponed, upon a roll call vote with 35 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS — 35: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 1: Senator Connors.

Also:

(03-S 415) (Substitute "A" as amended) An Act relating to education.

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

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 30 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 30: The Honorable President Irons and Senators Algieri, Alves, Badeau, Breene, Caprio, Celona, Ciccone, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Sosnowski, Tassoni, Walaska.

NAYS — 0.

Also:

(03-S 416) (Substitute "B") An Act relating to towns and cities.

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

The bill marked Substitute "B" is read and passed, in concurrence, and the original bill and the bill marked Substitute "A" indefinitely postponed, by

unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 34: The Honorable President Irons and Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Celona, Ciccone, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

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, Dennis L. Algieri, 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 bill (03-S 472) (Substitute "A"), 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 as follows.

I am an employee of The Washington Trust Company.

- 6. This statement is true to the best of my knowledge.

DENNIS L. ALGIERE
Senator, District 38

Subscribed and sworn to before me this 2nd day of July, 2003.

RAYMOND T. HOYAS, JR.
Notary Public

Ordered to be placed on file.

FROM THE
HOUSE OF REPRESENTATIVES

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

(03-S 472) (Substitute "A") An Act relating to property — mortgage foreclosures.

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

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 30 Senators voting in the affirmative, 0 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS — 30: The Honorable President Irons and Senators Algieri, Alves, Badeau, Breene, Caprio, Celona, Ciccone, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

ABSTAINED — 1: Senator Algieri.

Also:

(03-S 481 as amended) An Act relating to elections.

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

The act is read and passed, as amended, in concurrence, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 34: The Honorable President Irons and Senators Alves, Badeau, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

Also:

(03-S 669 as amended) An Act relating to businesses and professions — telephone sales solicitation act.

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

The act is read and passed, as amended, in concurrence, by unanimous consent, upon a roll call vote with 31 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 31: The Honorable President Irons and Senators Alves, Badeau, Breene, Caprio, Celona, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

Also:

(03-S 827) (Substitute "B") An Act relating to businesses and professions — nurses.

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

The bill marked Substitute "B" is read and passed, in concurrence, and the original bill and the bill marked Substitute "A" indefinitely postponed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 36: The Honorable President Irons and Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

Also:

(03-S 948) (Substitute "A") An Act relating to motor and other vehicles — operators' and chauffeurs' licenses.

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

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 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 36: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

Also:

(03-S 961 as amended) An Act relating to motor vehicles — size, weight and load limits.

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

The act is read and passed, as amended, in concurrence, upon a roll call vote with 35 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS — 35: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 1: Senator Connors.

Also:

(03-S 1034) (Substitute "A" as amended) An Act relating to motor and other vehicles — operators' and chauffeurs' licenses.

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

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 36 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS — 36: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 1: Senator Connors.

Also:

(03-S 1075) (Substitute "A" as amended) An Act relating to corporations — alternative fueled vehicle and filling station credit.

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

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 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 32: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

Also:

(03-H 6613) An Act relating to taxation — sales and use taxes — liability and computation.

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

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 31 Senators voting in the affirmative, 0 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS — 31: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Cote, Damiani, DaPonte, Felag, Gallo, Gibbs, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS — 0.

ABSTAINED — 1: Senator Revens.

Also:

(03-S 588 as amended) An Act relating to creating the Urban Infrastructure Commission.

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

The act is read and passed, as amended, in concurrence, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 34: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Tassoni, Walaska.

NAYS — 0.

Also:

(03-H 6412) (Substitute "A" as amended) An Act relating to tax sales.

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

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 25 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 25: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Cote, Damiani, DaPonte, Felag, Gibbs, Issa, McCaffrey, Montalbano, Paiva Weed, Parella, Polisena, Raptakis, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS — 0.

Also:

(03-S 172 as amended) An Act relating to solemnization of marriages.

Read and referred to the Committee on Judiciary.

Also:

(03-S 175 as amended) An Act relating to solemnization of marriages.

Read and referred to the Committee on Judiciary.

Also:

(03-H 5544) An Act relating to cities and towns — residency.

Read and referred to the Committee on Commerce, Housing and Municipal Government.

RECESS

Upon suggestion of Senate Majority Leader Montalbano, and by unanimous consent, the Senate stands at recess at 11:45 o’clock P.M. until the call of the Chair.

CALLED TO ORDER

The Senate is called to order at 12:45 o’clock P.M.

FROM THE
HOUSE OF REPRESENTATIVES

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

(03-H 5824) (Substitute "A" as amended) An Act relating to education — compulsory attendance.

Read and referred to the Committee on Health and Human Services.

Also:

(03-H 5820 as amended) An Act relating to Board of Medical Licensure and Discipline.

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

The act is read and passed, as amended, in concurrence, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 34: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Tassoni, Walaska.

NAYS — 0.

Also:

(03-H 6556 as amended) An Act relating to human services — children’s health care — hospice care.

Senator Bates 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 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 36: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS — 0.

Also:

(03-H 6605) An Act relating to criminal procedure — preliminary proceedings in Family Court.

Senator McCaffrey moves passage, seconded by Senators Connors and Damiani.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 36: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS — 0.

Also:

(03-H 6606) An Act relating to District Court.

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

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 36: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS — 0.

Also:

(03-H 6611) Joint Resolution creating a special legislative commission to study issues related to the funding of oil pollution control and remediation in the state.

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

The resolution is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 34: The Honorable President Irons and Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Celona, Ciccone, Connors, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Tassoni, Walaska.

NAYS — 0.

Also:

(03-H 5888) (Substitute "A") An Act relating to taxation — sales and use taxes — liability and computation.

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

The bill marked Substitute "A" is read and passed, in concurrence, and the original bill indefinitely postponed, upon a roll call vote with 34 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS — 34: The Honorable President Irons and Senators Algiere, Alves, Badeau, Bates, Breene, Caprio, Celona, Ciccone, Connors, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS — 1: Senator Blais.

CALENDAR

14. (03-S 1186) An Act enabling the Rhode Island Lottery Commission to enter into a contract with Lincoln Park and Newport Grand Jai Alai.

Committee on Finance recommends passage.

Senator Alves moves passage, seconded by Senator Goodwin.

The act is read and passed, upon a roll call vote with 26 Senators voting in the affirmative, 8 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS — 26: The Honorable President Irons and Senators Alves, Badeau, Bates, Celona, Ciccone, Damiani, Felag, Gallo, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS — 8: Senators Algiere, Blais, Breene, Caprio, Connors, DaPonte, Gibbs, Parella.

ABSTAINED — 1: Senator Paiva Weed.

FROM THE
HOUSE OF REPRESENTATIVES

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

(03-H 5686) (Substitute "A") An Act relating to fishing.

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

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 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 35: The Honorable President Irons and Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote,

Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Revens, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS — 0.

Also:

(03-H 6473 as amended) An Act relating to health and safety.

Senator Connors moves passage, seconded by Senator Roberts.

Senator Roberts, seconded by Senator Connors, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(03-H 6473 as amended)

Mr. President:

I hereby move to amend (03-H 6473 as amended) entitled "AN ACT RELATING TO HEALTH AND SAFETY", as follows:

On page 3, line 9, by deleting the language: "and shall only remain effective until" and inserting in place thereof the language: "and the amendments contained in section 1 of this act shall be repealed on".

Respectfully submitted,

ELIZABETH H. ROBERTS

Senator, District 28

The motion to amend prevails upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 37: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS — 0.

Upon motion of Senator Connors, seconded by Senator Roberts, read and passed, as amended, 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: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS — 0.

REPORT OF COMMITTEE

COMMITTEE ON COMMERCE, HOUSING

AND MUNICIPAL GOVERNMENT

Senator Celona, from the Committee on Commerce, Housing and Municipal Government, reports back, with recommendation of passage of the following measure:

(03-H 6381) (Substitute "A") An Act relating to dog racing in Burrillville, Lincoln and West Greenwich.

Senator Celona moves passage, seconded by Senator Ruggerio.

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 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 35: The Honorable President Irons and Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Celona, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS — 0.

NEW BUSINESS

Senator Sosnowski presents (03-S 1206) An Act relating to public finance.

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Sosnowski, seconded by Senator Ruggerio, and by unanimous consent, read and passed, under suspension of the rules, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 37: The Honorable President Irons and Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS — 0.

CALENDAR

26. (03-H 6174) (Substitute "A" as amended) An Act relating to making appropriations for the support of the state for the fiscal year ending June 30, 2004.

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

Senator Alves moves passage, seconded by Senators Roberts, Goodwin, Ruggerio, Paiva Weed, Celona, McCaffrey, Tassoni, Perry, Felag, Sosnowski, Sheehan, Gallo, Senate Majority Leader Montalbano, Senators Pichardo, Ciccone, Connors, Badeau and many others.

Senator Breene, seconded by Senators Algiere, Blais, Parella and Gibbs, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(03-H 6174) (Substitute "A" as amended)

Mr. President:

I hereby move to amend (03-H 6174) (Substitute "A" as amended) entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2004", as follows:

(1) In Article 7, by deleting Section 9 in its entirety.

(2) In Article 10, Section 1, delete subdivision "(a)(3)", and insert in lieu thereof the following:

"(3) Up to a maximum of three and four-tenths percent (3.4%) of net terminal income derived from video lottery games located at the facility, to the local cities and towns to be allocated in accordance with section 45-13-1, entitled 'Appointment of Annual Appropriations of State Aid';".

(3) In Article 10, by deleting subdivision "(b)(2)".

Respectfully submitted,

KEVIN A. BREENE

Senator, District 34

Senators Alves and Parella discuss the amendment.

The motion to amend fails of passage upon a roll call vote with 10 Senators voting in the affirmative, 27 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS — 10: Senators Algieri, Bates, Blais, Breene, Caprio, Cote, Damiani, Gibbs, Parella, Raptakis.

NAYS — 27: The Honorable President Irons and Senators Alves, Badeau, Celona, Ciccone, Connors, DaPonte, Felag, Gallo, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSTAINED — 1: Senator Fogarty.

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

FLOOR AMENDMENT

TO

(03-H 6174) (Substitute "A" as amended)

Mr. President:

I hereby move to amend (03-H 6174) (Substitute "A" as amended) entitled "AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2004", as follows:

In Article 7, by deleting "SECTION 9" in its entirety and inserting in lieu thereof the following:

"44-18-18.1 LOCAL MEALS AND BEVERAGE TAX — ENABLING LEGISLATION. — The various towns and cities may impose a levy on meals and/or beverages served in local eating and/or drinking establishments in the form of a sales and use tax not to exceed one percent (1%) of the gross receipts. The tax shall be administered and collected by the division of taxation unless otherwise provided by law."

Respectfully submitted,

LEONIDAS P. RAPTAKIS

Senator, District 33

Senator Paiva Weed discusses the amendment.

The motion to amend fails of passage upon a roll call vote with 10 Senators voting in the affirmative and 27 Senators voting in the negative as follows:

YEAS — 10: Senators Algieri, Bates, Blais, Breene, Caprio, Cote, Fogarty, Gibbs, Parella, Raptakis.

NAYS — 27: The Honorable President Irons and Senators Alves, Badeau, Celona, Ciccone, Connors, Damiani, DaPonte, Felag, Gallo, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

Senators Paiva Weed, Blais, Alves, Sheehan, Connors, Algieri, Roberts, Goodwin, Ruggerio, Issa and Senate Majority Leader Montalbano discuss the act.

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 29 Senators voting in the affirmative and 9 Senators voting in the negative as follows:

YEAS — 29: The Honorable President Irons and Senators Alves, Badeau, Celona, Ciccone, Connors, Damiani, DaPonte, Felag, Fogarty, Gallo, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 9: Senators Algieri, Bates, Blais, Breene, Caprio, Cote, Gibbs, Parella, Raptakis.

FROM THE

HOUSE OF REPRESENTATIVES

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

(03-S 1086) (Substitute "A") An Act relating to alcoholic beverages — retail licenses.

Senator Roberts moves passage, seconded by Senator Goodwin.

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: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

Also:

(03-S 947 as amended) An Act relating to probate — town of Bristol.

Senator Felag moves passage, seconded by Senator Bates.

The act is read and passed, as amended, in concurrence, upon a roll call vote with 36 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS — 36: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 1: Senator Connors.

FROM THE DESK

The following items are removed from the desk and acted upon as follows:

(03-S 959) An Act relating to the town of Scituate — Juvenile Hearing Board.

Senator Blais moves passage, seconded by Senator Breene.

The act is read and passed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 35: The Honorable President Irons and Senators Algieri, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

(03-H 5016) An Act relating to the town of Scituate — Juvenile Hearing Board.

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 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 35: The Honorable President Irons and Senators Algieri, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

FROM THE
HOUSE OF REPRESENTATIVES

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

(03-S 626) (Substitute "B" as amended) An Act relating to workers' compensation — benefits.

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

Senator Ruggerio, seconded by Senator Badeau, offers the following written motion to amend:

FLOOR AMENDMENT
TO
(03-S 626) (Substitute "B" as amended)

Mr. President:

I hereby move to amend (03-S 626) (Substitute "B" as amended) entitled "AN ACT RELATING TO WORKERS' COMPENSATION — BENEFITS", as follows:

- (1) On page 2, line 7, by inserting after the word "subcontractor," the word "uninsured".
- (2) On page 2, line 7, by inserting after the words "contractor or" the word "uninsured".
- (3) On page 8, line 32, by deleting the words "agreed upon or".
- (4) On page 9, line 27, by deleting the words "one (1) year in".
- (5) On page 9, line 28, by deleting the words "state prison" and inserting in place thereof the words "two (2) years".

Respectfully submitted,

DOMINICK J. RUGGERIO
Senator, District 6

The motion to amend prevails upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 32: The Honorable President Irons and Senators Algieri, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

The bill marked Substitute "B" is read and passed, as amended, and the original bill and the bill marked Substitute "A" indefinitely postponed, by unanimous consent, upon a roll call vote with 31 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 31: The Honorable President Irons and Senators Algieri, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Issa, Lanzi, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

TRANSMITTAL

By unanimous consent, (03-H 6174) (Substitute "A" as amended) is ordered to be transmitted to His Excellency, the Governor, and all other matters on the Clerk's desk will be transmitted by order of the Honorable President over the next several weeks.

ADJOURNMENT

Upon motion of Senator Ruggerio, seconded by Senator Algiere, the Senate adjourns at 2:05 o'clock A.M.

RAYMOND T. HOYAS, JR.

Secretary of the Senate

Appendix

INVOCATION

SENATE MAJORITY LEADER JOSEPH A. MONTALBANO

END OF SESSION

Lord, today we express to You our gratitude and especially thank You for the many friendships we have formed and for the fruits of our efforts. As we depart from this chamber today, grant us your peace and grace. Enable us to enjoy the months ahead, ever mindful of Your presence in our lives. Amen.