

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 sixth day of January in the year of Our Lord two thousand and four.

Volume 131, No. 60

Wednesday, June 23, 2004

Sixtieth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 3:07 o'clock P.M.

The roll is called and a quorum is declared present with 36 Senators present and 0 Senators absent as follows:

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

ABSENT – 0:

INVOCATION

The Honorable President, by unanimous consent, presents Senator Polisena, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

The Honorable President, by unanimous consent, presents Senator Polisena, to lead the Senate in the pledge of allegiance to the flag.

APPROVAL OF RECORD

The Senate Journal of Tuesday, June 22, 2004 proceedings is read in part.

Upon suggestion of Senator Polisena, and by unanimous consent, further reading of the Journal is dispensed with and the Journal approved as recorded.

REPORTS OF COMMITTEES**COMMITTEE ON JUDICIARY**

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

Reappointment of Armeny Apkarian of Cranston to the Commission on Judicial Tenure and Discipline for a term expiring April 1, 2007

Read and ordered to be placed on the Calendar

Also:

Appointment of Nancy Chapman of Saunderstown VICE B. Michael Rauh to the Rhode Island State Council on the Arts for a term expiring March 1, 2007

Read and ordered to be placed on the Consent Calendar

Also:

Appointment of John R. Gowell, Jr. (expertise in the field of finance) of Providence to the East Providence Waterfront District Commission for a term expiring March 31, 2008

Read and ordered to be placed on the Consent Calendar

Also:

Appointment of Jacob Harpootian (expertise in the field of commercial real estate development) of East Providence to the East Providence Waterfront District Commission for a term expiring March 31, 2008

Read and ordered to be placed on the Consent Calendar

Also:

Appointment of Patrick Rogers of East Providence as Chairperson jointly by the Governor and the Mayor of East Providence to the East Providence Waterfront District Commission for a term expiring March 31, 2008

Read and ordered to be placed on the Consent Calendar

NEW BUSINESS**Senate Bill No. 3222**

BY Senators Connors, Montalbano J

ENTITLED, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES.

Senator Connors requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Connors moves passage, seconded by Senator Ruggerio.

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

NAYS- 0:

CALENDAR

IN ORDER FOR WEDNESDAY, JUNE 23, 2004:

1. Reappointment of Pierre L. LaPerriere of Exeter to the Board of Governors for Higher Education for a term expiring January 31, 2007.

Committee on Education recommends that the Senate give its Advice and Consent to this reappointment.

Senator Issa, seconded by Senators Sheehan, Gallo, Felag, Algieri and Breene, moves that advice and consent of the Senate be given this appointment.

The advice and consent of the Senate is given this appointment, 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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

2. Reappointment of Miriam Coleman of East Greenwich to the Board of Governors for Higher Education for a term expiring January 31, 2007.

Committee on Education recommends that the Senate give its Advice and Consent to this reappointment.

Senator Issa, seconded by Senators Lenihan, Breene and Algieri, moves that advice and consent of the Senate be given this appointment.

The advice and consent of the Senate is given this appointment, 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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

3. 2004-S 3146

BY Felag

**ENTITLED, AN ACT RELATING TO FISH AND WILDLIFE -- SHELLFISH
AND AQUACULTURE**

Committee on Environment & Agriculture recommends passage.

Senator Felag moves passage, seconded by Senators Sosnowski, Gibbs and Paiva-Weed.

Senator Felag seconded by Senator Paiva-Weed, offers the following written motion to amend.

F L O O R A M E N D M E N T

TO

2004 -- S 3146

AN ACT RELATING TO FISH AND WILDLIFE -- SHELLFISH AND AQUACULTURE

Mr. President:

I hereby move to amend 2004 -- S 3146, entitled "AN ACT RELATING TO FISH AND WILDLIFE -- SHELLFISH AND AQUACULTURE", as follows:

- (1) On page 2, line 3, by inserting the word "bay" after the word "governing".
- (2) On page 2, line 4, by inserting the word "bay" after the word "cultured".

Respectfully submitted,
SENATOR FELAG

The motion to amend prevails 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 Montalbano and Senators Algieri, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Felag moves passage of the act as amended, seconded by Senators Paiva-Weed, Algieri, Gibbs, Sosnowski and others.

The act is read and passed, by unanimous consent, as amended, 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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

4. 2004-S 3151

BY Gallo

ENTITLED, AN ACT AUTHORIZING THE CITY OF CRANSTON TO ISSUE NOT MORE THAN \$1,000,000 BONDS AND NOTES TO FINANCE THE PURCHASE OF PUBLIC WORKS AND HIGHWAY EQUIPMENT FOR A TERM NOT TO EXCEED TEN (10) YEARS

Committee on Finance recommends passage.

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

6 2004-H 8648 as amended

BY Brien T

ENTITLED, AN ACT RELATING TO TAXATION

Ordered on the Calendar

Senator Badeau moves passage, seconded by Senators Paiva-Weed, Ciccone and Cote.

The act is read and passed, by unanimous consent, as amended, in concurrence, 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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Caprio, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi,

McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

9 2004-H 7585 SUB A as amended

BY Giannini

**ENTITLED, AN ACT RELATING TO HUMAN SERVICES - ABUSED AND
NEGLECTED CHILDREN**

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

Senator Blais moves passage, seconded by Senator Damiani.

Senator Blais seconded by Senator Damiani, offers the following written motion to amend.

F L O O R A M E N D M E N T

TO

2004 -- H 7585 SUBSTITUTE A, As Amended

AN ACT RELATING TO HUMAN SERVICES - ABUSED AND NEGLECTED CHILDREN

Mr. President:

I hereby move to amend 2004 -- H 7585 SUBSTITUTE A, As Amended entitled "AN ACT RELATING TO HUMAN SERVICES - ABUSED AND NEGLECTED CHILDREN", as follows:

(1) On page 1, line 3, by deleting the words “**Cultural and religious**” and inserting the word “**Religious**” in place thereof.

(2) On page 1, line 4, by deleting the words “cultural or”.

(3) On page 2, line 12, by deleting the words “cultural or”.

Respectfully submitted,
SENATOR BLAIS

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

NAYS- 0:

Senator Blais moves passage of the act as amended, seconded by Senator Damiani.

The act is read and passed, by unanimous consent, as amended, 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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**Statement of Conflict of Interest
Pursuant to R.I. Gen. Laws § 36-14-6**

I, Senator M. Teresa Paiva-Weed, holding the position of

Majority Leader of the Rhode Island State Senate, hereby under oath depose and say:
(job title or appointed/elected position and name of board/commission/agency/department)

1. A matter involving 2004S – 2029 (Substitute B) An Act Relating to Health and Safety – Rhode Island Worker’s Safety Act of 2004.

is presently before The Rhode Island State Senate.
(name of board/commission/agency/department)

2. I have the following interest in the matter noted in paragraph 1 above:

The law firm to which I am employed, Moore, Virgadamo and Lynch, Ltd., lists Newport Grand Jai Alai, a pari mutual facility, as a client.

3. [Please select one of the following]:

(X) A. In compliance with R.I. Gen. Laws § 36-14-6(1), I hereby recuse from participating in the discussion of or taking official action relating to said matter. (This does not prohibit participation as a member of the public in an open meeting, pursuant to Commission Regulation 7003.)

() B. In compliance with R.I. Gen. Laws § 36-14-6(1), I hereby state that despite the interest described above, I believe I am able to participate fairly, objectively and in the public interest regarding said matter for the following reasons:

Signed under the penalties of perjury this 23rd day of June, 2004.

Senator M. Teresa Paiva-Weed
Signature

CALENDAR

13 2004-S 2029 SUB B

BY Sosnowski

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY --
RHODE ISLAND WORKERS' SAFETY ACT OF 2004

Ordered on the Calendar

Senator Sosnowski moves passage, seconded by Senators Roberts, Sheehan, Polisena, Parella, Lenihan, Pichardo and Badeau.

Senators Sheehan, Raptakis and Sosnowski discuss the act.

The bill marked Substitute "B" is read and passed, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon roll call vote with 31 Senators voting in the affirmative and 0 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS- 31: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Connors, Cote, Damiani, Felag, Fogarty, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ABSTAINED- 1: Senator Paiva-Weed.

15 2004-S 2517 SUB A**BY Breene****ENTITLED, AN ACT RELATING TO TAXATION**

Ordered on the Calendar

Senator Breene moves passage, seconded by Senator Blais.

The bill marked Substitute "A" is read and passed, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

16 2004-S 3185**BY McBurney****ENTITLED, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE RENOVATION AND IMPROVEMENT OF CITY HALL IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$3,000,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2005 AND 2006**

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Breene moves passage, seconded by Senator Blais.

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

NAYS- 0:

FROM THE DESK

Upon suggestion of Senator Ruggerio, and without objection, the following item is removed from the desk and acted on as follows:

Senate Bill No. 3192

BY Senator Alves

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - - DEPARTMENT OF TRANSPORTATION.

Senator Ruggerio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggerio moves passage, seconded by Senator Ciccone.

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

NAYS- 0:

TRANSMITTAL

By unanimous consent, all matters on the Clerk's desk are ordered to be transmitted to His Excellency, the Governor or to the Honorable House of Representatives forthwith.

RECESS

Upon suggestion of Senator Paiva-Weed and by unanimous consent the Senate stands at recess at 3:33 o'clock P.M. until the call of the chair.

CALL TO ORDER

The Senate is called to order at 7:45 o'clock P.M. on Wednesday June 23, 2004 by the Honorable John C. Revens Jr., President Pro Tempore.

REPORTS OF COMMITTEES**COMMITTEE ON LABOR**

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

House Bill No. 7870 SUB B

BY Winfield

ENTITLED, AN ACT RELATING TO WORKERS' COMPENSATION – PROCEDURE

Senator Badeau requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Badeau moves passage, seconded by Senator Ciccone.

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: Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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:

Senate Resolution No. 3008 SUB A

BY Senator Goodwin

ENTITLED, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY TRANSIT SERVICE IN THE STATE OF RHODE ISLAND

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7031 SUB A as amended

BY Picard

ENTITLED, AN ACT RELATING TO REGISTRATION OF MOTOR VEHICLES

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7318

BY Scott, Moffitt, Carter, Shanley

ENTITLED, AN ACT RELATING TO RENAMING ROUTE 2, EXETER

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7418 as amended

BY Brien T, Rose, Laroche, Moura, Picard

ENTITLED, AN ACT RELATING TO SUNDAY SALE OF ALCOHOLIC BEVERAGES.

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7670 as amended

BY Fox

ENTITLED, AN ACT RELATING TO SPORTS RACING AND ATHLETICS -- BOXING AND WRESTLING.

Read and ordered to be placed on the Calendar

Also:

House Resolution No. 7887 SUB A

BY McNamara, Handy

ENTITLED, JOINT RESOLUTION CREATING A SPECIAL COMMISSION TO STUDY TRANSIT SERVICE IN THE STATE OF RHODE ISLAND

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7323 SUB B

BY Kilmartin, Shanley

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- REGULATION OF VICIOUS DOGS

Read and ordered to be placed on the Calendar

Also:

House Resolution No. 8109**BY** Handy, Enos, Dennigan, Aubin, Giannini**ENTITLED**, JOINT RESOLUTION CREATING A SPECIAL JOINT COMMISSION TO STUDY A STATEWIDE COORDINATION OF ENVIRONMENTAL HEALTH AND SAFETY ISSUES, INFORMATION AND RESOURCES FOR RHODE ISLAND SCHOOLS.

Read and ordered to be placed on the Calendar

Also:

House Bill No. 8030**BY** Benson, Carter**ENTITLED**, AN ACT RELATING TO THE PERMANENT JOINT COMMITTEE ON NAMING ALL NEW BUILDINGS, BRIDGES, EDIFICES AND OTHER STATE CONSTRUCTIONS.

Read and ordered to be placed on the Calendar

COMMITTEE ON FINANCIAL SERVICES, TECHNOLOGY AND REGULATORY ISSUES

Senator Walaska, from the Committee on Financial Services, Technology and Regulatory Issues, reports back, with recommendation of passage of the following measures:

House Bill No. 8042 SUB A**BY** Kennedy, Winfield**ENTITLED**, AN ACT RELATING TO INSURANCE -- CASUALTY INSURANCE RATING

Read and ordered to be placed on the Calendar

COMMITTEE ON COMMERCE, HOUSING AND MUNICIPAL GOVERNMENT

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

House Bill No. 7066 as amended**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO UNFAIR SALES PRACTICES

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7073 SUB A**BY** McNamara, Kilmartin, Rose, Giannini, Malik**ENTITLED**, AN ACT RELATING TO RHODE ISLAND UNIFORM COMMERCIAL DRIVER'S LICENSE ACT

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7441 SUB A

BY Lima, Cerra, Kennedy, Giannini, Benson

ENTITLED, AN ACT RELATING TO TRUTH IN LENDING AND RETAIL SELLING

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7442

BY Lima, Ajello, Cerra, Shavers, Williams

ENTITLED, AN ACT RELATING TO UNFAIR SALES PRACTICES.

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7606

BY Shavers, Crowley, Fox, Gallison, Callahan

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DISTRESSED AREAS ECONOMIC REVITALIZATION ACT.

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7805

BY Coderre E, Kennedy, Lima

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- MOTOR VEHICLE REPAIR SHOP ACT.

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7997

BY McCauley

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - - REAL ESTATE BROKERS AND SALESPERSONS.

Read and ordered to be placed on the Calendar

Also:

House Bill No. 8197**BY** Flaherty, Naughton, Ginaitt, McNamara, Palumbo**ENTITLED**, AN ACT RELATING TO AERONAUTICS -- PERMANENT AIR QUALITY MONITORING ACT.

Read and ordered to be placed on the Calendar

Also:

House Bill No. 8202**BY** Flaherty, Naughton, Ginaitt, McNamara, Palumbo**ENTITLED**, AN ACT RELATING TO AERONAUTICS -- NOISE MONITORING ACT.

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, of the following measures:

House Bill No. 7933 SUB A**BY** Brien T, Laroche, Menard, Winfield**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2997 SUB A**BY** Senators Polisena, Damiani**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2332 as amended**BY** Senators Badeau, Ciccone, Lanzi, Connors, Cote**ENTITLED**, AN ACT RELATING TO SUNDAY SALE OF ALCOHOLIC BEVERAGES.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2176 as amended

BY Senators Tassoni, Fogarty P

ENTITLED, AN ACT RELATING TO TAXATION -- MUNICIPAL LIEN CERTIFICATES.

Read and ordered to be placed on the Calendar

Also:

House Bill No. 8455 as amended

BY Slater, Anguilla, Almeida, Williams, Dennigan

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- NURSING POOLS.

Read and ordered to be placed on the Calendar

Also:

House Bill No. 8616

BY Long

ENTITLED, AN ACT AUTHORIZING THE TOWN OF JAMESTOWN TO FINANCE THE CONSTRUCTION, EXTENSION AND IMPROVEMENT OF A WATER WORKS SYSTEM, TO ISSUE NOT MORE THAN \$6,200,000 BONDS AND NOTES THEREFOR AND TO IMPOSE ADDITIONAL WATER RATES UNDER CHAPTER 273 OF THE PUBLIC LAWS OF 1968, AS AMENDED, TO PAY THE PRINCIPAL AND INTEREST ON SUCH BONDS AND NOTES.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2162 SUB B as amended

BY Senators Issa, Tassoni, Walaska

ENTITLED, AN ACT RELATING TO MOTOR VEHICLES - OPERATORS' AND CHAUFFEURS' LICENSES

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2339 SUB A

BY Senator Sosnowski

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- REGULATION OF VICIOUS DOGS

Read and ordered to be placed on the Calendar

Also:

House Bill No. 8682

BY Aubin, Lowe

ENTITLED, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION.

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7971 SUB A

BY Carter, Malik, Rose, Gallison, Brien T

ENTITLED, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION

Read and ordered to be placed on the Calendar

Also:

House Bill No. 8242

BY Naughton, Malik, McNamara, Crowley, Ginaitt

ENTITLED, AN ACT RELATING TO CAPITAL DEVELOPMENT PROGRAM.

Continued

Also:

House Bill No. 8567 (by request)

BY Enos, Amaral

ENTITLED, AN ACT AUTHORIZING THE TOWN OF TIVERTON TO FINANCE THE CONSTRUCTION, RENOVATION, ALTERATION, REPAIR, IMPROVEMENT, EQUIPPING AND FURNISHING OF, AND/OR ADDITIONS TO, THREE PUBLIC ELEMENTARY SCHOOLS IN THE TOWN INCLUDING, BUT NOT LIMITED TO, ENGINEERING AND ARCHITECTURAL COSTS AND TO ISSUE NOT MORE THAN \$30,700,000 BONDS AND/OR NOTES THEREFOR INCLUDING BUT NOT LIMITED TO, ANY BONDS OR NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION.

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7614 SUB A (Lieutenant Governor)

BY Slater, Ginaitt, Giannini, Dennigan, Anguilla

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY

Read and ordered to be placed on the Calendar

Also:

House Bill No. 8633**BY** Coderre E, San Bento, Kilmartin, Rose, Dennigan**ENTITLED**, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE RENOVATION AND IMPROVEMENT OF CITY HALL IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$3,000,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2005 AND 2006.

Read and ordered to be placed on the Calendar

Also:

House Bill No. 8438**BY** Fox**ENTITLED**, AN ACT RELATING TO INSURANCE - COMMERCIAL SPECIAL RISKS.

Read and ordered to be placed on the Calendar

Also:

House Bill No. 8665 SUB A as amended**BY** Anguilla, Lewiss, Winfield, Ajello, Williams**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES - OPERATORS' AND CHAUFFEURS' LICENSES

Read and ordered to be placed on the Calendar

Also:

House Bill No. 8420 SUB A**BY** Landroche, Trillo, Ginaitt, McHugh, Carter**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY

Read and ordered to be placed on the Calendar

CONSENT CALENDAR**IN ORDER FOR WEDNESDAY, JUNE 23, 2004:**

Upon motion of Senate Majority Leader Paiva-Weed, seconded by Senator Algieri, the following measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a voice vote:

1. Appointment of John R. Gowell, Jr. (expertise in the field of finance) of Providence to the East Providence Waterfront District Commission for a term expiring March 31, 2008.

Committee on Judiciary recommends that the Senate give its Advice and Consent

to this appointment.

2. Appointment of Jacob Harpootian (expertise in the field of commercial real estate development) of East Providence to the East Providence Waterfront District Commission for a term expiring March 31, 2008.

Committee on Judiciary recommends that the Senate give its Advice and Consent to this appointment.

3. Appointment of Nancy Chapman of Saunderstown VICE B. Michael Rauh to the **Rhode Island State Council on the Arts for a term expiring March 1, 2007.**

Committee on Judiciary recommends that the Senate give its Advice and Consent to this appointment.

- 4 Appointment of Patrick Rogers of East Providence as Chairperson jointly by the Governor and the Mayor of East Providence to the East Providence Waterfront District Commission for a term expiring March 31, 2008.

Committee on Judiciary recommends that the Senate give its Advice and Consent to this appointment.

NEW BUSINESS

Senate Bill No. 3223

BY Senators Lenihan, Sheehan

ENTITLED, AN ACT AUTHORIZING THE TOWN OF NORTH KINGSTOWN TO FINANCE FIRE SUPPRESSION SYSTEMS, HEATING AND VENTILATION SYSTEMS, SEPTIC SYSTEMS AND OTHER REPAIRS AND RENOVATIONS AND/OR RELATED EQUIPMENT AT THE DAVISVILLE, FOREST PARK, FISHING COVE AND WICKFORD ELEMENTARY SCHOOLS AND THE WICKFORD MIDDLE SCHOOL AND TO ISSUE NOT MORE THAN \$9,000,000 BONDS AND NOTES THEREFOR.

Senator Lenihan requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Lenihan moves passage, seconded by Senator Sheehan.

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

NAYS- 0:

CALENDAR

IN ORDER FOR WEDNESDAY, JUNE 23, 2004:

17. 2004-S 3186**BY Roberts**

ENTITLED, AN ACT AUTHORIZING THE CITY OF CRANSTON TO ISSUE NOT MORE THAN \$1,500,000 BONDS AND NOTES TO FINANCE REPAIRS AND RENOVATIONS TO BUILDINGS OWNED BY THE CITY OF CRANSTON (UP TO \$500,000 OF WHICH MAY BE USED FOR FIRE CODE UPGRADES

Committee on Commerce, Housing & Municipal Government recommends passage.

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

18. 2004-S 3187**BY Gallo**

ENTITLED, AN ACT AUTHORIZING THE CITY OF CRANSTON TO ISSUE NOT MORE THAN \$2,000,000 BONDS AND NOTES TO FINANCE THE REPAIR, RESURFACING, CONSTRUCTION AND REHABILITATION OF PUBLIC HIGHWAYS THROUGHOUT THE CITY OF CRANSTON

Committee on Commerce, Housing & Municipal Government recommends passage.

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

19. 2004-S 3188**BY Lanzi**

ENTITLED, AN ACT AUTHORIZING THE CITY OF CRANSTON TO ISSUE NOT MORE THAN \$2,900,000 BONDS AND NOTES TO FINANCE THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF NEW PUBLIC LIBRARY BRANCHES IN THE CITY OF CRANSTON (UP TO \$900,000 OF WHICH SHALL BE FOR A BRANCH IN THE ARLINGTON NEIGHBORHOOD AND UP TO \$2,000,000 OF WHICH SHALL BE FOR A BRANCH IN WESTERN CRANSTON)

Committee on Commerce, Housing & Municipal Government recommends passage.

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

20. 2004-S 3189**BY Fogarty P**

ENTITLED, AN ACT AUTHORIZING THE TOWN OF GLOCESTER TO FINANCE THE ACQUISITION OF LAND FOR AND THE DESIGN, CONSTRUCTION, FURNISHING AND EQUIPPING OF A SENIOR CENTER IN THE TOWN BY THE ISSUANCE OF NOT MORE THAN \$2,215,000 BONDS AND/OR NOTES THEREFOR

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Fogarty moves passage, seconded by Senators Tassoni and Alves.

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

YEAS- 33: Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 1: Senator McBurney

21. 2004-S 3195**BY Perry**

ENTITLED, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY THE BENEFITS AND SUPPORT SYSTEM FOR ADOPTIONS IN THE STATE OF RHODE ISLAND

Committee on Constitutional & Gaming Issues recommends passage.

Senator Perry moves passage, seconded by Senators Goodwin and Roberts.

Senator Perry seconded by Senators Goodwin and Roberts, offers the following written motion to amend.

F L O O R A M E N D M E N T

TO

2004 -- S 3195

JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY THE BENEFITS AND SUPPORT SYSTEM FOR ADOPTIONS IN THE STATE OF RHODE ISLAND

Mr. President:

I hereby move to amend 2004 -- S 3195, entitled "JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY THE BENEFITS AND SUPPORT SYSTEM FOR ADOPTIONS IN THE STATE OF RHODE ISLAND", as follows:

(1) On page 1, line 2, by deleting the word and figure "fifteen (15)" and inserting in place thereof the word and figure "seventeen (17)".

(2) On page 1, line 8, by deleting the word and figure "three (3)" and inserting in place thereof the word and figure "five (5)".

(3) On page 1, line 10, by deleting the word "and" and inserting in place thereof a comma "(,)" and by deleting the semi-colon "(:)" and inserting in place thereof a comma "(,)" and by adding "the Children's Friend and Service and the Jewish Family Service;".

Respectfully submitted,
SENATOR PERRY

The motion to amend prevails upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Perry moves passage of the act as amended, seconded by Senators Goodwin and Roberts

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

YEAS- 34: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

22. 2004-S 3196**BY Lanzi****ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES**

Committee on Constitutional & Gaming Issues recommends passage.

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

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

NAYS- 0:

23. 2004-S 2061 SUB A**BY Paiva-Weed****ENTITLED, AN ACT RELATING TO TAXATION -- SALES TAX**

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

Senator Paiva-Weed moves passage, seconded by Senators Algieri and Roberts.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon 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, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

24. 2004-S 2123 SUB A**BY Felag****ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES**

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

Senator Felag moves passage, seconded by Senators Badeau and Raptakis.

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

YEAS- 34: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

25. 2004-S 2220

BY Blais

ENTITLED, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX

Committee on Finance recommends passage.

Senator Blais moves passage, seconded by Senators Breene, Polisena and Damiani.

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

NAYS- 0:

26. 2004-S 2374 SUB A

BY Alves

ENTITLED, AN ACT IMPLEMENTING AN AMENDMENT TO THE TOBACCO MASTER SETTLEMENT AGREEMENT AND RELATING TO ENFORCEMENT OF THE TOBACCO MANUFACTURERS' MASTER SETTLEMENT AGREEMENT AND FUNDS ESCROW

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

Senator Alves moves passage, seconded by Senator McBurney.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 33: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney,

McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

27. 2004-S 2495 as amended

BY Fogarty P

ENTITLED, AN ACT RELATING TO TAXATION -- THE RHODE ISLAND
MILITARY FAMILY RELIEF FUND

Committee on Finance recommends passage as amended.

Senator Fogarty moves passage, seconded by Senators Issa, Gallo, Walaska, Felag, Sosnowski, Algiere, Breene and many others.

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

YEAS- 33: Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

28 2004-S 2821

BY Felag

ENTITLED, AN ACT RELATING TO TAXATION -- SALES TAX

Committee on Finance recommends passage.

Senator Felag moves passage, seconded by Senator Roberts.

Senator Felag seconded by Senator Roberts, offers the following written motion to amend.

F L O O R A M E N D M E N T

TO

2004 -- S 2821

AN ACT RELATING TO TAXATION -- SALES TAX

Mr. President:

I hereby move to amend 2004 -- S 2821, entitled "AN ACT RELATING TO TAXATION -- SALES TAX", as follows:

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

"SECTION 1. Section 44-18-30B of the General Laws in Chapter 44-18 entitled "Sales and Use Taxes - Liability and Computation" is hereby amended to read as follows:

44-18-30B. Exemption from sales tax for sales by writers, composers, artists -- Findings. -- (a) The general assembly makes the following findings of facts:

(1) The downtown area of the city of Providence has been characterized by blighted areas, and dilapidated and abandoned structures;

(2) As a result, the downtown area has been designated an economic development zone in order to stop the deterioration and stimulate economic activity;

(3) The capitol center area of the city of Providence has become an attractive location, especially with the construction of the Providence Place Mall;

(4) In order to promote, revitalize and redevelop the "Old Downtown" area of the city of Providence it is necessary to provide tax exemptions to this area as it has been designated as an economic development zone;

(5) In order to promote, revitalize, and redevelop the "Downtown or other industrial or manufacturing buildings" located in the City of Pawtucket, it is necessary to provide tax exemptions to this area as it has been designated as an economic development zone;

(6) The development of an active artistic community, including "artists in residence", in this area would promote economic development, revitalization, tourism, employment opportunities, and encourage business development by providing alternative commercial enterprises while in Providence creating a link between the Old Downtown and the Capital Center Area;

(7) There is a separate artistic community in the town of Westerly which is important to preserve, promote, and revitalize, and which is distinct from that in the city of Providence;

(8) There is a separate artistic community in the city of Woonsocket which is important to promote and revitalize and which is distinct from that in the cities of Providence and Pawtucket and the town of Westerly;

(9) There is a separate artistic community in the town of Warren which is important to promote and revitalize and which is distinct from that in the cities of Providence, Pawtucket and Woonsocket and the town of Westerly.

(b) (1) This section only applies to sales by writers, composers and artists residing in and conducting a business within a section of the defined economic development zone in the cities of Providence or Pawtucket, or the defined economic development zone in the town of Westerly or the defined economic zone in the city of Woonsocket, or in those areas of the town of Warren which are zoned "waterfront district," "special district," "village business district," "manufacturing district," "business district" or "Warren historic district." For the purposes of this section, a "work" means an original and creative work, whether written, composed or executed for "one-of-a-kind limited" production and which falls into one of the following categories:

(i) A book or other writing;

(ii) A play or the performance of said play;

(iii) A musical composition or the performance of said composition;

(iv) A painting or other like picture;

(v) A sculpture;

(vi) Traditional and fine crafts;

(vii) The creation of a film or the acting within the film;

(viii) The creation of a dance or the performance of the dance.

(2) For the purposes of this section, a "work" includes any product generated as a result of any of the above categories.

(3) For the purposes of this section, a "work" does not apply to any piece or performance created or executed for industry oriented or related production.

(c) (1) This section applies to sales by any individual:

(i) Who is a resident of and has a principal place of business situated in the section of the economic development zone designated as the arts and entertainment district in the downtown area of the city of Providence or in the city of Pawtucket, or the defined economic development zone in the town of Westerly or the defined

economic zone in the city of Woonsocket, or who is a resident of and has a principal place of business situated in those areas within the town of Warren which are zoned "waterfront district," "special district," "village business district," "manufacturing district," "business district" or "Warren historic district." For the purposes of this section, the Providence arts and entertainment district in Providence is defined as the area bounded by Pine Street to the southeast, Dorrance Street to the northeast, Sabin Street to the northwest and Empire Street to the southwest. The named streets are included in the Providence district; and in Pawtucket is defined as the area beginning at the point of intersection of Dexter Street and the Central Falls line, then east along the Central Falls line to the Blackstone River, then north along the city boundary on the Blackstone River to the Cumberland line, then west along the Pawtucket city boundary line to I-95, then south along I-95 to Pine Street, then north on Pine Street to AMTRAK Right of Way, then northwest along the AMTRAK Right of Way to Dexter Street, then north on Dexter Street to the Central Falls line. The named streets are included in the district. The Westerly arts and entertainment district is defined as assessor's plat 56, lots 1 through 24, lot 48, lots 50 through 62, and lots 71 through 82, and assessors plat 66, lots 22 through 26, and lots 29 through 36 the Woonsocket arts and entertainment district is defined as the area beginning at a point of land on the southwest bank of the Blackstone River abutting the bridge for the Providence & Worcester Railroad and proceeding northerly to a point at the intersection of Worrall Street, Clinton Street and Harry S. Truman Drive, then proceeding northwesterly along Worrall Street to its intersection with Social Street, then turning westerly on Social Street proceeding to its intersection with Main Street, Blackstone Street and North Main Street, then turning northwesterly and proceeding along Blackstone Street to its intersection with River Street, then turning northerly and proceeding along River Street to its intersection with the north/east bank of Blackstone River, then following the riverbank southerly to the bridge at Bernon Street and turning easterly crossing the Blackstone River via Bernon Street and proceeding to its intersection with Front Street, then turning northeasterly on Front Street and proceeding to its intersection with Hamlet Avenue, and to include the former courthouse on the southerly side of Front Street at its intersection with Hamlet Avenue, then turning easterly on Hamlet Avenue and proceeding to its intersection with Manville Road, then turning southeasterly on Manville Road and proceeding to its intersection with Davison Avenue, then turning northeasterly on Davison Avenue and proceeding to a point on the south/west bank of the Blackstone River, then turning northerly, following the southerly riverbank to the point of beginning. The abovementioned streets are included in the district.

(ii) Who is determined by the tax administrator, after consideration of any evidence he or she deems necessary or which is submitted to him or her by the individual, to have written, composed, or executed, either solely or jointly, a work or works which would fall into one of the categories listed in subsection (b)(1).

(2) This section also applies to sales by any other gallery located in the arts and entertainment district described in subsection (c)(1)(i) as well as any other arts and entertainment district designated by the general assembly, as well as to sales by any other gallery located in those areas within the town of Warren which are zoned "waterfront district," "special district," "village business district," "manufacturing district," "business district" or "Warren historic district."

(3) The tax administrator shall not make a determination unless:

(i) The individual(s) concerned duly make(s) an application to the tax administrator for the sales tax exemption which applies to the works defined in this section; and

(ii) The individual has complied and continues to comply with any and all requests made by the tax administrator.

(d) Any individual to whom this section applies and who makes an application to the tax administrator is entitled to a sales tax exemption for the sale of a work or works sold from the individual's business located in the economic development zone which would, apart from this section, be subject to the tax rate imposed by the state of Rhode Island.

(e) When an individual makes a request for the exemption, the tax administrator is entitled to all books, documents, or other evidence relating to the publication, production or creation of the works that may be deemed necessary by the tax administrator for the purposes of the exemption. The time period in which to provide this information is in the sole discretion of the tax administrator and specified in the notice.

(f) In addition to the information required in subsection (e), the tax administrator may require the individual(s) to submit an annual certified accounting of the numbers of works sold, the type of work sold, and the date of the sale. Failure to file this report may, in the sole discretion of the tax administrator, terminate the

individual's eligibility for the exemption.

(g) Any person storing, using, or otherwise consuming in this state any work or works which is deemed to be exempt from the sales tax pursuant to this section is not liable for the use tax on the work or works.

(h) Notwithstanding the provisions of this section, any individual to whom this section may apply shall comply with all the administration, collection, and other provisions of chapters 18 and 19 of this title.

SECTION 2. Section 44-30-1.1 of the General Laws in Chapter 44-30 entitled "Personal Income Tax" is hereby amended to read as follows:

44-30-1.1. Exemption from tax for writers, composers and artists. [Effective January 1, 2004.] -- (A)

This section shall only apply to writers, composers and artists residing within a section of the defined economic development zone within the cities of Providence, Pawtucket or Woonsocket, or the economic development zone within the town of Westerly as defined in section 44-18-30B(c)(1)(i), or within those areas of the town of Warren which are zoned "waterfront district," "special district," "village business district," "manufacturing district," "business district" or "Warren historic district." or a tax pass-through entity wholly owned by one or more such individuals and who create such work while residing in the zone, or in the case of Warren, within those areas of the town which are zoned "waterfront district," "special district," "village business district," "manufacturing district," "business district" or "Warren historic district." For the purposes of this section, a "work" shall mean an original and creative work, whether written, composed, created or executed for "one-of-a-kind, limited" production, before or after the passing of this section, which falls into one of the following categories:

- (1) A book or other writing;
- (2) A play or the performance of said play;
- (3) A musical composition or the performance of said composition;
- (4) A painting or other like picture;
- (5) A sculpture;
- (6) Traditional and fine crafts;
- (7) The creation of a film or the acting of said film;
- (8) The creation of a dance or the performance of said dance;

For purposes of this section, a "work" does not apply to any piece or performance created or executed for industry oriented or related production.

(B) (1) This section shall apply to any individual:

(a) Who is a resident within the section of the economic development zone designated as the Arts and Entertainment District in the downtown area of the city of Providence, Woonsocket or in the city of Pawtucket, and deriving the income exempted from within said district while a resident of said zone, or who is a resident within the section of the arts and entertainment district in the town of Westerly, as defined in subsection 44-18-30B(C)(1)(i) and who derives the income exempted from within said district while a resident of said zone. For the purposes of this section, the arts and entertainment district in Providence is defined as the area bounded by Pine Street to the southeast, Dorrance Street to the northeast, Sabin Street to the northwest and Empire Street to the southwest. The Westerly arts and entertainment district is defined in subsection 44-18-30B(C) (1)(i). The abovementioned streets shall be included in the district; and in Pawtucket shall be defined as the area beginning at the point of intersection of Dexter Street and the Central Falls line, then east along the Central Falls Line to the Blackstone River, then north along the city boundary on the Blackstone River to the Cumberland line, then west along the Pawtucket city boundary line to I-95, then south along I-95 to Pine Street, then north on Pine Street to AMTRAK Right of Way, then northwest along the AMTRAK Right of Way to Dexter Street, then north on Dexter Street to the Central Falls line. The abovementioned streets shall be included in the district; and in Woonsocket shall be defined as the area beginning at a point of land on the southwest bank of the Blackstone River abutting the bridge for the Providence & Worcester Railroad and proceeding northerly to a point at the intersection of Worrall Street, Clinton Street and Harry S. Truman Drive, then proceeding northwesterly along Worrall Street to its intersection with Social Street, then turning westerly on Social Street proceeding to its intersection with Main Street, Blackstone Street and North Main Street, then turning northwesterly and proceeding along Blackstone Street to its intersection with River Street, then turning northerly and proceeding along River Street to its intersection with the northeast bank of Blackstone River, then following the riverbank southerly to the bridge at Bernon Street and turning easterly crossing the Blackstone River via Bernon Street and proceeding to its intersection with Front Street, then turning northeasterly on Front Street and proceeding to its

intersection with Hamlet Avenue, and to include the former Courthouse on the southerly side of Front Street at its intersection with Hamlet Avenue, then turning easterly on Hamlet Avenue and proceeding to its intersection with Manville Road, then turning southeasterly on Manville Road and proceeding to its intersection with Davison Avenue, then turning northeasterly on Davison Avenue and proceeding to a point on the southwest bank of the Blackstone River, then turning northerly, following the southerly riverbank to the point of beginning. The abovementioned streets are included in the district.

This section shall also apply to any individual who is a resident of the town of Warren and whose income otherwise qualifies for an exemption as provided for in this section.

(b) Who is determined by the tax administrator, after consideration of any evidence in relation to the matter which the individual submits to him or her and after such consultation as may seem to him or her to be necessary with such person or body of persons as in his or her opinion may be of assistance to him or her, to have written, composed or executed either solely or jointly with another individual, a work or works would fall into one of the categories listed in section (A) above.

(C) (1) An individual to whom this section applies and who duly makes a claim to the tax administrator in that behalf shall, subject to paragraph (2) below, be entitled to have the profits or gains arising to him or her from the publication, production or sale of a work or works in relation to which the tax administrator has made a determination under subsection (B)(1)(b) of this section to be taken as a modification reducing federal adjusted gross income.

(2) The modification authorized by this section shall apply to the year in which the profit or gain from the publication, production or sale of a work is realized.

(D) The tax administrator may serve on an individual who makes a claim under this subsection a notice or notices in writing requiring him or her to make available within such time as may be specified in the notice of all such books, accounts and documents in his or her possession or power as may be requested, being books, accounts and documents relating to the publication, production or sale of the work in respect of the profits or gains of which exemption is claimed.

(E) For the purpose of determining the amount of profits or gains subject to modification under this section, the tax administrator may make such apportionment of receipts and expenses as may be necessary. (F) Notwithstanding any other provisions of this chapter, any individual seeking relief under this section shall file a Rhode Island personal income tax return listing the modification reducing federal adjusted gross income relating to profits or gains realized from the works as defined in this section.

SECTION 3. This act shall take effect January 1, 2005."

Respectfully submitted,
SENATOR FELAG

The motion to amend prevails upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Felag moves passage of the act as amended, seconded by Senator Roberts.

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

YEAS- 34: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

29. 2004-S 3073

BY Revens

ENTITLED, AN ACT RELATING TO TAXATION -- EXEMPTIONS FOR WRITERS, COMPOSERS AND ARTISTS

Committee on Finance recommends passage.

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

The act is read and passed, upon a roll call vote with 30 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 30: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

30. 2004-S 3152

BY Lanzi

ENTITLED, AN ACT AUTHORIZING THE CITY OF CRANSTON TO ISSUE NOT MORE THAN \$1,400,000 BONDS AND NOTES TO FINANCE BUILDING REPAIRS, CONSTRUCTION AND RENOVATIONS TO THE CRANSTON WEST AREA CAREER AND TECHNICAL CENTER

Committee on Finance recommends passage.

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

32 2004-S 3176 as amended

BY Lenihan

ENTITLED, AN ACT AUTHORIZING THE TOWN OF EAST GREENWICH TO FINANCE THE CONSTRUCTION, RENOVATION, ALTERATION, REPAIR, IMPROVEMENT, EQUIPPING AND FURNISHING OF, AND/OR ADDITIONS TO, PUBLIC SCHOOLS AND SCHOOL FACILITIES IN THE TOWN AND TO ISSUE NOT MORE THAN

\$42,800,000 BONDS AND/OR NOTES THEREFOR

Committee on Finance recommends passage as amended.

Senator Lenihan moves passage, seconded by Senators Raptakis, McCaffrey and others.

The act is read and passed, by unanimous consent, as amended, 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, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

33 2004-S 3180**BY Paiva-Weed****ENTITLED,** AN ACT RELATING TO TAXATION -- NEWPORT SENIOR
RESIDENT PROPERTY TAX SERVICE CREDIT PROGRAM

Committee on Finance recommends passage.

Senator Paiva-Weed moves passage, seconded by Senators Roberts and McCaffrey.

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

NAYS- 0:

34 2004-S 3182**BY Gallo****ENTITLED,** AN ACT RELATING TO EDUCATION -- EDUCATION EQUITY
AND PROPERTY TAX RELIEF

Committee on Finance recommends passage.

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

35 2004-S 3184**BY Roberts****ENTITLED,** AN ACT AUTHORIZING THE CITY OF CRANSTON TO ISSUE
NOT MORE THAN \$7,000,000 BONDS AND NOTES TO FINANCE

REPAIRS, RENOVATIONS AND FIRE CODE UPGRADES TO
SCHOOL BUILDINGS IN THE CITY OF CRANSTON

Committee on Finance recommends passage.

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

36 2004-S 2082 SUB A

BY Bates

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS --
RENEWABLE ENERGY STANDARD

Committee on Financial, Technology, Regulatory recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Bates moves passage, seconded by Senators Roberts, Goodwin, Badeau, Sheehan, Perry, Paiva-Weed, Algieri, Sosnowski, Connors, Pichardo, DaPonte, Lenihan, Ciccone and many others.

Senators Badeau, Walaska, Blais and Sosnowski discuss the act.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

37 2004-S 2133 SUB A

BY Walaska

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
LONG-TERM CARE -- COMMUNITY LIVING OPTIONS

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Walaska moves passage, seconded by Senator Roberts.

Senator Roberts seconded by Senator Walaska, offers the following written motion to amend.

F L O O R A M E N D M E N T

TO

2004 -- S 2133 SUBSTITUTE A

AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- LONG-TERM CARE -- COMMUNITY LIVING OPTIONS

Mr. President:

I hereby move to amend 2004 -- S 2133 SUBSTITUTE A, entitled "AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- LONG-TERM CARE -- COMMUNITY LIVING OPTIONS", as follows:

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

"SECTION 1. Chapter 42-66.6 of the General Laws entitled "Long-Term Care Assessment and Care Management Services" is hereby amended by adding thereto the following section:

42-66.6-5. Community living options. - - (a) As part of the long-term care assessment and care management program as defined in section 42-66.6-2(1), all persons with a disability who are age sixty-five (65) years of age or younger and who are: (i) seeking admission to or discharge from a licensed long-term care residential facility including nursing facilities and licensed assisted living facilities; and/or (ii) any residents of such facilities whose care is paid for by the state and/or Medicaid, shall be provided with information prepared jointly by the department and the department of human services in collaboration with the Rhode Island independent living centers about the availability of the community living option. The information shall include what home and community-based services and other supportive services are available and eligible for state and/or Medicaid funding as an option for placement in a long-term care institution or residential facility in order to secure services in the least restrictive setting appropriate to their needs.

(b) As used herein: (i) The term "community living option" shall mean providing opportunities for people with disabilities to choose to live in a less restrictive environment; and (ii) The term "disability" shall have the same meaning as set forth in section 42-87-1.

(c) Whenever allowable by state and/or Medicaid program requirements, funds that shall be provided for the long-term care services referred to in this section shall follow individuals as their placement and/or setting of care changes.

(d) Persons seeking admission to a long-term care facility from an acute care hospital shall be provided with this information by the hospital's discharge or social service staff. Persons being admitted from or discharged to the community shall be provided this information by the admissions staff on the long-term care facility. Those persons seeking admission to a long-term care facility on an emergency basis or for skilled care shall be exempt from the provisions of this subsection.

SECTION 2. This act shall take effect upon passage."

Respectfully submitted,
SENATOR ROBERTS

The motion to amend prevails upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Walaska moves passage of the act as amended, seconded by Senator Roberts.

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

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

NAYS- 0:

31. 2004-S 3175

BY Tassoni

ENTITLED, AN ACT AUTHORIZING THE TOWN OF SMITHFIELD TO ISSUE
NOT EXCEEDING \$20,850,000 GENERAL OBLIGATION BONDS
OR NOTES FOR LAND ACQUISITION AND LIBRARY
CONSTRUCTION PROJECTS

Committee on Finance recommends passage.

Senator Tassoni moves passage, seconded by Senators Goodwin.

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

NAYS- 0:

38. 2004-S 2279 SUB A

BY Alves

ENTITLED, AN ACT RELATING TO HEALTH INSURANCE COVERAGE --
MANDATED HEARING AID COVERAGE

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Alves moves passage, seconded by Senators Paiva-Weed, McBurney, Perry, Fogarty, Gallo, Raptakis and many others.

Senator Gallo discusses the act.

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

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

NAYS- 0:

39. 2004-S 2635 SUB A

BY Tassoni

**ENTITLED, AN ACT RELATING TO INSURANCE -- ACCIDENT AND
SICKNESS INSURANCE POLICIES**

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Tassoni moves passage, seconded by Senators Perry, Roberts and Parella.

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

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

NAYS- 0:

40. 2004-S 2569 SUB A

BY Perry

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES

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

Senator Perry moves passage, seconded by Senators Roberts, Paiva-Weed, Goodwin and Pichardo.

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

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin,

Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

44. 2004-H 7416 SUB A as amended

BY Costantino

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A as amended in concurrence.

Senator Roberts moves passage, seconded by Senators Sheehan and Felag.

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, by unanimous consent, upon roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

47. 2004-H 7503 SUB A as amended

BY Giannini

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
DISABILITY BUSINESS ENTERPRISES

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

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

48. 2004-H 7590 SUB A

BY Menard

ENTITLED, AN ACT RELATING TO INSURANCE -- SMALL EMPLOYER
HEALTH INSURANCE

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Connors moves passage, seconded by Senator Sosnowski.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

52. 2004-H 7945 SUB A

BY Anguilla

ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS, AND PARTNERSHIPS

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

Senator McCaffrey moves passage, seconded by Senators Damiani.

Senator McCaffrey seconded by Senator Damiani, offers the following written motion to amend.

F L O O R A M E N D M E N T

TO

2004 -- H 7945 SUBSTITUTE A

AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS, AND PARTNERSHIPS

Mr. President:

I hereby move to amend 2004 -- H 7945 SUBSTITUTE A, entitled "AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS, AND PARTNERSHIPS", as follows:

On page 125, line 8, by deleting the word "January" and inserting in place thereof the word "July".

Respectfully submitted,
SENATOR MCCAFFREY

The motion to amend prevails 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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Walaska.

NAYS- 0:

Senator McCaffrey moves passage of the act as amended, seconded by Senator Damiani.

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

NAYS- 0:

57. 2004-H 8257

BY Costantino

**ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS --
PAWNBROKERS**

Ordered on the Calendar

Senator Walaska moves passage, seconded by Senator Ruggerio.

Senator Walaska seconded by Senator Ruggerio, offers the following written motion to amend.

F L O O R A M E N D M E N T

TO

2004 -- H 8257

AN ACT RELATING TO FINANCIAL INSTITUTIONS -- PAWNBROKERS

Mr. President:

I hereby move to amend 2004 -- H 8257, entitled "AN ACT RELATING TO FINANCIAL INSTITUTIONS -- PAWNBROKERS", as follows:

On page 1, line 11, after the word "than" by inserting the language "nor more than".

Respectfully submitted,
SENATOR WALASKA

The motion to amend prevails 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 Montalbano and Senators Algieri, Badeau, Bates, Breene, Caprio, Ciccone, Connors, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Walaska moves passage of the act as amended, seconded by Senators Ruggerio.

The act is read and passed, by unanimous consent, as amended, 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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

59. 2004-H 8481 as amended

BY Aubin

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
MILL BUILDING AND ECONOMIC REVITALIZATION ACT

Committee on Finance recommends passage as amended in concurrence.

Senator Fogarty moves passage, seconded by Senator Tassoni.

Senator Paiva-Weed seconded by Senator Ruggerio, offers the following written motion to amend.

F L O O R A M E N D M E N T

TO

2004 -- H 8481, As Amended

AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- MILL BUILDING AND ECONOMIC
REVITALIZATION ACT

Mr. President:

I hereby move to amend 2004 -- H 8481, As Amended entitled "AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- MILL BUILDING AND ECONOMIC REVITALIZATION ACT", as follows:

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

"SECTION 1. Title 42 of the General Laws entitled "State Affairs and Government" is hereby amended by adding thereto the following chapter:

CHAPTER 64.9

MILL BUILDING AND ECONOMIC REVITALIZATION ACT

42-64.9-1. Short title. -- This chapter shall be known and may be cited as the "Mill Building and Economic Revitalization Act."

42-64.9-2. Legislative findings and purpose. -- It is found and declared that:

(1) Throughout the state of Rhode Island there are located numerous historic and industrial mill structures which over the past two (2) decades have experienced high vacancy rates and physical deterioration.

(2) Without added economic incentive, these structures are not viable for redevelopment and reuse by modern commercial and manufacturing enterprises and will continue their physical deterioration.

(3) The redevelopment and reuse of these historic industrial mill structures are of critical importance to the economic well-being of the state of Rhode Island and its towns and cities.

(4) The adoption of certain economic incentive measures will assist in stimulating the reuse and redevelopment of Rhode Island's historic industrial mill structures, and will benefit the health, safety, welfare and prosperity of the people of this state.

42-64.9-3. Purpose. -- It is the purpose of this chapter to create economic incentives for the purpose of stimulating the redevelopment and reuse of Rhode Island's historic industrial mill structures.

42-64.9-4. Definitions and construction. -- As used in this chapter, unless the context otherwise requires, the term:

(1) "Certifiable building" means a mill complex or a building:

(i) That was constructed prior to January 1, 1950;

(ii) Having at least two (2) floors, excluding a basement;

(iii) Which is or will be used primarily for manufacturing, wholesale trade and other commercial purposes;

(iv) The use of which conforms to the comprehensive plan and local land use management ordinances of the municipality in which the building is located;

(v) That is proposed for substantial rehabilitation;

(vi) That has been at a minimum seventy-five percent (75%) vacant for a minimum of twenty-four (24) months at the time of submission by the municipality;

(vii) That is designated by the municipality for consideration as a certifiable building as hereinafter provided;

(viii) Meets other requirements as established by the council; and

(ix) Designated by the enterprise zone council as a certified building pursuant to the requirements of section 42-64.9-5.

(2) "Certification of an eligible business" means an annual process taking place on a calendar year basis to certify entities as eligible businesses for the purpose of this chapter. Businesses certified as eligible businesses for the purpose of this chapter, and which may also be eligible for certification as certified businesses under the provisions of section 42-64.3-3(4) must elect certification under only one designation of each certification year. This election must be made for each certification year; provided, that the business continues to be eligible for both designations on a year-to-year basis.

(3) "Certified building owner" means an individual, partnership, corporation, limited liability company or other entity which is listed in the appropriate municipal records of land evidence as the owner of a certified building, and may include one or more successors in title to the owner of the building at the time the building received written notice of final designation as a certified building pursuant to section 42-64.9-6. A certified

building owner may include the owner of a leasehold interest with a minimum term of fifty (50) years, with respect to which a memorandum of lease has been recorded in the land evidence records.

(4) "Eligible business" means any business, corporation, sole proprietorship, partnership, limited partnership or limited liability company or other entity which:

(i) Is located in a certified building after building has undergone substantial rehabilitation as hereinafter defined;

(ii) Is engaged principally in manufacturing, wholesale trade, or other commercial business activities;

(iii) Whose total Rhode Island salaries and wages exceed the total Rhode Island salaries and wages paid to its employees in the prior calendar year;

(iv) Has received certification from the enterprise zone council pursuant to the rules and regulations promulgated by the council; and

(v) Which, as part of its annual certification:

(A) Obtains certificates of good standing from the Rhode Island division of taxation, the corporations division of the Rhode Island secretary of state, and the appropriate municipal authority;

(B) Provides the enterprise zone council an affidavit stating under oath that the entity seeking certification as a qualified business has not within the preceding twelve (12) months from the date of application for certification changed its legal status or location solely for the purpose of gaining favorable treatment under the provision of this chapter; and

(C) Meets certain other requirements set forth by the council.

(5) "Enterprise zone" means an enterprise zone established pursuant to section 42-64.3-4.

(6) "Enterprise zone council" or the "council" means the enterprise zone council established pursuant to section 42-64.3-3.1, and empowered with the same authority and given the same responsibilities under that section.

(7) "Municipality" means any city or town within the state, whether now existing or hereafter created.

(8) "Qualified employee" means a full-time employee of an eligible business whose business activity originates and terminates from within the eligible business and certified building on a daily basis, and who is employed by the eligible business at the end of the calendar year, and who is a domiciled resident of the state of Rhode Island.

(9) "Salaries and wages" means salaries, wages, tips and other compensation as defined in the Internal Revenue Code of 1986, 26 U.S.C. section 61.

(10) "Substantial rehabilitation" means rehabilitation or reconstruction costs of a certified building in a dollar amount that equals or exceeds twenty percent (20%) of the market value of the certified building prior to rehabilitation or reconstruction, as said prior market value is determined by a Rhode Island licensed and certified appraiser who is independent of the certified building owner or owners and their affiliated corporations, and/or any tenants of the certified building and their affiliated corporations.

(11) "Rehabilitation and reconstruction costs" means and includes only those amounts incurred and paid by the certified building owner, after issuance of the notice of final designation of the building, solely and exclusively for the rehabilitation of the certified building and which are incurred and paid by the certified building owner to acquire tangible personal property and structural components of the certified building which: (i) are depreciated pursuant to 26 U.S.C. section 167; (ii) have a useful life of three (3) years or more as evidenced by the tax depreciation method taken and shown on the federal tax return of the certified building owner; and (iii) are acquired by purchase as defined in 26 U.S.C. section 179(d). Rehabilitation and reconstruction costs do not include amounts incurred or paid with respect to tangible personal property and structural components of the certified building which the certified building owner leases from any other person or corporation. For the purposes of the preceding sentence, any contract or agreement to lease or rent or for a license to use the property shall be considered a lease unless the contract or agreement is treated for the federal income tax purposes of the certified building owner as an installment purchase rather than a lease.

(12) "Mill complex" means two (2) or more mill buildings, located on the same or contiguous parcels of land, each of which, at one time, had the same owner(s).

(13) "Certified building" means a building with respect to which the council has issued a written notice of final designation as a certified building pursuant to the provisions of section 42-64.9-6. A portion of a building may be treated as a separate building for purposes of this chapter if:

(i) It consists of a clearly identifiable part of a certifiable building, including, without limitation, one or more wings, stories, or other separable portions of a certifiable building;

(ii) It is held by a single owner, whether in fee or as a condominium, cooperative or leasehold interest; and

(iii) At least one eligible business reasonably could be operated within the confines of this portion.

42-64.9-5. Building certification process. -- (a) No later than December 1, 2000, a municipality shall submit to the enterprise zone council a list of industrial mill structures located within the municipality for consideration by the council as to whether any of these structures qualify as certifiable buildings. The council will notify the municipality as to which structures qualify as certifiable buildings.

(b) On or before May 1, 2001, any building designated by the enterprise zone council as a certifiable building may then be submitted by the municipality to the council for preliminary designation as a certified building; provided, that the municipality has given notice to the council:

(1) That the building conforms to the area restriction set forth in square feet in subsection (d) of this section; and

(2) That within six (6) months of this designation, the municipality agrees to:

(i) Promulgate local regulations and ordinances providing favorable local property tax treatment for certified industrial mill buildings which are substantially rehabilitated;

(ii) Promulgate local regulations and ordinances to expedite the building permit review and approval process required in the municipality for the rehabilitation of certified buildings;

(iii) Promulgate local regulations and ordinances waiving all building permit fees of the municipality for the rehabilitation of certified buildings;

(iv) Promulgate local regulations and ordinances adopting design standards in the municipality which encourage historic preservation of certified buildings, or alternatively, adopt design standards developed and recommended by the Rhode Island historic preservation commission;

(v) Promulgate local regulations and ordinances requiring that the advice of the Rhode Island historic preservation commission will be obtained for the rehabilitation of any certified building in the municipality; and

(vi) Establish a program for eligible businesses which coordinates the economic development activities of state and local business assistance programs and agencies, including, but not limited to, the Ocean State business development authority, the Rhode Island small business development center, the Rhode Island export assistance center, the applicable private industry council, and the applicable chamber of commerce.

(c) Notwithstanding anything to the contrary contained herein, the council's preliminary designation of certified buildings within any municipality shall be limited in accordance with the following:

(1) One certified building per municipality having a population according to the most recent federal census of less than twenty-five thousand (25,000); provided, however, that in the event one or more enterprise zones have been designated in the municipality, it may be permitted two (2) certified buildings, in which event, at least one of the certified buildings shall be located within the municipality's boundaries of an enterprise zone;

(2) Two (2) certified buildings per municipality having a population according to the most recent federal census of between twenty-five thousand and one (25,001) and seventy-five thousand (75,000); provided, however, that in the event one or more enterprise zones have been designated in the municipality it may be permitted three (3) certified buildings, in which event, at least one of the certified buildings shall be located within the boundaries of an enterprise zone; and

(3) Four (4) certified buildings per municipality having a population according to the most recent federal census in excess of seventy-five thousand and one (75,001); provided, however, that in the event one or more enterprise zones have been designated in the municipality, it may be permitted six (6) certified buildings, in which event, at least two (2) of the certified buildings shall be located within the boundaries of an enterprise zone.

(d) The aggregate square footage of all certified buildings within any municipality shall not exceed the average of three hundred thousand (300,000) gross square feet per certified building.

42-64.9-6. Notice of final designation of certified building. -- (a) Upon notice to the council that the municipality has satisfied the requirements of section 42-64.9-5(b)(2)(i) through (vi), the council shall provide to the municipality and to the certified building owner a written notice of final designation, which notice shall include a statement that an independent appraisal is required in order to comply with the requirements of section 42-64.9-4(10).

(b) The certification and the benefits accruing thereto shall apply for no more than five (5) years from the date of final designation by the council, except in the case of the carryover of unused specialized investment tax credits as provided by section 44-31-2, and in no case shall the benefits accruing be applied retroactively.

42-64.9-6.1. Certified building rehabilitation. -- (a) A certified building shall be treated as having been substantially rehabilitated only if the reconstruction and rehabilitation expenditures incurred during the twenty-four (24) month period selected by the certified building owner and ending with or within the taxable year in which the rehabilitated certified building is first placed in service by the certified building owner meet the definition of "substantial rehabilitation" set forth in section 42-64.9-4(12). For purposes of determining whether the requirements of section 42-64.9-4(12) have been met, the market value of the certified building shall be determined at the beginning of the 1st day of such twenty-four (24) month period.

(b) Special rule for phased rehabilitation. - In the case of any rehabilitation which may reasonably be expected to be completed in phases set forth in architectural plans and specifications completed before the rehabilitation begins, subsection (a) shall be applied by substituting "sixty (60) month period" for "twenty-four (24) month period."

42-64.9-7. Specialized investment tax credit. -- A certified building owner may be allowed a specialized investment tax credit as set out in section 44-31-2 against the tax imposed by chapters 11 and 30 of title 44.

42-64.9-8. Business tax credits. -- A taxpayer who owns and operates an eligible business within a certified building that has been substantially rehabilitated is allowed a credit against the tax imposed pursuant to chapter 11 or 30 of title 44 as follows:

(1) A credit equal to one hundred percent (100%) of the total amount of Rhode Island salaries and wages as are paid to qualified employees in excess of Rhode Island salaries and wages paid to the same employees in the prior calendar year. The maximum credit allowable per taxable year under the provisions of this subsection is three thousand dollars (\$3,000) per qualified employee.

(2) Any tax credits provided in subdivision (1) shall not offset any tax liability in years other than the year in which the taxpayer qualifies for the credit. Fiscal year taxpayers must claim the tax credit in the year in which the December 31st of the certification year falls. The credit shall not reduce the tax below the minimum tax. The credit shall be used to offset tax liability under either chapter 11 or 30 of title 44, but not both.

(3) In the case of a corporation, the credit allowed under this section is only allowed against the tax of that corporation included in a consolidated return that qualifies for the credit and not against the tax of other corporations that may join in the filing of a consolidated tax return.

(4) In the case of multiple business owners, the credit provided in subdivision (1) is apportioned according to the ownership interests of the eligible business.

(5) In the event that the eligible business is located within an enterprise zone and is a certified business under the provisions of section 42-64.3-6, the taxpayer must elect to use the credit provided under subdivision (1) or the credit provided in section 42-64.3-6 to offset tax liability, but the taxpayer may not elect to claim both.

42-64.9-9. Interest income. -- (a) A taxpayer is allowed a ten percent (10%) credit against taxes due under the provisions of chapter 11, 13, 14, 17, or 30 of title 44 for interest earned and paid on loans made to eligible businesses as defined in section 42-64.9-4 of this chapter, solely and exclusively for expenditures within the certified building.

(b) The taxpayer is further allowed a one hundred percent (100%) credit against taxes due under chapter 11, 13, 14, 17, or 30 of title 44 for interest earned on loans made solely and exclusively for the purposes of substantial rehabilitation as defined in section 42-64.9-4.

(c) Any tax credit herein provided shall not offset any tax liability in taxable years other than the year in which the taxpayer qualifies for the credit. The credit shall not reduce the tax below the minimum, and, in the case of a corporation, shall only be allowed against the tax of that corporation included in a consolidated return that qualifies for the credit and not against the tax of other corporations that may join in the filing of a consolidated tax return.

(d) The taxpayer is allowed a maximum credit of ten thousand dollars (\$10,000) per taxable year under subsection (a) of this section. The taxpayer is allowed a maximum credit of twenty thousand dollars (\$20,000) per taxable year under subsection (b).

(e) In the event a certified building owner is also a qualified business under chapter 64.3 of this title, the lender/taxpayer must elect to treat the loan described in subdivision (a) and its related interest payments as

pertaining to the interest credit provided in this section or section 42-64.3-8.1, but not both.

42-64.9-10. Exemption or stabilization of taxes. -- Notwithstanding the provisions of any municipal charter or any other general, special or local law to the contrary, real property taxes for a certified building and tangible property taxes of the owner or owners of a certified building for tangible property used in the certified building may be exempted from payment, in whole or in part, notwithstanding the valuation of the property or the rate of tax, by vote of the city or town council to the extent deemed appropriate by the city or town council to carry out the purposes of this chapter. This section shall be construed to provide a complete, additional and alternative authority for the city or town council to grant exemption or stabilization of real or tangible property taxes with respect to certified buildings, and the granting of tax exemption or stabilization by the city or town council under the provisions of this section does not require the taking of any other proceedings or the happening of any condition, except for the vote of the city or town council.

42-64.9-11. Expedited permit process. -- Any building designated by the enterprise zone council as a certified building shall be immediately forwarded by the building owner to the governor and the board of directors of the Rhode Island economic development corporation for consideration as a project of critical economic concern as that term is defined in section 42-117-3(3) and shall be entitled to the benefits of chapter 117 of this title.

42-64.9-12. Expiration. -- This chapter shall terminate and be of no further effect on August 8, 2009, unless the chapter is extended by action of the general assembly.

42-64.9-13. Examination of taxpayer's records. -- The tax administrator and his or her agents, for the purpose of ascertaining the correctness of any credit claimed under the provisions of this chapter, may examine any books, paper, records, or memoranda bearing upon the matters required to be included in the return, report, or other statement, and may require the attendance of the person executing the return, report, or other statement, or of any officer or employee of any taxpayer, or the attendance of any other person, and may examine the person under oath respecting any matter which the tax administrator or his or her agent deems pertinent or material in determining the eligibility for credits claimed.

42-64.9-14. Penalties. -- Any taxpayer or employee, officer or agent of any taxpayer that willfully fails to comply with the provisions of this chapter or otherwise submits false or misleading information shall be guilty of a felony and upon conviction shall be fined an amount not more than three (3) times the amount of the tax credit received by the taxpayer, or imprisoned not more than one year, or both.

42-64.9-15. Revocation of certification. -- The council has the power to revoke the certification of any building certified under section 42-64.9-5 of this chapter and to revoke the eligibility of any business defined as an eligible business under section 42-64.9-4.

42-64.9-16. Additional rules and regulations. -- (a) The state tax administration shall promulgate appropriate rules and regulations to ensure the proper administration of the taxation provisions of this chapter. The council shall promulgate appropriate rules and regulations with respect to the building certification process, and the certification of eligible businesses, and shall advise the tax administrator of them and shall promulgate any other rules and regulations that may be necessary to carry out the provisions of this chapter.

(b) In addition to the rules and regulations as provided in subsection (a), the Rhode Island economic development corporation, with assistance from the department of administration office of systems planning and subject to the approval of the enterprise zone council, shall adopt performance standards in order to evaluate the effectiveness of this chapter in accomplishing its stated purpose.

(c) The evaluation, according to the performance standards established by subsection (b), shall be conducted and reported on an annual basis for each of the years the provisions of this chapter are in force.

42-64.9-17. Severability. -- If the provisions of this chapter or the application of this chapter to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

42-64.9-18. Applicability. -- The provisions of this chapter apply to all buildings that have been designated by the enterprise zone council as certifiable buildings pursuant to chapter 64.5 of this title for all years commencing with the year of the designation.

SECTION 2. This act shall take effect upon passage and shall apply retroactively to August 8, 2003."

Respectfully submitted,
SENATOR FOGARTY

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

NAYS- 0:

Senator Fogarty moves passage of the act as amended, seconded by Senator Goodwin.

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

NAYS- 0:

53. 2004-H 7964 SUB A as amended

BY Jacquard

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES

Ordered on the Calendar

Senator Ruggerio moves passage, seconded by Senator Caprio.

Senator Ruggerio seconded by Senator Caprio, offers the following written motion to amend.

F L O O R A M E N D M E N T

TO

2004 -- H 7964 SUBSTITUTE A, As Amended

RELATING TO TOWNS AND CITIES

Mr. President:

I hereby move to amend 2004 -- H 7964 SUBSTITUTE A, as amended, entitled "AN ACT RELATING TO TOWNS AND CITIES", as follows:

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

"SECTION 1. Sections 45-33.2-4 and 45-33.2-18 of the General Laws in Chapter 45-33.2 entitled "Tax Increment Financing" are hereby amended to read as follows:

45-33.2-4. Adoption of project plan. -- The legislative body of any city or town may adopt a project plan if a finding is made to the effect that:

(1) With respect to any portion of the project: (i) providing municipal or other public facilities or land therefor, under the definition of "project" under section 45-33.2-3(2)(i) or (ii); or (ii) constituting a project under section 45-33.2-3(2), that the facilities, programs and other assistance are needed and that the financing of that portion of the project in accordance with the plan is in the public interest; or

(2) With respect to any portion of the project providing land for housing for persons or families of low income, that there is not within the city or town an adequate supply of low rent housing for persons or families of low income generally, or for veterans, or for persons who are elderly or disabled, as the case may be, available for rents they can afford to pay, that the rents which those persons or families can afford to pay would not warrant private enterprise providing housing for them, and that the financing of that portion of the project in accordance with the plan is in the public interest; or

(3) With respect to any portion of the project providing financing under section 45-33.2-5(13), but only to the extent not described in subdivision (1), that unemployment or the threat of unemployment exists in the city or town or that security against future unemployment is required, that the project is needed, that it will provide employment or security against loss of employment, including the approximate number of new jobs that should be created or preserved, construction and nonconstruction, their approximate wage rates, what types of fringe benefits such as healthcare or retirement benefits there will be, and the projected increase in personal income taxes to the state of Rhode Island, all having a reasonable relationship to the probable cost of acquiring, establishing, improving, or rehabilitating the facilities in which the employment is to be provided or maintained, and that the financing of that portion of the project in accordance with the plan is in the public interest; or

(4) With respect to any portion of the project providing land for industrial or commercial development or revitalization, but only to the extent not described in subdivision (1):

(i) That the requirements of subdivision (3) are satisfied; or

(ii) That the requirements of subdivision (5) are satisfied; or

(5) With respect to any other portion of the project:

(i) That it is located in a "blighted and substandard area" as that term is defined in section 45-31-8(3), or that the project is needed to arrest blight or decay in the city or town and to prevent the area from becoming a blighted and substandard area;

(ii) That the project area would not by private enterprise alone, and without either governmental subsidy or the exercise of governmental powers, be developed or revitalized in a manner so as to prevent, arrest, or alleviate the spread of blight or decay;

(iii) That the plan will afford maximum opportunity to privately financed development or revitalization consistent with the sound needs of the city or town as a whole; ~~and~~

(iv) That the financing of that portion of the project in accordance with the plan is in the public interest: ;
and

(v) Approximately how many new jobs, construction and nonconstruction, the plan will create, their approximate wage rates, whether the expected new jobs will provide fringe benefits such as healthcare and retirement benefits, and the projected impact of personal income taxes to the state of Rhode Island.

(6) No project shall be undertaken pursuant to this chapter until a project plan has been adopted as provided in this section.

(7) A city or town may amend a project plan by submitting the full project plan, as amended, to its legislative body, which must then make a finding with respect to the amended project plan which is identical to the required finding for the original adoption of the project plan; provided, that no amendment is violative of or inconsistent with any prior security arrangement entered into pursuant to the original project plan.

45-33.2-18. Annual report. -- No later than September 1 of each year a project plan pursuant to this

chapter is in effect in a city or town, the city or town shall make a report to the director of the department of economic development. The annual report shall review for the preceding fiscal year the activities financed by tax increment financing, the taxable valuation of the city or town, and for each tax increment area within the city or town, the taxable valuation of the property within the tax increment area, the amount of the tax increment, and the amount used or set aside for the purposes of the plan. The report shall also include the approximate number of new jobs created or preserved from the activities financed by tax incremental financing, construction and nonconstruction, the approximate amount of the wages for the jobs created, what types of fringe benefits, such as healthcare insurance or retirement benefits were made available to the new jobs created, the amount of new personal income taxes generated for the state of Rhode Island, a description of any plan or process intended to stimulate hiring in the municipality where the project is located, training of employees or potential employees and outreach to minority job applicants and minority businesses and any other relevant information requested by the director.

SECTION 2. Section 42-64-10 of the General Laws in Chapter 42-64 entitled "Rhode Island Economic Development Corporation" is hereby amended to read as follows:

42-64-10. Findings of the corporation. -- (a) Except as specifically provided in this chapter, the corporation shall not be empowered to undertake the acquisition, construction, reconstruction, rehabilitation, development, or improvement of a project, nor enter into a contract for any undertaking or for the financing of this undertaking, unless it first

(1) Finds:

(i) That the acquisition or construction and operation of the project will prevent, eliminate, or reduce unemployment or underemployment in the state and will generally benefit economic development of the state;

(ii) That adequate provision has been made or will be made for the payment of the cost of the acquisition, construction, operation, and maintenance and upkeep of the project;

(iii) That, with respect to real property, the plans and specifications assure adequate light, air, sanitation, and fire protection;

(iv) That the project is in conformity with the applicable provisions of chapter 23 of title 46; and

(v) That the project is in conformity with the applicable provisions of the state guide plan; and

(2) Prepares and publicly releases an analysis of the impact the proposed project will or may have on: the State. The analysis shall be supported by such appropriate data and documentation and shall consider, but not be limited to, the following factors:

(i) The impact on the industry or industries in which the completed project will be involved;

(ii) State fiscal matters, including the state budget (revenues and expenses); ~~and~~

(iii) The financial exposure of the taxpayers of the state under the plans for the proposed project and negative foreseeable contingencies that may arise therefrom; ;

(iv) The approximate number of jobs projected to be created, construction and non-construction;

(v) Identification of geographic sources of the staffing for identified jobs;

(vi) The projected duration of the identified construction jobs;

(vii) The approximate wage rates for the identified jobs;

(viii) The types of fringe benefits to be provided with the identified jobs, including healthcare insurance and any retirement benefits;

(ix) The projected fiscal impact on increased personal income taxes to the state of Rhode Island; and

(x) The description of any plan or process intended to stimulate hiring from the host community, training of employees or potential employees and outreach to minority job applicants and minority businesses.

(b) With respect to the uses described in section 42-64-3(18), (23), (30), (35), and (36) and with respect to projects situated on federal lands, the corporation shall not be required to make the findings specified in subsection (a)(1)(i) of this section.

(c) Except for the findings specified in subsections (a)(1)(iv) and (a)(1)(v) of this section, the findings of the corporation made pursuant to this section shall be binding and conclusive for all purposes.

(d) The corporation shall monitor every impact analysis it completes through the duration of any project incentives. Such monitoring shall include semi-annual reports made available to the public on the:

(i) Actual versus projected impact for all considered factors; and

(ii) Verification of all commitments made in consideration of state incentives or aid.

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

Respectfully submitted,
SENATOR RUGGERIO

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

NAYS- 0:

Senator Ruggerio moves passage of the act as amended, seconded by Senator Caprio.

The act is read and passed, by unanimous consent, as amended, 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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

62 2004-H 8564

BY Benson

ENTITLED, AN ACT AUTHORIZING THE TOWN OF NORTH KINGSTOWN TO FINANCE THE CONSTRUCTION, REPLACEMENT, INSTALLATION AND/OR IMPROVEMENT OF AN IRRIGATION SYSTEM AT THE NORTH KINGSTOWN MUNICIPAL GOLF COURSE AND TO ISSUE NOT MORE THAN \$1,100,000 BONDS AND NOTES THEREFOR

Ordered on the Calendar

Senator Lenihan moves passage, seconded by Senator Sheehan.

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

NAYS- 0:

63 2004-H 8638 as amended

BY Ginaitt

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION -- WATER POLLUTION

Ordered on the Calendar

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

64 2004-H 8640

BY Ginaitt

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - WATERS AND NAVIGATION

Ordered on the Calendar

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

**REPORTS OF COMMITTEES
COMMITTEE ON FINANCE**

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

House Bill No. 8322 as amended

BY Moura, Slater, McCauley, Ajello, Williams

ENTITLED, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES

Senator Alves requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Alves moves passage, seconded by Senator Ruggerio.

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 Montalbano and Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi,

Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

CALENDAR

IN ORDER FOR WEDNESDAY, JUNE 23, 2004:

89 2004-S 3216

BY Gibbs

ENTITLED, AN ACT AUTHORIZING THE TOWN OF MIDDLETOWN TO BORROW UP TO \$4,500,000 FOR THE PURPOSE OF FINANCING THE MAINTENANCE AND CONSTRUCTION OF SEWERS AND SEWERAGE SYSTEMS THROUGH THE ISSUANCE OF ITS GENERAL OBLIGATION BONDS OR NOTES INCLUDING BUT NOT LIMITED TO, ANY BONDS OR NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND CLEAN WATER FINANCE AGENCY

Ordered on the Calendar

Senator Gibbs moves passage, seconded by Senators Blais and Parella.

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

NAYS- 0:

90 2004-S 3217

BY Gibbs

ENTITLED, AN ACT AUTHORIZING THE TOWN OF MIDDLETOWN TO FINANCE THE ACQUISITION AND PRESERVATION OF OPEN SPACE AND ACQUIRING, PRESERVING, RESTORING OR IMPROVING RECREATIONAL AREAS IN THE TOWN BY THE ISSUANCE OF NOT MORE THAN \$2,000,000 BONDS AND/OR NOTES THEREFOR

Ordered on the Calendar

Senator Gibbs moves passage, seconded by Senators Blais, Algieri, Parella 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 Montalbano and Senators Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

91 2004-S 3218

BY Gibbs

ENTITLED, AN ACT AUTHORIZING THE TOWN OF MIDDLETOWN TO BORROW UP TO \$1,500,000 FOR THE PURPOSE OF FINANCING THE CONSTRUCTION AND EXTENSION OF SEWERS AND SEWER LINES THROUGH THE ISSUANCE OF ITS GENERAL OBLIGATION BONDS OR NOTES INCLUDING BUT NOT LIMITED TO, ANY BONDS OR NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND CLEAN WATER FINANCE AGENCY

Ordered on the Calendar

Senator Gibbs moves passage, seconded by Senators Parella, Bates, Breene, Blais and Algieri.

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

NAYS- 0:

92 2004-S 3219

BY Gibbs

ENTITLED, AN ACT AUTHORIZING THE TOWN OF MIDDLETOWN TO BORROW UP TO \$1,000,000 FOR THE PURPOSE OF FINANCING WATERLINE EXTENSION THROUGH THE ISSUANCE OF ITS GENERAL OBLIGATION BONDS OR NOTES INCLUDING BUT NOT LIMITED TO, ANY BONDS OR NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND CLEAN WATER FINANCE AGENCY

Ordered on the Calendar

Senator Gibbs moves passage, seconded by Senators Parella, Blais, Bates, Breene and Algieri.

The act is read and passed, 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 Montalbano and Senators Alves, Bates, Blais, Breene, Caprio, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Sosnowski, Tassoni, Walaska.

NAYS- 0:

71 2004-S 3202

BY Revens

ENTITLED, AN ACT RELATING TO THE CITY OF WARWICK TO PLACE ON THE BALLOT A QUESTION AUTHORIZING \$2,000,000 IN BONDS TO PURCHASE OPEN SPACE

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Blais moves passage, seconded by Senators McCaffrey, Walaska, Lenihan, Roberts, Raptakis 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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

70 2004-S 3193

BY Breene

ENTITLED, AN ACT CREATING THE EXETER FIRE DISTRICT

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Breene moves passage, seconded by Senators Paiva-Weed, Parella, Gibbs, Algieri and others.

The act is read and passed, 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 Montalbano and Senators Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Walaska.

NAYS- 0:

72 2004-S 3203

BY Breene

ENTITLED, AN ACT CREATING THE SHANNOCK WATER DISTRICT

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Breene moves passage, seconded by Senators Parella, Bates, Sosnowski 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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Paiva-Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

94 2004-S 3221

BY Paiva-Weed

ENTITLED, JOINT RESOLUTION CONGRATULATING IAN M. SHEPHERD ON ATTAINING THE RANK OF EAGLE SCOUT AND RECEIVING THE ROGERS HIGH SCHOOL "DR. PETER P. INTEGLIA PHYSICAL EDUCATION AWARD"

Ordered on the Calendar

Senator Paiva-Weed moves passage, seconded by Senator Blais.

The resolution is read and passed, by unanimous consent, as amended, in concurrence, upon a voice vote.

127 2004-H 8633

BY Coderre E

ENTITLED, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE RENOVATION AND IMPROVEMENT OF CITY HALL IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$3,000,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2005 AND 2006

Ordered on the Calendar

Senator McBurney moves passage, seconded by Senator Issa.

The act is read and passed, by unanimous consent, in concurrence, 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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

125 2004-H 8567

BY Enos

ENTITLED, AN ACT AUTHORIZING THE TOWN OF TIVERTON TO FINANCE THE CONSTRUCTION, RENOVATION, ALTERATION, REPAIR, IMPROVEMENT, EQUIPPING AND FURNISHING OF, AND/OR ADDITIONS TO, THREE PUBLIC ELEMENTARY SCHOOLS IN THE TOWN INCLUDING, BUT NOT LIMITED TO, ENGINEERING AND ARCHITECTURAL COSTS AND TO ISSUE NOT MORE THAN \$30,700,000 BONDS AND/OR NOTES THEREFOR INCLUDING BUT NOT LIMITED TO, ANY BONDS OR NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION

Ordered on the Calendar

Senator Felag moves passage, seconded by Senator Paiva-Weed.

The act is read and passed, by unanimous consent, in concurrence, 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 Montalbano and Senators Algieri, Alves, Bates, Blais, Breene, Caprio, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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

5 2004-H 8443

BY Fox

ENTITLED, AN ACT RELATING TO THE CODE OF ETHICS

7 2004-H 7000 SUB B

BY Landroche

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- ASSAULTS

8 2004-H 7027 SUB A**BY Flaherty****ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE****10 2004-H 7655 SUB A****BY Lally****ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES****11 2004-H 8019****BY Schadone****ENTITLED, AN ACT RELATING TO MOTOR VEHICLE INSURANCE --
RENTAL VEHICLES****12 2004-H 8359 SUB A as amended****BY Naughton****ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION -- THE RHODE
ISLAND BAYS, RIVERS, AND WATERSHEDS
COORDINATION TEAM****14 2004-S 2099 SUB B****BY Bates****ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES****41 2004-H 7006 SUB A****BY Murphy****ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES****42 2004-H 7135 SUB B as amended****BY Gallison****ENTITLED, AN ACT RELATING TO DISTRIBUTION OF CREDIT CARDS****43 2004-H 7346****BY Shanley****ENTITLED, AN ACT RELATING TO TAXATION - SALES AND USE TAXES -
LIABILITY AND COMPUTATION****45 2004-H 7445 SUB A as amended****BY Lima****ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
VETERINARY PRACTICE****46 2004-H 7462 SUB A****BY Anguilla****ENTITLED, AN ACT RELATING TO INSURANCE -- HEALTH COVERAGE****49 2004-H 7646****BY Aubin****ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- BURRILLVILLE**

50 2004-H 7986**BY Crowley****ENTITLED,** AN ACT RELATING TO EDUCATION -- THE RHODE ISLAND STUDENT INVESTMENT INITIATIVE**51 2004-H 7900****BY Crowley****ENTITLED,** AN ACT RELATING TO EDUCATION -- DUTIES OF COMMISSIONER OF ELEMENTARY AND SECONDARY EDUCATION**54 2004-H 8180****BY Crowley****ENTITLED,** AN ACT RELATING TO EDUCATION -- RHODE ISLAND LITERACY AND DROPOUT PREVENTION ACT**55 2004-H 8191****BY Naughton****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- MEDICAID EXPENDITURES -- ANNUAL REPORT**56 2004-H 8239****BY Moura****ENTITLED,** AN ACT RELATING TO INSURANCE -- UNFAIR CLAIMS SETTLEMENT PRACTICES ACT**58 2004-H 8309 SUB B as amended****BY Fox****ENTITLED,** AN ACT RELATING TO THE GENERAL ASSEMBLY -- LOBBYING**60 2004-H 8484****BY Ginaitt****ENTITLED,** AN ACT RELATING TO EDUCATION -- PRIVATE SCHOOLS**61 2004-H 8548****BY Gemma****ENTITLED,** AN ACT RELATING TO PROPERTY SUBJECT TO TAXATION**65 2004-H 8641****BY Naughton****ENTITLED,** AN ACT RELATING TO WATERS AND NAVIGATION**66 2004-H 8642****BY Naughton****ENTITLED,** AN ACT RELATING TO WATERS AND NAVIGATION

82 2004-H 7375 SUB A as amended**BY Moura****ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS --
RENEWABLE ENERGY STANDARD**

Senator Paiva-Weed moves passage, seconded by Senator Algieri.

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

NAYS- 0:

**REPORTS OF COMMITTEES
COMMITTEE ON JUDICIARY**

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

House Bill No. 7190**BY** Gallison, Carter, Anguilla, Brien T, Cerra**ENTITLED, AN ACT RELATING TO RHODE ISLAND VETERANS' HOME**

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7321**BY** Lewiss, Anguilla, Lima, Giannini, Dennigan**ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - - CONFIDENTIALITY
OF HEALTH CARE COMMUNICATIONS AND INFORMATION ACT**

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7810**BY** Kilmartin, Ajello, Moura**ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- REGULATION OF SALES.**

Read and ordered to be placed on the Calendar

Also:

House Bill No. 8296

BY Anguilla, Fox, Crowley, Ajello, Dennigan

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES.

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:

Senate Bill No. 2863 SUB A

BY Senator Revens

ENTITLED, AN ACT RELATING TO DELINQUENT AND DEPENDENT CHILDREN -- O'ROURKE CHILDREN'S CENTER

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2696

BY Senators Tassoni, Polisena, Lanzi

ENTITLED, AN ACT RELATING TO THE BOARD OF MEDICAL LICENSURE AND DISCIPLINE.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 3101 SUB A

BY Senators Alves, Goodwin, Roberts, Perry, Gibbs

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE DEPARTMENT OF BUSINESS REGULATION -- HEALTH INSURANCE

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2864 SUB A

BY Senators Paiva-Weed, Badeau, Pichardo, Felag

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- GENERIC DRUGS

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2506 SUB A (Lt. Governor)

BY Senators Perry, Roberts, Sosnowski, Goodwin, Tassoni

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH CARE ACCESSIBILITY ASSURANCE

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7417 SUB A

BY Kennedy, Giannini, Naughton, Laroche, Montanaro

ENTITLED, AN ACT RELATING TO INSURANCE

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 3103 SUB A

BY Senators Tassoni, Roberts, Sheehan, Gibbs, Perry

ENTITLED, AN ACT RELATING TO HEALTH INSURANCE -- THE RHODE ISLAND HEALTH CARE REFORM ACT OF 2004 -- HEALTH INSURANCE REGULATION

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 3099

BY Senators Perry, Gallo, Felag, Roberts, Blais

ENTITLED, AN ACT RELATING TO HUMAN SERVICES -- THE RHODE ISLAND HEALTH CARE REFORM ACT OF 2004 -- RESTRUCTURING STATE GOVERNMENT REGULATION OF HEALTH INSURANCE.

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7404 SUB B

BY Naughton, Giannini, Ginaitt, Rose, Cerra

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- LICENSING OF HEALTH CARE FACILITIES

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7320 SUB A**BY** Anguilla, Kennedy, Moura, Gallison, Lewiss**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS-PHARMACIES

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7129 SUB A**BY** Laroche, Enos, Coderre E, Almeida, Aubin**ENTITLED**, AN ACT RELATING TO INSURANCE -- PHARMACY FREEDOM OF CHOICE -- FAIR COMPETITION AND PRACTICES

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 measures:

Senate Bill No. 3208**BY** Senators Felag, Parella, Issa, Polisena, Bates**ENTITLED**, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -- RHODE ISLAND VETERANS' HOME.

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7566 as amended**BY** Carter, Gallison, Cerra, Rose, Montanaro**ENTITLED**, AN ACT MAKING AN APPROPRIATION TO PAY CERTAIN VETERANS' BONUSES.

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7935 as amended**BY** Corvese**ENTITLED**, AN ACT RELATING TO EDUCATION -- TEACHERS' RETIREMENT.

Read and ordered to be placed on the Calendar

Also:

House Bill No. 8542 as amended

BY Carter, Rose, Malik, Brien T, Gallison

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -- RHODE ISLAND VETERANS' HOME.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2656 SUB A

BY Senators Walaska, Ruggerio, Alves, McCaffrey, Paiva-Weed

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND HUMAN RESOURCES INVESTMENT COUNCIL

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7711 SUB B

BY Fox, Moura, Anguilla, Corvese, Lima

ENTITLED, AN ACT RELATING TO THE RHODE ISLAND HUMAN RESOURCE INVESTMENT COUNCIL

Read and ordered to be placed on the Calendar

RECESS

Upon suggestion of Senator Paiva-Weed and by unanimous consent the Senate stands at recess at 8:58 o'clock P.M. until the call of the chair.

CALL TO ORDER

The Senate is called to order at 2:52 o'clock P.M. on Wednesday June 23, 2004.

FROM THE HOUSE OF REPRESENTATIVES

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

House Resolution No. 8691

BY Crowley, Shavers, Callahan, Long

ENTITLED, JOINT RESOLUTION CONGRATULATING IAN M. SHEPHERD ON ATTAINING THE RANK OF EAGLE SCOUT AND RECEIVING THE ROGERS HIGH SCHOOL "DR. PETER P. INTEGLIA PHYSICAL EDUCATION AWARD".

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2680 SUB A as amended

BY Senators Alves, McBurney, Goodwin

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- NURSING POOLS

Read and ordered to be placed on the Calendar

**REPORTS OF COMMITTEES
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:

House Bill No. 7765 (Department of Health)

BY Lewiss, Anguilla, Ginaitt, Kennedy, Kilmartin

ENTITLED, AN ACT RELATING TO MARRIAGE LICENSES.

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7666 as amended

BY Handy, Coderre E, Anderson R, Anguilla, Ajello

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS.

Read and ordered to be placed on the Calendar

Also:

House Bill No. 8346 SUB A

BY Costantino, Slater

ENTITLED, AN ACT RELATING TO THE HEALTH AND SAFETY -- LICENSING OF HEALTH CARE FACILITIES

Read and ordered to be placed on the Calendar

Also:

House Bill No. 8392 as amended

BY Fox, Lima, Dennigan, Almeida, Reilly

ENTITLED, AN ACT RELATING TO WORKPLACE SAFETY.

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7488 SUB A

BY Jacquard, Moran, Tejada, Montanaro

ENTITLED, AN ACT RELATING TO HEALTH INSURANCE COVERAGE -- MANDATED HEARING AID COVERAGE

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7626 SUB A

BY Costantino, Anguilla, Slater

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- GENERIC DRUGS

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7658 as amended

BY Giannini, Aubin, Gallison

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - BOARD OF RADIOLOGIC TECHNOLOGY.

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7659 as amended

BY Giannini, McNamara, Cerra, Corvese, Naughton

ENTITLED, AN ACT RELATING TO DELINQUENT AND DEPENDENT CHILDREN --
O'ROURKE CHILDREN'S CENTER.

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7872

BY Costantino, Slater, Dennigan

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- TEMPORARY
DISABILITY INSURANCE -- GENERAL PROVISIONS.

Read and ordered to be placed on the Calendar

Also:

House Bill No. 8127 SUB A (Lieutenant Governor)

BY Anguilla, Kilmartin, Gallison, Shanley, Rose

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH CARE
ACCESSIBILITY ASSURANCE.

Read and ordered to be placed on the Calendar

TRANSMITTAL

By unanimous consent, all matters on the Clerk's desk are ordered to be transmitted to His Excellency, the Governor or to the Honorable House of Representatives forthwith.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns at 2:53 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix**INVOCATION**

Lord of truth, establish in us the knowledge of Your will. Make known to us any truths and insights which will enable us to serve You, and therefore, our constituents, wisely and well. Amen.

Appendix**CALENDAR****SPECIAL ORDER OF BUSINESS IN ORDER FOR THURSDAY, JUNE 24, 2004****1 2004-H 8219 SUB A as amended****BY Watson**

ENTITLED, AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE
SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE
30, 2005

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

**2 Reappointment of Armeny Apkarian of Cranston to the Commission on Judicial
Tenure and Discipline for a term expiring April 1, 2007.**

Committee on Judiciary recommends that the Senate give its Advice and Consent
to this reappointment.

3 2004-S 2162 SUB B as amended**BY Issa**

ENTITLED, AN ACT RELATING TO MOTOR VEHICLES - OPERATORS' AND
CHAUFFEURS' LICENSES

Ordered on the Calendar

4 2004-S 2176 as amended**BY Tassoni**

ENTITLED, AN ACT RELATING TO TAXATION -- MUNICIPAL LIEN
CERTIFICATES

Ordered on the Calendar

5 2004-S 2332 as amended**BY Badeau**

ENTITLED, AN ACT RELATING TO SUNDAY SALE OF ALCOHOLIC
BEVERAGES

Ordered on the Calendar

6 2004-S 2338 SUB A**BY Alves**

ENTITLED, AN ACT RELATING TO SPORTS, RACING AND ATHLETICS --
AND EXTENSION OF GAMBLING ACTIVITIES AND OTHER
FACILITIES

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

7 2004-S 2339 SUB A

BY Sosnowski

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY --
REGULATION OF VICIOUS DOGS

Ordered on the Calendar

8 2004-S 2478 SUB B as amended

BY Paiva-Weed

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT-
LOBBYING OF STATE EMPLOYEES

Ordered on the Calendar

9 2004-S 2506 SUB A

BY Perry

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH CARE
ACCESSIBILITY ASSURANCE

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

10 2004-S 2511 SUB A

BY Polisena

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY

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

11 2004-S 2656 SUB A

BY Walaska

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -
RHODE ISLAND HUMAN RESOURCES INVESTMENT COUNCIL

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

12 2004-S 2696

BY Tassoni

ENTITLED, AN ACT RELATING TO THE BOARD OF MEDICAL LICENSURE
AND DISCIPLINE

Committee on Health & Human Services recommends passage.

13 2004-S 2843 SUB A**BY McCaffrey****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
PUBLIC ACCOUNTANCY

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

14 2004-S 2863 SUB A**BY Revens****ENTITLED,** AN ACT RELATING TO DELINQUENT AND DEPENDENT
CHILDREN -- O'ROURKE CHILDREN'S CENTER

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

15 2004-S 2864 SUB A**BY Paiva-Weed****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
GENERIC DRUGS

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

16 2004-S 2997 SUB A**BY Polisena****ENTITLED,** AN ACT RELATING TO MOTOR VEHICLES

Ordered on the Calendar

17 2004-S 3008 SUB A**BY Goodwin****ENTITLED,** JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE
COMMISSION TO STUDY TRANSIT SERVICE IN THE STATE OF
RHODE ISLAND

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

18 2004-S 3099**BY Perry****ENTITLED,** AN ACT RELATING TO HUMAN SERVICES -- THE RHODE
ISLAND HEALTH CARE REFORM ACT OF 2004 --
RESTRUCTURING STATE GOVERNMENT REGULATION OF
HEALTH INSURANCE

Committee on Health & Human Services recommends passage.

19 2004-S 3101 SUB A**BY Alves**

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
THE DEPARTMENT OF BUSINESS REGULATION -- HEALTH
INSURANCE

Committee on Health & Human Services recommends indefinite postponement of the
original bill and passage of Substitute A.

20 2004-S 3103 SUB A**BY Tassoni**

ENTITLED, AN ACT RELATING TO HEALTH INSURANCE -- THE RHODE
ISLAND HEALTH CARE REFORM ACT OF 2004 -- HEALTH
INSURANCE REGULATION

Committee on Health & Human Services recommends indefinite postponement of the
original bill and passage of Substitute A.

21 2004-S 3106**BY Polisena**

ENTITLED, AN ACT RELATING TO MOTOR VEHICLES -- SIZE, WEIGHT
AND LOAD LIMITS

Committee on Commerce, Housing & Municipal Government recommends passage.

22 2004-S 3151**BY Gallo**

ENTITLED, AN ACT AUTHORIZING THE CITY OF CRANSTON TO ISSUE
NOT MORE THAN \$1,000,000 BONDS AND NOTES TO FINANCE
THE PURCHASE OF PUBLIC WORKS AND HIGHWAY EQUIPMENT
FOR A TERM NOT TO EXCEED TEN (10) YEARS

Committee on Finance recommends passage.

23 2004-S 3152**BY Lanzi**

ENTITLED, AN ACT AUTHORIZING THE CITY OF CRANSTON TO ISSUE
NOT MORE THAN \$1,400,000 BONDS AND NOTES TO
FINANCE BUILDING REPAIRS, CONSTRUCTION AND
RENOVATIONS TO THE CRANSTON WEST AREA CAREER AND
TECHNICAL CENTER

Committee on Finance recommends passage.

24 2004-S 3182**BY Gallo****ENTITLED,** AN ACT RELATING TO EDUCATION -- EDUCATION EQUITY AND PROPERTY TAX RELIEF

Committee on Finance recommends passage.

25 2004-S 3184**BY Roberts****ENTITLED,** AN ACT AUTHORIZING THE CITY OF CRANSTON TO ISSUE NOT MORE THAN \$7,000,000 BONDS AND NOTES TO FINANCE REPAIRS, RENOVATIONS AND FIRE CODE UPGRADES TO SCHOOL BUILDINGS IN THE CITY OF CRANSTON

Committee on Finance recommends passage.

26 2004-S 3186**BY Roberts****ENTITLED,** AN ACT AUTHORIZING THE CITY OF CRANSTON TO ISSUE NOT MORE THAN \$1,500,000 BONDS AND NOTES TO FINANCE REPAIRS AND RENOVATIONS TO BUILDINGS OWNED BY THE CITY OF CRANSTON (UP TO \$500,000 OF WHICH MAY BE USED FOR FIRE CODE UPGRADES

Committee on Commerce, Housing & Municipal Government recommends passage.

27 2004-S 3187**BY Gallo****ENTITLED,** AN ACT AUTHORIZING THE CITY OF CRANSTON TO ISSUE NOT MORE THAN \$2,000,000 BONDS AND NOTES TO FINANCE THE REPAIR, RESURFACING, CONSTRUCTION AND REHABILITATION OF PUBLIC HIGHWAYS THROUGHOUT THE CITY OF CRANSTON

Committee on Commerce, Housing & Municipal Government recommends passage.

28 2004-S 3188**BY Lanzi****ENTITLED,** AN ACT AUTHORIZING THE CITY OF CRANSTON TO ISSUE NOT MORE THAN \$2,900,000 BONDS AND NOTES TO FINANCE THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF NEW PUBLIC LIBRARY BRANCHES IN THE CITY OF CRANSTON (UP TO \$900,000 OF WHICH SHALL BE FOR A BRANCH IN THE ARLINGTON NEIGHBORHOOD AND UP TO \$2,000,000 OF WHICH SHALL BE FOR A BRANCH IN WESTERN CRANSTON)

Committee on Commerce, Housing & Municipal Government recommends passage.

29 2004-S 3204**BY Revens****ENTITLED, AN ACT RELATING TO THE CITY OF WARWICK**

Committee on Commerce, Housing & Municipal Government recommends passage.

30 2004-S 3208**BY Felag****ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE --
RHODE ISLAND VETERANS' HOME**

Committee on Finance recommends passage.

31 2004-S 3220**BY Fogarty P****ENTITLED, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO
TAXATION**

Ordered on the Calendar

32 2004-H 7031 SUB A as amended**BY Picard****ENTITLED, AN ACT RELATING TO REGISTRATION OF MOTOR VEHICLES**

Committee on Constitutional & Gaming Issues recommends indefinite postponement of the original bill and passage of Substitute A as amended in concurrence.

33 2004-H 7066 as amended**BY Kilmartin****ENTITLED, AN ACT RELATING TO UNFAIR SALES PRACTICES**

Committee on Commerce, Housing & Municipal Government recommends passage as amended in concurrence.

34 2004-H 7073 SUB A**BY McNamara****ENTITLED, AN ACT RELATING TO RHODE ISLAND UNIFORM COMMERCIAL
DRIVER'S LICENSE ACT**

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

35 2004-H 7129 SUB A**BY Laroche****ENTITLED, AN ACT RELATING TO INSURANCE -- PHARMACY FREEDOM OF
CHOICE -- FAIR COMPETITION AND PRACTICES**

Committee on Health & Human Services recommends indefinite postponement of the

original bill and passage of Substitute A.

36 2004-H 7150 SUB A as amended

BY Anguilla

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT-
LOBBYING OF STATE EMPLOYEES

Ordered on the Calendar

37 2004-H 7190

BY Gallison

ENTITLED, AN ACT RELATING TO RHODE ISLAND VETERANS' HOME

Committee on Judiciary recommends passage in concurrence.

38 2004-H 7284 SUB A

BY Shanley

ENTITLED, AN ACT RELATING TO REAL ESTATE SALES DISCLOSURES

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

39 2004-H 7318

BY Scott

ENTITLED, AN ACT RELATING TO RENAMING ROUTE 2, EXETER

Committee on Constitutional & Gaming Issues recommends passage in concurrence.

40 2004-H 7320 SUB A

BY Anguilla

ENTITLED, AN ACT RELATING TO BUSINESSES AND
PROFESSIONS-PHARMACIES

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

41 2004-H 7321

BY Lewiss

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
CONFIDENTIALITY OF HEALTH CARE COMMUNICATIONS
AND INFORMATION ACT

Committee on Judiciary recommends passage in concurrence.

42 2004-H 7323 SUB B

BY Kilmartin

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY --
REGULATION OF VICIOUS DOGS

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

43 2004-H 7327

BY Flaherty

ENTITLED, AN ACT RELATING TO INSURANCE --CONTINUING
EDUCATION REQUIREMENTS

Committee on Commerce, Housing & Municipal Government recommends passage in concurrence.

44 2004-H 7404 SUB B

BY Naughton

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- LICENSING OF
HEALTH CARE FACILITIES

Committee on Health & Human Services recommends indefinite postponement of the original bill and the Substitute A and passage of Substitute B.

45 2004-H 7417 SUB A

BY Kennedy

ENTITLED, AN ACT RELATING TO INSURANCE

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

46 2004-H 7418 as amended

BY Brien T

ENTITLED, AN ACT RELATING TO SUNDAY SALE OF ALCOHOLIC
BEVERAGES

Committee on Constitutional & Gaming Issues recommends passage as amended in concurrence.

47 2004-H 7441 SUB A

BY Lima

ENTITLED, AN ACT RELATING TO TRUTH IN LENDING AND RETAIL
SELLING

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

48 2004-H 7442

BY Lima

ENTITLED, AN ACT RELATING TO UNFAIR SALES PRACTICES

Committee on Commerce, Housing & Municipal Government recommends passage in concurrence.

49 2004-H 7474 as amended**BY Lally****ENTITLED,** AN ACT RELATING TO SMALL CLAIMS AND CONSUMER CLAIMS

Ordered on the Calendar

50 2004-H 7503 SUB A as amended**BY Giannini****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- DISABILITY BUSINESS ENTERPRISES

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

51 2004-H 7512**BY Gallison****ENTITLED,** AN ACT RELATING TO COASTAL RESOURCES MANAGEMENT COUNCIL -- ADMINISTRATIVE PENALTIES

Ordered on the Calendar

52 2004-H 7538**BY Ajello****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --

DEPARTMENT OF TRANSPORTATION

Committee on Commerce, Housing & Municipal Government recommends passage in concurrence.

53 2004-H 7566 as amended**BY Carter****ENTITLED,** AN ACT MAKING AN APPROPRIATION TO PAY CERTAIN VETERANS' BONUSES

Committee on Finance recommends passage as amended in concurrence.

54 2004-H 7606**BY Shavers****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DISTRESSED AREAS ECONOMIC REVITALIZATION ACT

Committee on Commerce, Housing & Municipal Government recommends passage in concurrence.

55 2004-H 7614 SUB A**BY Slater****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY

Ordered on the Calendar

56 2004-H 7670 as amended**BY Fox****ENTITLED,** AN ACT RELATING TO SPORTS RACING AND ATHLETICS --
BOXING AND WRESTLING

Committee on Constitutional & Gaming Issues recommends passage as amended in concurrence.

57 2004-H 7680**BY Rose****ENTITLED,** AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE
-- UNCLAIMED PROPERTY

Ordered on the Calendar

58 2004-H 7711 SUB B**BY Fox****ENTITLED,** AN ACT RELATING TO THE RHODE ISLAND HUMAN
RESOURCE INVESTMENT COUNCIL

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

59 2004-H 7805**BY Coderre E****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
MOTOR VEHICLE REPAIR SHOP ACT

Committee on Commerce, Housing & Municipal Government recommends passage in concurrence.

60 2004-H 7810**BY Kilmartin****ENTITLED,** AN ACT RELATING TO ALCOHOLIC BEVERAGES --
REGULATION OF SALES

Committee on Judiciary recommends passage in concurrence.

61 2004-H 7887 SUB A**BY McNamara****ENTITLED,** JOINT RESOLUTION CREATING A SPECIAL COMMISSION TO
STUDY TRANSIT SERVICE IN THE STATE OF RHODE ISLAND

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

62 2004-H 7933 SUB A**BY Brien T****ENTITLED,** AN ACT RELATING TO MOTOR VEHICLES

Ordered on the Calendar

63 2004-H 7935 as amended**BY Corvese****ENTITLED,** AN ACT RELATING TO EDUCATION -- TEACHERS'
RETIREMENT

Committee on Finance recommends passage as amended.

64 2004-H 7971 SUB A**BY Carter****ENTITLED,** AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO
TAXATION

Ordered on the Calendar

65 2004-H 7973 as amended**BY Slater****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
SOCIAL WORKERS

Ordered on the Calendar

66 2004-H 7997**BY McCauley****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
REAL ESTATE BROKERS AND SALESPERSONS

Committee on Commerce, Housing & Municipal Government recommends passage in
concurrence.

67 2004-H 8030**BY Benson****ENTITLED,** AN ACT RELATING TO THE PERMANENT JOINT COMMITTEE
ON NAMING ALL NEW BUILDINGS, BRIDGES, EDIFICES AND

OTHER STATE CONSTRUCTIONS

Committee on Constitutional & Gaming Issues recommends passage in concurrence.

68 2004-H 8042 SUB A**BY Kennedy****ENTITLED,** AN ACT RELATING TO INSURANCE -- CASUALTY INSURANCE RATING

Committee on Financial, Technology, Regulatory recommends indefinite postponement of the original bill and passage of Substitute A in concurrence.

69 2004-H 8109**BY Handy****ENTITLED,** JOINT RESOLUTION CREATING A SPECIAL JOINT COMMISSION TO STUDY A STATEWIDE COORDINATION OF ENVIRONMENTAL HEALTH AND SAFETY ISSUES, INFORMATION AND RESOURCES FOR RHODE ISLAND SCHOOLS

Committee on Constitutional & Gaming Issues recommends passage in concurrence.

70 2004-H 8197**BY Flaherty****ENTITLED,** AN ACT RELATING TO AERONAUTICS -- PERMANENT AIR QUALITY MONITORING ACT

Committee on Commerce, Housing & Municipal Government recommends passage in concurrence.

71 2004-H 8202**BY Flaherty****ENTITLED,** AN ACT RELATING TO AERONAUTICS -- NOISE MONITORING ACT

Committee on Commerce, Housing & Municipal Government recommends passage in concurrence.

72 2004-H 8242**BY Gorham****ENTITLED,** AN ACT RELATING TO ELECTIONS -- ELECTIVE MEETINGS

Ordered on the Calendar

73 2004-H 8296**BY Anguilla****ENTITLED,** AN ACT RELATING TO CRIMINAL OFFENSES

Committee on Judiciary recommends passage in concurrence.

74 2004-H 8420 SUB A

BY Landroche

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY

Ordered on the Calendar

75 2004-H 8438

BY Fox

ENTITLED, AN ACT RELATING TO INSURANCE - COMMERCIAL SPECIAL RISKS

Ordered on the Calendar

76 2004-H 8455 as amended

BY Slater

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- NURSING POOLS

Ordered on the Calendar

77 2004-H 8542 as amended

BY Carter

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -- RHODE ISLAND VETERANS' HOME

Committee on Finance recommends passage as amended.

78 2004-H 8566

BY McManus

ENTITLED, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION

Committee on Commerce, Housing & Municipal Government recommends passage in concurrence.

79 2004-H 8574 SUB A

BY Kennedy

ENTITLED, AN ACT RELATING TO HOUSING

Ordered on the Calendar

80 2004-H 8580

BY Rose

ENTITLED, AN ACT AUTHORIZING THE CITY OF EAST PROVIDENCE, TO FINANCE THE ACQUISITION OF A SITE AND THE DESIGN AND CONSTRUCTION OF A MULTI-PURPOSE

COMMUNITY/RECREATION COMPLEX IN LIEU OF CONVERTING MARTIN MIDDLE SCHOOL TO SUCH PURPOSE, AS WAS PREVIOUSLY APPROVED BY THE VOTERS OF EAST PROVIDENCE, AND TO ISSUE NOT MORE THAN \$5,000,000 BONDS AND NOTES THEREFOR

Committee on Commerce, Housing & Municipal Government recommends passage in concurrence.

81 2004-H 8616

BY Long

ENTITLED, AN ACT AUTHORIZING THE TOWN OF JAMESTOWN TO FINANCE THE CONSTRUCTION, EXTENSION AND IMPROVEMENT OF A WATER WORKS SYSTEM, TO ISSUE NOT MORE THAN \$6,200,000 BONDS AND NOTES THEREFOR AND TO IMPOSE ADDITIONAL WATER RATES UNDER CHAPTER 273 OF THE PUBLIC LAWS OF 1968, AS AMENDED, TO PAY THE PRINCIPAL AND INTEREST ON SUCH BONDS AND NOTES

Ordered on the Calendar

82 2004-H 8637

BY Flaherty

ENTITLED, AN ACT RELATING TO THE CITY OF WARWICK

Committee on Commerce, Housing & Municipal Government recommends passage in concurrence.

83 2004-H 8638 as amended

BY Ginaitt

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION -- WATER POLLUTION

Ordered on the Calendar

84 2004-H 8640

BY Ginaitt

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - WATERS AND NAVIGATION

Ordered on the Calendar

85 2004-H 8665 SUB A as amended

BY Anguilla

ENTITLED, AN ACT RELATING TO MOTOR VEHICLES - OPERATORS' AND CHAUFFEURS' LICENSES

Ordered on the Calendar

86 2004-H 8675

BY Faria

ENTITLED, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO
TAXATION

Ordered on the Calendar

87 2004-H 8682

BY Aubin

ENTITLED, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO
TAXATION

Ordered on the Calendar

88 2004-S 2680 SUB A as amended

BY Alves

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
NURSING POOLS

Ordered on the Calendar

89 2004-H 8691

BY Crowley

ENTITLED, JOINT RESOLUTION CONGRATULATING IAN M. SHEPHERD ON
ATTAINING THE RANK OF EAGLE SCOUT AND RECEIVING THE
ROGERS HIGH SCHOOL "DR. PETER P. INTEGRIA PHYSICAL
EDUCATION AWARD"

Ordered on the Calendar

90 2004-H 7488 SUB A

BY Jacquard

ENTITLED, AN ACT RELATING TO HEALTH INSURANCE COVERAGE --
MANDATED HEARING AID COVERAGE

Committee on Health & Human Services recommends indefinite postponement of the
original bill and passage of Substitute A.

91 2004-H 7626 SUB A

BY Costantino

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
GENERIC DRUGS

Committee on Health & Human Services recommends indefinite postponement of the
original bill and passage of Substitute A.

92 2004-H 7658 as amended**BY Giannini****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -
BOARD OF RADIOLOGIC TECHNOLOGY

Committee on Health & Human Services recommends passage as amended in
concurrence.

93 2004-H 7659 as amended**BY Giannini****ENTITLED,** AN ACT RELATING TO DELINQUENT AND DEPENDENT
CHILDREN -- O'ROURKE CHILDREN'S CENTER

Committee on Health & Human Services recommends passage as amended in
concurrence.

94 2004-H 7666 as amended**BY Handy****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS

Committee on Health & Human Services recommends passage as amended in
concurrence.

95 2004-H 7765**BY Lewiss****ENTITLED,** AN ACT RELATING TO MARRIAGE LICENSES

Committee on Health & Human Services recommends passage in concurrence.

96 2004-H 7872**BY Costantino****ENTITLED,** AN ACT RELATING TO LABOR AND LABOR RELATIONS --
TEMPORARY DISABILITY INSURANCE -- GENERAL
PROVISIONS

Committee on Health & Human Services recommends passage in concurrence.

97 2004-H 8127 SUB A**BY Anguilla****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH CARE
ACCESSIBILITY ASSURANCE

Committee on Health & Human Services recommends passage as amended in
concurrence.

98 2004-H 8346 SUB A**BY Costantino****ENTITLED,** AN ACT RELATING TO THE HEALTH AND SAFETY --

LICENSING OF HEALTH CARE FACILITIES

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A in concurrence.

99 2004-H 8392 as amended**BY Fox****ENTITLED, AN ACT RELATING TO WORKPLACE SAFETY**

Committee on Health & Human Services recommends passage as amended in concurrence.

Raymond T. Hoyas, Jr.
Secretary of the Senate