

State of Rhode Island and Providence Plantations

Journal of the Senate

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

Volume 135, No.54

Tuesday, June 3, 2008

Fifty-Fourth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:11 o'clock P.M.

The roll is called and a quorum is declared present with 36 Senators present and 2 Senators absent as follows:

PRESENT – 36: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Revens, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 2: Senators Raptakis and Ruggerio.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

GUESTS

Upon suggestion of Senator Gibbs and by unanimous consent, the Honorable President, welcomes to the Chamber Claire O'Meara of St. Louis Missouri, her very close friend.

COMMUNICATION

The Honorable President presents the following communication:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE**

May 27, 2008

Honorable Joseph A. Montalbano
President of the Senate
318 State House
Providence, RI 02903

Dear President Montalbano:

I am writing to inform you that I will be absent from Legislative Session the week of June 2, 2008. I will be out of the Country, in Greece, until June 7, 2008.

Thank you.

Sincerely yours,



Leonidas P. Raptakis
Senator – District 33

Read and ordered to be placed on file.

APPOINTMENTS BY THE GOVERNOR

The Honorable President presents the following communication from His Excellency, the Governor, transmitting the following appointments and requesting the advice and consent of the Senate thereto:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE**

June 2, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 36-3-6 of the Rhode Island General Laws, I have made the following appointment to the Personnel Appeal Board:

Susan A. Fabrizio of Warwick
(Republican Representative)

VICE
Natalie Jackvony
(resigned)

for a term expiring April 1, 2010.

to this appointment I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

Also:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE**

June 2, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 36-8-4 of the Rhode Island General Laws, I have made the following appointment to the State Retirement Board:

Jean Rondeau of Woonsocket
(Public member)

VICE
James Yancy

for a term expiring March 1, 2012.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

**REPORTS OF COMMITTEES
COMMITTEE ON CORPORATIONS**

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

House Bill No. 8067 SUB A

BY Kennedy, Lewiss, Naughton, Church, Coderre E

ENTITLED, AN ACT RELATING TO INSURANCE -- PRODUCER LICENSING ACT (remove the requirement for a business entity license/individual license, for surplus line brokers but would allow the

dept to issue business entity licenses for all license types if a resident needs license to obtain nonresident licenses in other states) {LC2530/1/A}

Read and ordered to be placed on the Calendar.

Also:

House Bill No. 7867 SUB B

BY Kennedy, Naughton, Lewiss, Pacheco, Shanley

ENTITLED, AN ACT RELATING TO INSURANCE (create the Market Conduct Surveillance Act in order to establish a framework for insurance market conduct actions) {LC2300/2/B}

Read and ordered to be placed on the Calendar.

Also:

House Bill No. 7191 SUB A (Business Regulation)

BY Story, Savage, Long

ENTITLED, AN ACT RELATING TO INSURANCE (require life insurance policies delivered or issued in the state on or after January 1, 2008 to contain certain standard provisions relating to return policies and grace periods) {LC546/1/A}

Read and ordered to be placed on the Calendar.

COMMITTEE ON JUDICIARY

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

House Bill No. 8213

BY Kilmartin

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow Donald Blackwell to join Caitlin Brooke Edwards and Dustin Medeiros) {LC2800/1}

Read and ordered to be placed on the Consent Calendar

Also:

House Bill No. 8202

BY McManus

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Laurie Kiely and Rick Silverstein in marriage) {LC2779/1}

Read and ordered to be placed on the Consent Calendar

Also:

House Bill No. 8201

BY Fox

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Grace Li and Michael Sherback in marriage) {LC2793/1}

Read and ordered to be placed on the Consent Calendar

Also:

House Bill No. 8169

BY Jackson

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow Franco D'Alessandro to join Caroline Malloy and Vincent Flynn)

Read and ordered to be placed on the Consent Calendar

Also:

House Bill No. 8130

BY Lally

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow Dana L. Hawkins to join Jennifer Angel Scavello and Brian Robert Mulcahey) {LC2695/1}

Read and ordered to be placed on the Consent Calendar

Also:

House Bill No. 8116

BY Shanley

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow the Honorable Donald J. Lally, Jr. to join Ileana Venera Puppi) {LC2668/1}

Read and ordered to be placed on the Consent Calendar

Also:

House Bill No. 7323

BY Gallison, Gablinske

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC1092/1}

Read and ordered to be placed on the Consent Calendar

Also:

Senate Bill No. 3044**BY** Senator Gibbs**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow the Honorable Joe Vespa to join Dr. Roya Nakhgevany and Matt Pilcher in marriage within the City of Newport, Rhode Island on or about July 28, 2008) {LC2923/1}

Read and ordered to be placed on the Consent Calendar

Also:

Senate Bill No. 3042**BY** Senator Breene**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow Sarah Elisabeth Paquet to join Miss Jennifer Rebecca Paquet and Mr. Brandon David Lee in marriage within the Town of Coventry, Rhode Island on June 21, 2008) {LC2962/1}

Read and ordered to be placed on the Consent Calendar

Also:

Senate Bill No. 3041**BY** Senator Bates**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow David Farrell to join Josiah Herbert and Angela Hudon in marriage on or about August 2, 2008 within the town of Bristol, Rhode Island) {LC2922/1}

Read and ordered to be placed on the Consent Calendar

Also:

Senate Bill No. 3040**BY** Senator Miller**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow the Honorable Scott Avedisian to join Suzanne O. Fry and William A. Manchester, Jr. in marriage within the Town of North Kingstown, Rhode Island on or about December 31, 2008.) {LC2929/1}

Read and ordered to be placed on the Consent Calendar

Also:

Senate Bill No. 3018**BY** Senator Tassoni**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2860/1}

Read and ordered to be placed on the Consent Calendar

Also:

Senate Bill No. 3016**BY** Senator Sosnowski**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2871/1}

Read and ordered to be placed on the Consent Calendar

Also:

Senate Bill No. 2963 SUB A as amended**BY** Senators Lenihan, Sosnowski**ENTITLED**, AN ACT RELATING TO PUBLIC RECORDS -- ACCESS TO PUBLIC RECORDS {LC2741/4/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2058**BY** Senators Raptakis, Cote, Lenihan, Maselli, Revens**ENTITLED**, AN ACT RELATING TO ELECTIONS -- REGISTRATION OF VOTERS

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2145**BY** Senators Bates, Blais, Breene, Felag, Levesque C**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES - EQUIPMENT AND ACCESSORIES - INSPECTIONS

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2490**BY** Senator Alves**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - STATE POLICE (would provide for the implementation of a program among law enforcement agencies, broadcast media/ other appropriate entities to alert the state police/the public in the event of the disappearance of a senior citizen with an impaired mental condition) {LC1859/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2726**BY** Senators Sheehan, Jabour, Lenihan, Cote, Connors**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS --JUDICIAL SELECTION (would limit appointment to the judicial nominating commission to one term)
{LC1145/1}

Read and ordered to be placed on the Calendar.

COMMITTEE ON CORPORATIONS

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

Nomination of John G. Laramie (appointment) of Newport VICE David Doern (resigned) to the Quonset Development Corporation for a term to expire January 1, 2011.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Robert H. Breslin, Jr. (appointment) of Saunderstown VICE Thomas Hazelhurst to the Quonset Development Corporation for a term to expire January 1, 2009.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Armeather Gibbs (Representative of Community Based Organization) (reappointment) of Providence to the Rhode Island Human Resource Investment Council for a term expiring January 1, 2011.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Keith Stokes (appointment) of Newport VICE M. Paul Sams (deceased) to the Quonset Development Corporation for a term to expire January 1, 2009.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Alexander J. Biliouris (reappointment) of North Smithfield to the Rhode Island Economic Development Corporation for a term expiring February 1, 2012.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of James Berson (appointment) of North Kingstown VICE Robert Crowley (resigned) to the Quonset Development Corporation for a term to expire January 1, 2011.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Keith W. Stokes (reappointment) of Newport to the Rhode Island Economic Development Corporation for a term expiring February 1, 2012.

Read and ordered to be placed on the Consent Calendar.

NOW PRESIDING

The Honorable President yields the rostrum to the Honorable Daniel P. Connors, Deputy President Pro Tempore of the Senate at 4:14o'clock P.M.

CALENDAR

IN ORDER FOR TUESDAY, JUNE 3, 2008:

1. 2008-S 2849 SUB A as amended

BY Montalbano J

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS

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

Senator Montalbano moves passage, seconded by Senators Algiere, Walaska, Sosnowski, Breene, Maselli, DaPonte, Miller, Metts, Perry, Felag, Tassoni and many others.

Senator Walaska, seconded by Senators Montalbano, Maselli and Bates, offers the following written motion to amend.

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

TO

2008 -- S 2849 SUBSTITUTE A AS AMENDED

AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS

Mr. President:

I hereby move to amend 2008 -- S 2849 SUBSTITUTE A AS AMENDED, entitled "AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS", as follows:

(1) On page 4, line 14, by deleting the word "An" and by inserting in place thereof the following language: "After the adoption of the rules and regulation, an".

(2) On page 4, line 14, after the words "sole election" by inserting the words "immediately and from time to time".

(3) On page 4, line 15, after the words "energy resources" by adding the words "on an earlier timetable or".

Respectfully submitted,
SENATOR WALASKA

The motion to amend prevails 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 Algieri, Alves, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gibbs, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Paiva Weed, Perry, Picard, Pichardo, Revens, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Walaska, seconded by Senators Montalbano and Bates, offers the following written motion to amend.

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

TO

2008 -- S 2849 SUBSTITUTE A, AS AMENDED

AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS

Mr. President:

I hereby move to amend 2008 -- S 2849 SUBSTITUTE A, AS AMENDED, entitled "AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS", as follows:

(1) On page 2, line 21, by deleting the word "megawatts" and inserting in place thereof the word "megawatt".

(2) On page 2, line 28, by inserting the word "shall" after the word "but".

(3) On page 3, line 7, by deleting the word "negotiation" and inserting in place thereof the word "negotiations".

(4) On page 3, line 24, by deleting the period "." and inserting in place thereof a semi-colon ";".

(5) On page 3, line 24, by deleting the word "If" and inserting in place thereof the language "provided, however if".

(6) On page 4, line 6, by adding the word "earlier" after the word "so".

(7) On page 4, line 31, by deleting the word "any", and inserting in place thereof the word "all".

(8) On page 4, line 31, by deleting the comma "," after the word "energy" and inserting in place thereof the word "and".

(9) On page 4, line 31, by deleting the language "and attributes". (10) On page 5, line 1, by inserting the words "attributes including" after the word "any".

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, Alves, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Paiva Weed, Perry, Picard, Pichardo, Revens, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Montalbano moves passage of the act, as amended, seconded by Senators Walaska, Bates and Maselli.

The act is read and passed, by unanimous consent, as amended, 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, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Revens, Sosnowski, Tassoni, Walaska.

NAYS- 0:

2. 2008-S 2850 as amended

BY Montalbano J

**ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -
PUBLIC BUILDINGS**

Committee on Corporations recommends passage as amended.

Senator Montalbano moves passage, seconded by Senators Algieri, Miller, Metts, Bates, Walaska and many 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: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Revens, Sosnowski, Tassoni, Walaska.

NAYS- 0:

3. 2008-S 2851 SUB A

BY Montalbano J

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

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

Senator Montalbano moves passage, seconded by Senators Miller, Gibbs, Walaska, Pichardo, Breene, Sosnowski and many others.

Senator Walaska, seconded by Senators Montalbano, Bates, Metts and Pichardo, offers the following written motion to amend.

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

TO

2008 -- S 2851 SUBSTITUTE A

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

Mr. President:

I hereby move to amend 2008 -- S 2851 SUBSTITUTE A, entitled "AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- RENEWABLE ENERGY STANDARD", as follows:

1. On page 6, line 25, by deleting the language "or savings";
2. On page 6, line 28, by deleting the language "or credited";
3. On page 7, between lines 7 and 8, by adding the following language:

"(k) Consistent with the public policy objective of developing renewable generation as an option in Rhode Island, the electric distribution company is authorized to propose and implement pilot programs to own and operate no more than fifteen megawatts (15MW) of renewable generation demonstration projects in Rhode Island and include the costs and benefits in rates to distribution customers. At least two (2) demonstration projects shall include renewable generation

installed at or in the vicinity of nonprofit affordable housing projects where energy savings benefits are provided to reduce electric bills of the customers at the nonprofit affordable housing projects. Any renewable generation proposals shall be subject to the review and approval of the commission. The commission shall annually make an adjustment to the minimum amounts required under the renewable energy standard under chapter 39-26 in an amount equal to the kilowatt hours generated by such units owned by the electric distribution company. The electric and gas distribution company shall also be authorized to propose and implement smart metering and smart grid demonstration projects in Rhode Island, subject to the review and approval of the commission, in order to determine the effectiveness of such new technologies for reducing and managing energy consumption, and include the costs of such demonstration projects in distribution rates to electric customers to the extent the project pertains to electricity usage and in distribution rates to gas customers to the extent the project pertains to gas usage."

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, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Paiva Weed, Perry, Picard, Pichardo, Revens, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Walaska, seconded by Senators Montalbano, Miller and Bates, offers the following written motion to amend.

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

TO

2008 -- S 2851 SUBSTITUTE A

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

Mr. President:

I hereby move to amend 2008 -- S 2851 SUBSTITUTE A, entitled "AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- RENEWABLE ENERGY STANDARD", as follows:

On page 6, line 3, after the language "(MW)" by inserting the following language: "except that for eligible net-

metered renewable energy systems developed but not owned by cities and towns, located on city or town owned land, and providing power solely to the city or town that the project is located in, increase said maximum to 2.25 megawatts; and"

Respectfully submitted,
SENATOR WALASKA

Senator Miller discusses the amendment.

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, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Revens, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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

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: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Revens, Sosnowski, Tassoni, Walaska.

NAYS- 0:

4. 2008-S 2852 SUB A as amended

BY Montalbano J

**ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT
- RHODE ISLAND ECONOMIC DEVELOPMENT CORPORATION**

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

Senator Montalbano moves passage, seconded by Senators Sosnowski, Walaska, Miller, Metts, Lenihan, Levesque and many others.

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 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, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Issa, Jabour, Lanzi, Lenihan,

Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Revens, Sosnowski, Tassoni, Walaska.

NAYS- 0:

5. 2008-S 2906

BY Doyle

ENTITLED, AN ACT RELATING TO THE CITY OF PAWTUCKET - TAXATION

Committee on Finance recommends passage.

Senator Doyle moves passage, seconded by Senators Montalbano, Issa and DaPonte.

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, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Issa, Jabour, Lanzi, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Revens, Sosnowski, Tassoni, Walaska.

NAYS- 0:

NOW PRESIDING

The Honorable Deputy President Pro Tempore yields the rostrum to the Honorable Joseph A. Montalbano, President of the Senate at 4:32 o'clock.

CALENDAR

6. 2008-S 2709

BY Doyle

ENTITLED, AN ACT RELATING TO ELECTIONS - CONDUCT OF ELECTION AND VOTING EQUIPMENT, AND SUPPLIES

Committee on Judiciary recommends passage.

Upon suggestion of Senator Paiva Weed, and without objection, ordered to be placed on the Calendar for Thursday, June 5, 2008.

7. 2008-S 2160 SUB A as amended

BY Blais

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- UMBILICAL CORD BLOOD BANK ACT

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

Senator Blais moves passage, seconded by Senators Lenihan, Cote, Gibbs, Walaska, Jabour, Felag, Paiva Weed, Algieri and many others.

Senator Blais, seconded by Senators Miller, Breene, Levesque and Jabour, offers the following written motion to amend.

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

TO

2008 -- S 2160 SUBSTITUTE A, as amended

AN ACT RELATING TO HEALTH AND SAFETY -- UMBILICAL CORD BLOOD BANK ACT

Mr. President:

I hereby move to amend 2008 -- S 2160 SUBSTITUTE A, as amended, entitled "AN ACT RELATING TO HEALTH AND SAFETY -- UMBILICAL CORD BLOOD BANK ACT", as follows:

1. On page 1, line 19, by deleting all the language after the word "pregnancy".
2. On page 2, line 1, by deleting the language: "hospital or other obstetrical facility for obstetrical services," and by inserting in place thereof the following language: ", and as soon as reasonably feasible,".

Respectfully submitted,
SENATOR BLAIS

The motion to amend prevails upon a roll call vote with 31 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS- 31: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Blais, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Miller, Moura, Paiva Weed, Picard, Pichardo, Revens, Sosnowski, Tassoni, Walaska.

NAYS- 1: Senator Metts

Senator Blais moves passage of the act, as amended, seconded by Senators Levesque, Jabour and Gallo.

The act is read and passed, as amended, upon a roll call vote with 32 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, McCaffrey, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Revens, Sosnowski, Tassoni, Walaska.

NAYS- 1: Senator Metts

8. 2008-S 2631 SUB A

BY Sosnowski

**ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - ELECTRONIC
WASTE PREVENTION, REUSE, AND RECYCLING ACT**

Committee on Environment & Agriculture recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Sosnowski moves passage, seconded by Senators Felag and Metts.

Senator Sosnowski, seconded by Senators Felag and Metts, offers the following written motion to amend.

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

TO

2008 -- S 2631 SUBSTITUTE A

I hereby move to amend 2008 -- S 2631 SUBSTITUTE A, entitled "AN ACT RELATING TO HEALTH AND SAFETY - ELECTRONIC WASTE PREVENTION, REUSE, AND RECYCLING ACT", as follows:

1. By deleting all language following the enactment clause, and substituting therefore the following:

“AN ACT RELATING TO HEALTH AND SAFETY – ELECTRONIC WASTE PREVENTION, REUSE, AND RECYCLING ACT

SECTION 1. Sections 23-24.10-1 and 23-24.10-3 of the General Laws in Chapter 23-24.10 entitled "Electronic Waste Prevention, Reuse and Recycling Act" are hereby amended to read as follows:

23-24.10-1. Purpose. -- The purposes of this act are:

(1) To ~~study the establishment of a covered electronic product~~ establish a manufacturer financed system for the collection, recycling, and reuse program for covered electronic products in Rhode Island;

(2) To develop a comprehensive strategy, with the participation of state agencies, producers, processors and consumers, for waste prevention and reduction of covered electronic products in the state, which addresses the collection, recycling and reuse of covered electronic products from all covered electronic product generators in the state and that ensures the safe and environmentally sound handling, reuse and recycling of covered electronic products;

(3) To promote the development of state infrastructure for the reuse and recycling of used electronics;

(4) To eliminate waste generated in the state from covered electronic products from landfill and incinerator

disposal; and

(5) To encourage the design of covered electronic products that are less toxic, more durable and more recyclable.

23-24.10-3. Definitions. -- ~~(a)~~ For the purposes of this chapter:

(1) "Department" means the department of environmental management.

(2) "Covered electronic products" means:

(i) ~~Desktop computers~~ Computers (including central processing unit or CPU) as defined herein;

(ii) Computer monitors, including CRT monitors and flat panel monitors;

~~(iii) Portable computers (laptops);~~

~~(iv)~~ (iii) Combination units (CPUs with monitors);

~~(v) CRT based televisions and non-CRT based televisions; and~~

~~(vi) Television~~ (iv) Televisions (including CRT-based and non-CRT-based televisions, plasma and LCD), or any similar video display device with a screen greater than four (4) inches diagonally and that contains a circuit board; and

(v) Printers as defined in subsection (11) herein;

(vi) "Covered electronic products" does not mean a computer, television or video display device that is: (a) a part of a motor vehicle or any component part of a motor vehicle assembled by, or for, a vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle; or (b) functionally or physically a part of, connected to or integrated within a larger piece of equipment designed and intended for use in an industrial, governmental, commercial, research and development, or medical setting, (including diagnostic, monitoring, or other medical products as that term is defined under the Federal Food, Drug, and Cosmetic Act) or equipment used for security, sensing, monitoring, or anti-terrorism purposes; or (c) contained within a home appliance, clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier; or (d) a handheld device used to access commercial mobile radio service, as such service is defined in 47 CFR 20.3.

~~(3) "Covered electronic product generator" includes any person that has a covered electronic product within its possession.~~

(3)(4) "Person" means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, the federal government or any agency or subdivision thereof, a state, municipality, commission, political subdivision of a state, or any interstate body.

(4) "Computer" often referred to as a "personal computer" or "PC", means a desktop or notebook computer as further defined below, but does not mean an automated typewriter, electronic printer, mobile telephone, portable hand-held

calculator, portable digital assistant (PDA), MP3 player, or other similar device. "Computer" does not include computer peripherals, commonly known as cables, mouse, or keyboard; computer servers marketed to professional users; or retail store terminals or cash registers, used at customer checkout in the retail industry. "Computer" is further defined to include:

(i) "Desktop Computer" means an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions for general purpose needs which are met through interaction with a number of software programs contained therein, and which is not designed to exclusively perform a specific type of logical, arithmetic or storage function or other limited or specialized application. Human interface with a desktop computer is achieved through a standalone keyboard, stand-alone monitor or other display unit, and a stand-alone mouse or other pointing device, and is designed for a single user. A desktop computer has a main unit that is intended to be persistently located in a single location, often on a desk or on the floor. A desktop computer is not designed for portability and generally utilizes an external monitor, keyboard, and mouse with an external or internal power supply for a power source. Desktop computer does not include an automated typewriter or typesetter; or

(ii) "Notebook computer" means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions for general purpose needs which are met through interaction with a number of software programs contained therein, and which is not designed to exclusively perform a specific type of logical, arithmetic or storage function or other limited or specialized application. Human interface with a notebook computer is achieved through a keyboard, video display greater than four inches (4") in size, and mouse or other pointing device, all of which are contained within the construction of the unit which comprises the notebook computer; supplemental standalone interface devices typically can also be attached to the notebook computer. Notebook computers can use external, internal, or batteries for a power source. Notebook computer does not include a portable handheld calculator, or a portable digital assistant or similar specialized device. A notebook computer has an incorporated video display greater than four inches (4") in size and can be carried as one unit by an individual. A notebook computer is sometimes referred to as a laptop computer.

(5) "Corporation" means the Rhode Island resource recovery corporation created and established pursuant to chapter 23-19 of the Rhode Island general laws.

(6) "Manufacturer" means a person or entity who:

(i) Has a physical presence and legal assets in the United States of America; and

(A) Manufactures or manufactured a covered electronic product under a brand it owns; or

(B) Sells or sold under a brand or label it owns or is or was licensed to use a covered electronic product produced by

other suppliers; or

(C) Assumes the financial responsibility of manufacturer collection, transportation or recycling as further defined herein; or

(D) Imports or imported a covered electronic product into the United States that is manufactured by a person without a presence in the United States; or

(E) Sells at retail a covered electronic product acquired from an importer that is the manufacturer as described in subsection (b) herein, and elects to register in lieu of the importer.

(7) "Market share" means a television manufacturers' national sales of televisions expressed as a percentage of the total of all television manufacturers' national sales based on the best available public data.

(8) "Monitor" means a video display device without a tuner that can display pictures and sound and is used with a computer.

(9) "Orphan waste" means a covered electronic product, except a television, for which no manufacturer can be identified or the manufacturer is no longer a business and no successor business can be identified.

(10) "Premium service" means services such as at-location system upgrade services and at-home pickup services, including curbside pickup service.

(11) "Printer" means desktop printers, multifunction printer copiers, and printer/fax combinations taken out of service that are designed to reside on a work surface, and include various print technologies, including without limitation laser and LED (electrographic), ink jet, dot matrix, thermal, and digital sublimation, and "multi-function" or "all-in-one" devices that perform different tasks, including without limitation copying, scanning, faxing, and printing. Printers do not include floor-standing printers, printers with optional floor stand, point of sale (POS) receipt printers, household printers such as a calculator with printing capabilities or label makers, or non-stand-alone printers that are embedded into products that are not covered electronic products.

(12) "Retailer" means a person or entity who sells a covered electronic product in the state to a consumer, "Retailer" includes, but is not limited to, a manufacturer of a covered electronic product who sells directly to a consumer through any means, including, but not limited to, transactions conducted through sales outlets, catalogs or the Internet, or any similar electronic means, but not including leasing, commercial financing or wholesale transactions with a distributor or other retailer.

(13) "Return share" means the minimum percentage of covered electronic products, except televisions, that an individual manufacturer is responsible for collecting, transporting and recycling.

(14) "Return share by weight" means the minimum total weight of covered electronic products, except televisions, that an individual manufacturer is responsible for collecting, transporting and recycling.

(15) "Television" means any telecommunication system device that can broadcast or receive moving pictures and sound over a distance and includes a television tuner or a display device peripheral to a computer that contains a television tuner.

(16) "Video display devices" means and includes units capable of presenting images electronically on a screen, with a viewable area greater than four (4) inches when measured diagonally, viewed by the user and may include cathode ray tubes, flat panel computer monitors, plasma displays, liquid crystal displays, rear and front enclosed projection devices, and other similar displays that exist or may be developed.

(17) "State program" means a statewide program for collecting, transporting and recycling covered electronic products that is provided by the resource recovery corporation for manufacturers who pay a recycling fee.

SECTION 2. Section 23-24.10-6 of the General Laws in Chapter 23-24.10 entitled "Electronic Waste Prevention, Reuse and Recycling Act" is hereby repealed.

~~**23-24.10-6. Study to establish a covered electronic product collection, recycling, and reuse program.** — (a) The department shall study the establishment of collection, recycling, and reuse programs for covered electronic products in this state. The department shall consult with stakeholders including persons who represent covered electronic product manufacturers, covered electronic product retailers, waste haulers, electronics recyclers, charities, cities, environmental organizations, public interest organizations, reuse organizations, schools, and other interested parties that have a role or interest in the collection, reuse, and recycling of covered electronic devices. As part of this study the department shall:~~

~~(1) Examine existing programs and infrastructure for reuse and recycling of covered electronic product;~~

~~(2) Compile information on covered electronic product manufacturers' covered electronic product collection, recycling, and reuse programs;~~

~~(3) Review existing data on the costs to collect, transport, and recycle electronic waste;~~

~~(4) Research the potential impacts of recycling or reusing electronic waste on jobs, recycling infrastructure, and economic development;~~

~~(5) Evaluate ways for improving product design to increase recyclability and reduce toxicity of products, including the assessment of safer alternatives to toxics outlined in the ROHS directive;~~

~~(6) Develop recommendations to define the role for charities, government agencies, local and state governments, businesses, manufacturers, and retailers in the collection, reuse and recycling of covered electronic products; and~~

~~(7) Explore state financial incentives for developing business opportunities and jobs in the area of covered electronic product recycling and reuse infrastructure.~~

~~(b) The department shall, based on the findings and recommendations of subsection (a) of this section, develop a plan for implementing and financing a program that addresses the collection, recycling, and reuse of covered electronic products from all covered electronic product generators in the state. In drafting this plan, the following factors will be considered by the department:~~

~~(1) The recommendations of the mercury reduction and education commission regarding methods of financing the collection, reuse, and recycling programs for covered electronic products;~~

~~(2) The impact of the approach on local governments, nonprofit organizations, waste haulers and other stakeholders;~~

~~(3) How to address historic and orphan waste, including an assessment of financing mechanisms used for collecting and recycling historic and orphan wastes;~~

~~(4) The development of recycling and processing standards that protect the health of workers and the environment in communities where covered electronic products are recycled and/or modified for reuse, which may include a ban on the export on nonworking covered electronic products to developing countries;~~

~~(5) Urban versus rural recycling challenges and issues;~~

~~(6) The role of covered electronic product manufacturers;~~

~~(7) The development of possible performance measures to assess the effectiveness of collection, reuse and recycling of covered electronic products; and~~

~~(8) Special consideration will be given to costs incurred by charitable organizations receiving unwanted electronic products and the waste collection systems that could be developed as a result of this activity.~~

~~(c) The department shall submit two (2) progress reports to the general assembly and the governor as follows:~~

~~(1) On or before January 1, 2007, the department shall submit a progress report on the study required by subsection (a) of this section including the provisions made for the inclusion of stakeholders, the issues that will be addressed in the study, and the work program to develop the plan required by subsection (b) of this section.~~

~~(2) On or before May 1, 2007, the department shall submit a progress report describing the progress of the study and of the development of the plan and identifying any issues that might need to be resolved in implementing an electronic waste collection, reuse and recycling program."~~

~~(d) The department shall submit to the general assembly, no later than December 31, 2007, a program to accomplish~~

~~the purposes of the chapter, which program shall include:~~

~~(1) Findings and recommendations for implementing and financing the collection, reuse and recycling of covered electronic products; and~~

~~(2) A plan and recommendations for any legislation necessary to implement the plan, for the collection, reuse and recycling of covered electronic products.~~

~~(c) The department may promulgate such regulations as may be necessary to implement the electronic waste collection, reuse and recycling program, which regulations shall be effective upon passage of the program by the general assembly.~~

SECTION 3. Chapter 23-24.10 of the General Laws entitled "Electronic Waste Prevention, Reuse and Recycling Act" is hereby amended by adding thereto the following sections:

23-24.10-6. Manufacturer individual financial responsibility. -- (a) On the effective date of this section, for covered electronic products other than televisions, manufacturers have individual financial responsibility for the collection, transportation and recycling of their covered electronic products and orphan waste which have been discarded by households in Rhode Island, including their return share of orphan waste.

(b) On the effective date of this section, for televisions, each television manufacturer has financial responsibility for the collection, transportation and recycling of televisions, which have been discarded by households in Rhode Island, based on the television manufacturer's market share.

23-24.10-7. Sales and labor prohibitions. -- (a) A manufacturer not in compliance with all financial and other requirements of this chapter is prohibited from offering a covered electronic product for sale in this state.

(b) It shall be unlawful for any retailer and/or manufacturer to offer for sale in this state a new covered electronic product from a manufacturer that is not in full compliance with the requirements of this chapter. The department shall maintain a list of all manufacturers in compliance with the requirements of this chapter and post the list on an Internet website. Retailers of products in or into the state shall consult the list prior to selling covered electronic products in this state. A retailer shall be considered to have complied with this responsibility if, on the date that the product was ordered from the manufacturer or its agent, the manufacturer was listed as being in compliance on the aforementioned website. All manufactures will be considered in compliance with the purposes of this section until the department publishes the first requirements of this chapter for the listing.

(c) It shall be unlawful for facilities that recycle covered electronic products, including all downstream recycling operations, to use prison labor to recycle covered electronic products.

23-24.10-8. Labeling and registration requirements. -- (a) On and after the effective date of this section, a manufacturer or retailer may not sell or offer for sale a covered electronic product in the state unless it is labeled with the manufacturer's brand, and the label is permanently affixed and readily visible.

(b) Registration. Before January 1 of each year, a manufacturer of covered electronic products sold or offered for sale in this state shall register with the department for a period to cover the upcoming calendar year, on a form provided by the department. The registration shall include:

(1) A list of all the brands manufactured, sold or imported by the manufacturer, including those brands being offered for sale in this state by the manufacturer;

(2) A statement of whether the manufacturer will be implementing a manufacturer program or utilizing the state program for recycling covered electronic products; and

(3) Any other information required by the department to implement this chapter.

(c) By January 1, 2009, each manufacturer of new covered electronic products offered for sale for delivery in this state shall register with the department and pay to the department a registration fee of five thousand dollars (\$5,000). Thereafter, if a manufacturer has not previously filed a registration, the manufacturer shall file a registration with the department prior to any offer for sale for delivery in this state of the manufacturer's new covered electronic products and shall pay to the department a registration fee of five thousand dollars (\$5,000). Any manufacturer to whom the department provides notification of a return share, return share in weight or market share pursuant to subsections 23-24.10-12(d) and (e) and who has not previously filed a registration shall, within thirty (30) days of receiving such notification, file a registration with the department and shall pay to the department a registration fee of five thousand dollars (\$5,000).

(1) Each registered manufacturer shall submit an annual renewal of its registration to the department and pay to the department a registration fee of five thousand dollars (\$5,000) by January 1 of each program year.

(2) The registration and each annual renewal shall include a list of all of the manufacturer's brands of covered electronic products and shall be effective upon receipt by the department.

(3) All registration fees collected by the department shall be deposited in the environmental response fund established pursuant to Rhode Island general laws 23-19.1-23.

23-24.10-9. Manufacturer responsibility. --(a) A manufacturer choosing to implement a manufacturer program shall submit a plan to the department at the time of payment of the annual registration fee required under subsection 23-24.10-8(c).

(b) The manufacturer's plan must describe how the manufacturer will:

(1) Finance, manage and conduct a statewide program to collect covered electronic products from households in this state;

(2) Provide for environmentally sound management practices to collect, transport and recycle covered electronic products;

(3) Provide for advertising and promotion of collection opportunities statewide and on a regular basis; and

(4) Include convenient service statewide. Collection sites shall be staffed and open to the public at a frequency adequate to meet the needs of the area being served. A program may provide collection service jointly with another program and may include, but not be limited to, mail back programs and collection events.

(c) The plan shall include a statement disclosing whether: (1) any video display devices sold to households exceed the maximum concentration values established for lead, mercury, cadmium, hexavalent chromium, polybrominated diphenyls (PBBs), and polybrominated diphenyl ethers (PBDEs) under the RoHS (restricting the use of certain hazardous substances in electrical and electronic equipment) directive 2002/95/EC of the European parliament and council and any amendments there to enacted as of the date; or (2) the manufacture has received an exemption from one or more of those maximum concentration values under the RoHS directive that has been approved and published by the European commission.

(d) A manufacturer choosing to implement a manufacturer program shall:

(1) Provide for collection, transportation and recycling of covered electronic products from households free of charge and a manufacturer that provides premium service for a person may charge for the additional cost of that premium service.

(2) Implement the plan and provide a report to the department no later than February 1 of each year that details how the plan required under this section was implemented during the previous calendar year.

(3) Conduct a statistically significant sampling or actual count of the covered electronic products collected and recycled by the manufacturer each calendar year using a methodology approved by the department. The manufacturer shall report the results of the sampling or count to the department no later than January 1 of the following calendar year. For all manufacturers, excluding televisions manufactured, the report must include:

(i) A list of all brands identified during the sampling or count by the manufacturer;

(ii) The weight of covered electronic products identified for each brand during the sampling or count; and

(iii) The total weight of covered electronic products, including orphan waste if applicable, collected from households in the state by the manufacturer during the previous calendar year.

(e) A group of manufacturers, except television manufacturers, may choose to implement a manufacturer program as

one entity, if in doing so the manufacturers meet the sum of their individual return shares by weight under subsection 23-24.10-12(d) and that sum is at least five percent (5%). A group of television manufacturers may choose to implement a manufacturer program as one entity, if in doing so the manufacturers meet the sum of their individual market shares under subsection 23-24.10-12(d).

(f) By February 1 of each year, a manufacturer that does not meet its share for the previous calendar year shall pay the department for the amount not achieved at a rate determined by the department to be equivalent to the amount the manufacturer would have paid as defined under subsection 23-24.10-11(d) plus ten percent (10%), to be part of the state program.

(g) A manufacturer, except a television manufacturer, with less than a five percent (5%) return share is required to participate in the state program under section 23-24.10-11. A television manufacturer that does not have an approved manufacture's plan shall participate in the state program under section 23-24.10-11.

(h) A manufacturer participating in the state program under section 23-24.10-11 shall notify the department at the time of its registration each year.

(i) By February 1 of each year, a manufacturer that participates in the state program shall pay a recycling fee to the corporation in an amount adopted by the department under section 23-24.10-12 to cover the costs of collecting, transporting and recycling the manufacturer's annual share of covered electronic products for the following year.

(j) (1) A manufacturer program, the state program or a collector participating in a manufacturer program or the state program may not charge a fee to households for the collection, transportation or recycling of those covered electronic products.

(2) A collector that provides a premium service to a person may charge for the additional cost of providing the premium service.

23-24.10-10. Retailer responsibility. -- (a) A retailer may not sell or offer for sale any covered electronic product in or for delivery into this state unless:

(1) The covered electronic product is labeled with a brand and the label is permanently affixed and readily visible;

(2) The brand is included on the list posted by the department; and

(3) The list posted by the department specifies that the manufacturer is in compliance with the requirements of this chapter. All manufacturers will be considered in compliance with the requirements of this chapter for the purposes of this section until the department publishes the first listing.

(b) A retailer shall provide to a consumer at the time of the sale of a covered electronic product information from the

department's website that provides details about where and how a consumer can recycle covered electronic products in Rhode Island. Information shall also be made available in printable form for Internet sales and other sales where the Internet is involved.

(c) On or after January 1, 2009, a retailer who sells or offers for sale a new covered electronic product must, before the initial offer for sale, review the department's website to determine that all new covered electronic products that the retailer is offering for sale are labeled with the manufacturer's brands that are registered with the department.

(d) A retailer is not responsible for an unlawful sale under this subdivision if the manufacturer's registration expired or was revoked and the retailer took possession of the covered electronic product prior to the expiration or revocation of the manufacturer's registration and the unlawful sale occurred within three (3) months after the expiration or revocation.

23-24.10-11. Rhode Island resource recovery corporation responsibility. -- (a) The corporation shall establish a state program for the collection, transportation and recycling of covered electronic products from households in this state. The state program shall be fully funded through the recycling fees as defined in subsection (d) herein. The corporation shall submit a plan to the department for review and approval that will:

(1) To the extent practicable, use existing local collection, transportation and recycling infrastructure;

(2) Use environmentally sound management practices as defined under subsection 23-24. 10-12(i) to collect, transport and recycle covered electronic products;

(3) Provide for households convenient and available collection services and sites for covered electronic products in each county of this state and collection services shall be free of charge for households;

(4) Advertise and promote collection opportunities statewide and on a regular basis; and

(5) Conduct an actual count of the covered electronic products collected and recycled by the state program during each calendar year using a methodology approved by the department and prepare a report no later than March 1 of the following calendar year that includes but is not limited to:

(i) A list of all brands identified during the count; _____

(ii) The weight of covered electronic products, except televisions, identified for each brand during the count; and

(iii) The total weight of covered electronic products, including orphan waste if applicable, collected from households in the state by the state program during the previous calendar year.

(6) Maintain on its website information on collection opportunities for covered electronic products, including collection site locations and hours. The information must be made available in a printable format for retailers.

(b) Covered electronic products account fund. The corporation shall create the covered electronic products account

fund. Interest earned by the account shall be credited to the account. Fees collected by the corporation under subsection (c) below shall be deposited in the covered electronic products account fund. Moneys in the account are to be used only to pay the costs of implementing this chapter and enforcing the disposal ban in section 23-24.10-5.

(c) The corporation shall determine the return share and return share by weight for each calendar year for each manufacturer, except television manufacturers. The return share shall be determined by dividing the total weight of covered electronic products of that manufacturer's brands by the total weight of covered electronic products for all manufacturers' brands. The return share by weight shall be determined by multiplying the return share for each such manufacturer by the total weight in pounds of covered electronic products, including orphan waste, collected from households the previous calendar year and

(1) For 2009 and 2010, determine the return share and return share by weight for each manufacturer, except television manufacturers, based on the best available public return share data and public weight data from within the United States for covered electronic products from households. For subsequent years, the return share of covered electronic products for each manufacturer shall be based on the most recent annual sampling or count of covered electronic products. For subsequent years, the total weight in pounds of covered electronic products shall be based on the total weight of covered electronic products, including orphan waste, determined by the department.

(2) Determine the market share for each television manufacturer in accordance with subsection 23-24.10-3(7).

(3) The corporation shall present the proposed return or market shares for each manufacturer to the department for review and approval.

(d) Determine the recycling fee to be paid by each manufacturer that participates in the state program established pursuant to this section. The corporation shall determine the recycling fees as follows:

(1) For each manufacturer, except television manufacturers, the corporation shall determine the recycling fee based on the manufacturer's annual return share and return share by weight as determined under subsection (c) of this section. The fee shall be calculated on a per pound basis and shall not exceed fifty cents (\$.50) per pound.

(2) By January 1 of each year, the corporation shall set the cost per pound for collection, transportation, and recycling of covered electronic products, except televisions, in order to reasonably approximate market costs for these services, which cost per pound is used to calculate the fee. The corporation may adjust such cost per pound in order to reasonably approximate market costs for the collection, transportation, and recycling of covered electronic products.

(3) By January 1 of each year, for each television manufacturer that participates in the state program the corporation shall determine, by regulation, the recycling fee based on a television manufacturer's market share.

(4) The corporation shall present the proposed recycling fees and any adjusted recycling fees for each manufacturer to the department for review and approval.

(e) Regulatory authority. The corporation may adopt such regulations as shall be necessary to implement the provisions of this chapter.

23-24.10-12. Department responsibility. -- The department shall:

(a) By January 1, 2009, maintain and make available on its website the following lists, which must be updated by the first day of each month:

(1) A list of registered manufacturers and their brands;

(2) A list of brands for which no manufacturer has registered; and

(3) A list that identifies which manufacturers are in compliance with this chapter.

(b) Review and approve manufacturer plans that comply with this chapter and are submitted annually by manufacturers choosing to implement a manufacturer program for recycling covered electronic products.

(c) Review and approve the corporation's plan as established by section 23-24.10-11.

(d) Review and adopt the return share and return share by weight for all manufactures, except television manufacturers, for the following year as determined by the corporation pursuant to section 23-24.10-11. The department shall review and adopt the market share for all television manufacturers for the following year as determined by the corporation pursuant to section 23-24.10-11.

(e) By January 1 of each year, notify each manufacturer that had a return share determined under section 23-24.10-11 its return share and its return share by weight for the following year. By January 1 of each year, notify each television manufacturer that had a market share determined under section 23-24.10-11 its market share for the following year.

(f) Review and adopt the recycling fee for all manufacturers as determined by the corporation pursuant to section 23-24.10-11.

(g) By January 1 of each year, the department shall notify each manufacturer that had a recycling fee determined under section 23-24.10-11 of the amount of its recycling fee. By November 1 prior to the program year for which a revised cost per pound is to be used in accordance with the provisions of section 23-24.10-11 the department shall notify all registered manufacturers of the revised cost per pound.

(h) Report biennially to the general assembly on the operation of the statewide system for collection, transportation and recycling of covered electronic products.

(i) Environmentally sound recycling and reuse. The department shall develop and adopt regulations no later than

January 30, 2009 to define environmentally sound recycling and reuse practices for the manufacturers' plans and the state program. These regulations will apply to collectors, transporters, and processors, and should ensure that all their downstream vendors comply with all local, state, and federal regulations, and must not violate laws in importing and transit countries when exporting environmentally sensitive materials throughout final disposition.

(j) Regulatory authority. The department may adopt such regulations as shall be necessary to implement the provisions of this chapter and may include exemptions from provisions of this chapter as deemed appropriate by the department.

23-24.10-13. State procurement. -- (a) No later than January 1, 2009, all state agencies shall meet at least ninety-five percent (95%) of their annual purchasing requirements with electronic products registered to the Electronic Product Environmental Assessment Tool (EPEAT) unless there is no EPEAT standard for such product.

(b) All vendors of electronic products to the state shall provide take-back and management services for their products at the end of life of those products and must be in compliance with all the requirements of this section. Vendors shall provide assurances that all take-back and management services will operate in compliance with all applicable environmental laws. Purchasing preference must be given to electronic products that incorporate design for the preservation of the environment.

23-24.10-14. Multistate implementation. -- The department and the corporation are authorized to participate in the establishment of a regional multistate organization or compact to assist in carrying out the requirements of this chapter.

23-24.10-15. Limitations. -- If a federal law or combination of federal laws take effect that is applicable to all covered electronic products sold in the United States and establishes a program for the collection and recycling or reuse of covered electronic products, the department shall evaluate whether such laws provide a solution that is equal to or better than the program created by this act. The department shall report its findings back to the legislature.

23-24.10-16. Violations. -- A violation of any of the provisions of this law or any rule or regulation promulgated pursuant thereto shall be punishable, in the case of a first violation, by a civil penalty not to exceed one thousand dollars (\$1,000). In the case of a second and any further violation, the liability shall be for a civil penalty not to exceed five thousand dollars (\$5,000) for each violation.

23-24.10-17. Severability. -- The provisions of this chapter shall be severable, and if any part of this chapter is declared to be invalid or void by a court of competent jurisdiction, the remaining portion shall not be affected but shall remain in full force and effect and shall be construed to be the entire chapter.

SECTION 4. This act shall take effect upon passage.”

Respectfully submitted,

SENATOR SOSNOWSKI

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, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Revens, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Sosnowski moves passage of the act, as amended, seconded by Senator Bates.

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, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Revens, Sosnowski, Tassoni, Walaska.

NAYS- 0:

9. 2008-S 2771 SUB A

BY Paiva-Weed

**ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - PLASTIC
BOTTLE AND CONTAINER LABELING ACT**

Committee on Environment & Agriculture recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Paiva Weed moves passage, seconded by Senators Moura, Sosnowski, Gibbs, Felag and many others.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 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, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Revens, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

10. 2008-S 2797

BY Sosnowski

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY

Committee on Environment & Agriculture recommends passage.

Senator Sosnowski moves passage, seconded by Senators Metts, Maselli, Moura and Bates.

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 Algieri, Alves, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Revens, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

11. 2008-S 2798 SUB A as amended

BY Sosnowski

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION

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

Senator Sosnowski moves passage, seconded by Senators Lenihan, Perry, Felag, Breene, Blais, Bates, Gibbs and Metts.

Senator Lenihan discusses the act.

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 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, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Revens, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

12. 2008-S 2853 SUB A as amended

BY Sosnowski

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY

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

Senator Sosnowski moves passage, seconded by Senators Maselli and Metts.

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 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, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Revens, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

13. 2008-S 2484 SUB A

BY Pichardo

ENTITLED, AN ACT RELATING TO THE HEALTH AND SAFETY - HEALTHY RHODE ISLAND REFORM ACT OF 2008

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

Senator Pichardo moves passage, seconded by Senators Jabour, Gibbs, Miller, Ciccone, Metts and Perry.

Senator Perry, seconded by Senators Levesque Pichardo and Ciccone, offers the following written motion to amend.

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

TO

2008 -- S 2484 SUBSTITUTE A

AN ACT RELATING TO THE HEALTH AND SAFETY - HEALTHY RHODE ISLAND REFORM ACT OF 2008

Mr. President:

I hereby move to amend 2008 -- S 2484 SUBSTITUTE A, entitled "AN ACT RELATING TO THE HEALTH AND SAFETY - HEALTHY RHODE ISLAND REFORM ACT OF 2008", as follows:

On page 4, line 8, by inserting after the language law," the following language: "and in a format that does not provide any patient-identifiable information,".

Respectfully submitted,
SENATOR PERRY

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, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Revens, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Pichardo moves passage of the act, as amended, seconded by Senator Levesque.

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, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Revens, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

14. 2008-S 2673

BY Breene

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
PHARMACIES

Committee on Health & Human Services recommends passage.

Senator Breene moves passage, seconded by Senator Perry.

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 and 1 Senator abstaining as follows:

YEAS- 33: The Honorable President Montalbano and Senators Algieri, Bates, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Revens, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ABSTAINED- 1: Senator Blais

15. 2008-S 2676 SUB A

BY Gallo

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
PSYCHOLOGISTS

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

Senator Gallo moves passage, seconded by Senators Fogarty, Perry and Paiva Weed.

Senator Perry, seconded by Senators Levesque and Gallo, offers the following written motion to amend.

FLOOR AMENDMENT

TO

2008 -- S 2676 SUBSTITUTE A

AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- PSYCHOLOGISTS

Mr. President:

I hereby move to amend 2008 -- S 2676 SUBSTITUTE A, entitled "AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- PSYCHOLOGISTS", as follows:

On page 8 by deleting lines 21 through 26 and inserting in place thereof the following:

"5-44-20. Grounds for discipline without a hearing. -- In the event a person is hospitalized for mental illness or as an alcoholic as defined in chapter 1.10 of title 23, the board may, with the approval of the director and without the necessity of the proceedings provided for in section 5-44-19, suspend, or refuse to renew the license of that person for the duration of his or her confinement, or until that person is medically discharged from hospitalization. With the approval of the director, the board may temporarily suspend the license of a psychologist without a hearing if the board finds that evidence in its possession indicates that a psychologist continuing in practice would constitute an immediate danger to the public. In the event that the board temporarily suspends the license of a psychologist without a hearing by the board, a hearing must be held within ten (10) days after the suspension has occurred."

Respectfully submitted,
SENATOR PERRY

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, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Revens, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Gallo moves passage of the act, as amended, seconded by Senator Levesque.

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, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Revens, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

16. 2008-S 2839 SUB A

BY Gibbs

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -
HEALTH CARE REGULATORY RESOURCES

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

Upon suggestion of Senator Paiva Weed, and without objection, ordered to be placed on the Calendar for Thursday, June 5, 2008.

17. 2008-H 7281

BY Naughton

ENTITLED, AN ACT RELATING TO HEALTH CARE QUALITY PROGRAM --
MONITORING THE OCCURRENCE OF PRESSURE ULCERS IN
HEALTH CARE FACILITIES

Committee on Health & Human Services recommends passage in concurrence.

Senator Perry moves passage, seconded by Senators Blais, Gibbs, Paiva Weed, Levesque and Sosnowski.

The act is read and passed, by unanimous consent, in concurrence, 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, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Revens, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

18. 2008-H 7487

BY DeSimone

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT

Committee on Environment & Agriculture recommends passage in concurrence.

Senator Sosnowski moves passage, seconded by Senators Levesque, Blais and Moura.

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, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Revens, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

19. 2008-H 7724

BY Story

ENTITLED, AN ACT RELATING TO INSURANCE -- LONG TERM CARE
INSURANCE

Committee on Health & Human Services recommends passage in concurrence.

Senator Blais moves passage, seconded by Senator Perry.

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, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Revens, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

20. 2008-H 7734

BY Story

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- OFFICE OF
STATE MEDICAL EXAMINERS

Committee on Health & Human Services recommends passage in concurrence.

Senator Algieri moves passage, seconded by Senator Moura.

The act is read and passed, by unanimous consent, in concurrence, 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, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Revens, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ANNOUNCEMENTS

Senator Bates announces that the Committee on Corporations will meet today, at the rise of the Senate, in Room 212 of the State House.

Senator Gallo announces that the Committee on Education will meet tomorrow, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Felag announces that the Committee on Finance will meet today, at the rise of the Senate, in Room 211 of the State House.

Senator Sheehan announces that the Committee on Health and Human Services will meet tomorrow, at the rise of the Senate, in Room 212 of the State House.

Senator Doyle announces that the Committee on Housing and Municipal Government will meet today, at the rise of the Senate, in Room 310 of the State House.

Senator Levesque announces that the Committee on Judiciary will meet on Thursday June 5, 2008, at the rise of the Senate, in Room 313 of the State House.

Upon suggestion of Senator Paiva Weed, and without objection, several items on Wednesday's Calendar that are duplicate measures of Senate measures already passed, are placed on Wednesday's Consent Calendar.

TRANSMITTAL

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

RECESS

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate stands at recess at 5:01 o'clock P.M.

CALLED TO ORDER

The Senate is called to order by the Honorable Joseph A. Montalbano, President of the Senate, on Wednesday, June 4, 2008, at 4:17 o'clock P.M.

**REPORTS OF COMMITTEES
COMMITTEE ON CORPORATIONS**

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

Senate Bill No. 2592 SUB A

BY Senator Connors

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW GENERAL REGULATORY PROVISIONS -- THE RHODE ISLAND FAIR DEALERSHIP ACT {LC2268/2/A}

Read and ordered to be placed on the Calendar.

Also:

House Bill No. 7519 SUB A

BY Kennedy, Church, Carter, Pacheco

ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS, AND PARTNERSHIP - RHODE ISLAND UNIFORM SECURITIES ACT (amend the definition of "branch office" under the Rhode Island Uniform Securities Act) {LC2144/1/A}

Read and ordered to be placed on the Calendar.

COMMITTEE ON HOUSING AND MUNICIPAL GOVERNMENT

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

Senate Bill No. 3037

BY Senators Cote, Picard

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - STATE BUILDING CODE (would exempt the city of Woonsocket from the payment of all permit fees for city and school owned projects

Read and ordered to be placed on the Calendar.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns at 4:18o'clock P.M.

RAYMOND T. HOYAS, JR.

Secretary of the Senate

Appendix

INVOCATION

SENATOR MARC A. COTE

Gracious God, we are grateful for the assurance of Your presence, available at all times, dependable in all circumstances, bracing when we need correction, and inspiring when we need courage. Amen

Appendix**CONSENT CALENDAR****IN ORDER FOR WEDNESDAY, JUNE 4, 2008:**

- 1 Nomination of John G. Laramee (appointment) of Newport VICE David Doern (resigned) to the Quonset Development Corporation for a term to expire January 1, 2011.**

Committee on Corporations recommends that the Senate give its Advice and Consent to this nomination.

- 2 Nomination of James Berson (appointment) of North Kingstown VICE Robert Crowley (resigned) to the Quonset Development Corporation for a term to expire January 1, 2011.**

Committee on Corporations recommends that the Senate give its Advice and Consent to this nomination.

- 3 Nomination of Alexander J. Biliouris (reappointment) of North Smithfield to the Rhode Island Economic Development Corporation for a term expiring February 1, 2012.**

Committee on Corporations recommends that the Senate give its Advice and Consent to this nomination.

- 4 Nomination of Keith Stokes (appointment) of Newport VICE M. Paul Sams (deceased) to the Quonset Development Corporation for a term to expire January 1, 2009.**

Committee on Corporations recommends that the Senate give its Advice and Consent to this nomination.

- 5 Nomination of Armeather Gibbs (Representative of Community Based Organization) (reappointment) of Providence to the Rhode Island Human Resource Investment Council for a term expiring January 1, 2011.**

Committee on Corporations recommends that the Senate give its Advice and Consent to this nomination.

- 6 Nomination of Robert H. Breslin, Jr. (appointment) of Saunderstown VICE Thomas Hazelhurst to the Quonset Development Corporation for a term to expire January 1, 2009.**

Committee on Corporations recommends that the Senate give its Advice and Consent to this nomination.

7 Nomination of Keith W. Stokes (reappointment) of Newport to the Rhode Island Economic Development Corporation for a term to expire February 1, 2012.

Committee on Corporations recommends that the Senate give its Advice and Consent to this nomination.

8. 2008-S 3016

BY Sosnowski

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

9. 2008-S 3018

BY Tassoni

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

10. 2008-S 3040

BY Miller

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

11. 2008-S 3041

BY Bates

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

12. 2008-S 3042

BY Breene

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

13. 2008-S 3044

BY Gibbs

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

14. 2008-H 7113

BY Carter

**ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
TRAVEL AGENCIES**

Committee on Corporations recommends passage in concurrence.

15. 2008-H 7199**BY Shanley****ENTITLED,** AN ACT RELATING TO THE KINGSTON WATER DISTRICT - BONDS

Committee on Housing & Municipal Government recommends passage in concurrence.

16. 2008-H 7323**BY Gallison****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

17. 2008-H 7467 SUB B**BY Naughton****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -
BREASTFEEDING - PROMOTES THE INTERESTS OF
MATERNAL AND CHILD HEALTH

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

18. 2008-H 7485**BY Petrarca****ENTITLED,** AN ACT AUTHORIZING THE TOWN OF SMITHFIELD TO
ESTABLISH BY ORDINANCE A TAX EXEMPTION FOR REAL
AND PERSONAL PROPERTY OWNED BY THE GRODEN CENTER,
INC., LOCATED IN THE TOWN OF SMITHFIELD

Committee on Housing & Municipal Government recommends passage in concurrence.

19. 2008-H 7723 SUB A**BY Singleton****ENTITLED,** AN ACT RELATING TO PROPERTY-- REVERSE MORTGAGES

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

20. 2008-H 7728**BY Watson****ENTITLED,** AN ACT RELATING TO INSURANCE

Committee on Corporations recommends passage in concurrence.

21. 2008-H 8060**BY Vaudreuil****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- SEWER
CHARGES

Committee on Housing & Municipal Government recommends passage in concurrence.

22. 2008-H 8095**BY Lewiss****ENTITLED,** AN ACT AUTHORIZING AN INCREASE IN THE HOLDINGS OF THE WATCH HILL CHAPEL SOCIETY

Committee on Housing & Municipal Government recommends passage in concurrence.

23. 2008-H 8096**BY Walsh****ENTITLED,** AN ACT TOWNS AND CITIES -- ORDINANCES

Committee on Housing & Municipal Government recommends passage in concurrence.

24. 2008-H 8116**BY Shanley****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

25. 2008-H 8120**BY Coderre E****ENTITLED,** AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE RECONSTRUCTION OF BRIDGES IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$200,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2009 AND 2010

Committee on Housing & Municipal Government recommends passage in concurrence.

26. 2008-H 8130**BY Lally****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

27. 2008-H 8132**BY Coderre E****ENTITLED,** AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE CONSTRUCTION AND RECONSTRUCTION OF STREETS AND SIDEWALKS IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$1,000,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2009 AND 2010

Committee on Housing & Municipal Government recommends passage in concurrence.

28. 2008-H 8133**BY Coderre E**

ENTITLED, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE RENOVATION AND IMPROVEMENT OF PUBLIC BUILDINGS IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$700,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2009 AND 2010

Committee on Housing & Municipal Government recommends passage in concurrence.

29. 2008-H 8134**BY Coderre E**

ENTITLED, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR CONSTRUCTION AND RECONSTRUCTION OF THE SEWER AND SANITATION SYSTEM IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$300,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2009 AND 2010

Committee on Housing & Municipal Government recommends passage in concurrence.

30. 2008-H 8136**BY Coderre E**

ENTITLED, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE IMPROVEMENT AND REPLACEMENT OF TRAFFIC CONTROL DEVICES IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$200,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2009 AND 2010

Committee on Housing & Municipal Government recommends passage in concurrence.

31. 2008-H 8169**BY Jackson**

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

32. 2008-H 8191**BY Coderre E**

ENTITLED, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE RENOVATION AND RECONSTRUCTION AND EQUIPPING OF PUBLIC RECREATION FACILITIES IN THE CITY OF

PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$600,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2009 AND 2010

Committee on Housing & Municipal Government recommends passage in concurrence.

33. 2008-H 8201

BY Fox

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

34. 2008-H 8202

BY McManus

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

35. 2008-H 8213

BY Kilmartin

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

IN ORDER FOR THURSDAY, JUNE 5, 2008:

1 Nomination of Robert E. Cusack (reappointment) of of Rumford to the Historical Preservation and Heritage Commission for a term expiring June 1, 2011.

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

2 Nomination of Patrice O'Malley Hagan (reappointment) of Little Compton to the Historical Preservation and Heritage Commission for a term expiring June 1, 2010.

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

3 Nomination of Dr. Patricia Rubertone (reappointment) of Providence to the Historical Preservation and Heritage Commission for a term expiring June 1, 2011.

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

4 Nomination of Donald Goodrich (Representing Zoning Official - under 25,000 in population) (reappointment) of Narragansett to the State Housing Appeals Board for a term expiring January 1, 2011.

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

5 Nomination of Kavah Hajianbahmani (Representative of the Homeless) (reappointment) of Providence to the Rhode Island Housing Resources Commission for a term expiring January 31, 2010.

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

6 Nomination of Roberta Hazen Aaronson (Representative of a Lead Poisoning Agency) (reappointment) of Cranston to the Rhode Island Housing Resources Commission for a term expiring January 31, 2011.

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

7 Nomination of Denise A. Barge (Rep. of Agency Advocating the Interest of Racial Minorities) (appointment) of Cranston VICE Dennis Langley to the Rhode Island Housing Resources Commission for a term expiring January 31, 2010.

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

8 Nomination of Kathleen Bazinet (Non-Profit Development Corporation) (reappointment) of Bristol to the Rhode Island Housing Resources Commission for a term expiring January 31, 2010.

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

9 Nomination of Michael D. Evora (Representative of Fair Housing) (appointment) of Cranston VICE Angela Lovegrove to the Rhode Island Housing Resources Commission for a term expiring January 31, 2010.

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

10 Nomination of Mark VanNoppen (reappointment) of Providence to the Rhode Island Housing Resources Commission for a term expiring January 31, 2009.

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

11 Nomination of Joanne McGunagle (Representative of Community Development Corporation) (appointment) of Cranston VICE Joseph Caffey to the Rhode Island Housing Resources Commission for a term expiring January 31, 2011.

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

Appendix**CALENDAR****IN ORDER FOR WEDNESDAY, JUNE 4, 2008:****1 2008-S 2211 SUB A****BY Perry****ENTITLED,** AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY
-- EMERGENCY MANAGEMENT

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

2 2008-S 2398 SUB A**BY Gibbs****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
LICENSING AND MONITORING OF CHILD CARE PROVIDERS
AND CHILD PLACING AGENCIES

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

3 2008-S 2479 SUB A**BY Doyle****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -
NURSES

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

4 2008-S 2679 SUB A as amended**BY Paiva-Weed****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -
THE RHODE ISLAND HEALTH INFORMATION EXCHANGE ACT
OF 2008

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

5 2008-S 2059 SUB A as amended**BY Raptakis****ENTITLED,** AN ACT RELATING TO LABOR AND LABOR RELATIONS --
MINIMUM WAGES

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

6 2008-S 2147**BY Lanzi****ENTITLED,** AN ACT RELATING TO LABOR AND LABOR RELATIONS --
FIREFIGHTERS' ARBITRATION

Committee on Labor recommends passage.

7 2008-S 2406**BY Bates****ENTITLED,** AN ACT RELATING TO LABOR - TEMPORARY DISABILITY
INSURANCE - BENEFITS

Committee on Labor recommends passage.

8 2008-S 2579**BY Ruggerio****ENTITLED,** AN ACT RELATING TO LABOR AND LABOR RELATIONS --
MEDIATION

Committee on Labor recommends passage.

9 2008-S 2580**BY Ruggerio****ENTITLED,** AN ACT RELATING TO LABOR AND LABOR RELATIONS --
MUNICIPAL EMPLOYEES' ARBITRATION

Committee on Labor recommends passage.

10 2008-S 2588**BY Ruggerio****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS

Committee on Labor recommends passage.

11 2008-H 7439 SUB A as amended**BY Rice****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -
REAL ESTATE SALES DISCLOSURESCommittee on Environment & Agriculture recommends indefinite postponement of the
original bill and passage of Substitute A as amended in concurrence.**12 2008-H 7497 SUB A as amended****BY Jacquard****ENTITLED,** AN ACT RELATING TO THE RHODE ISLAND AUTOMOBILE
REPOSSESSION ACTCommittee on Corporations recommends indefinite postponement of the original bill
and passage of Substitute A as amended in concurrence.

13 2008-H 7522 SUB A**BY Pacheco****ENTITLED,** AN ACT RELATING TO FISH AND WILDLIFE - - GENERAL PROVISIONS

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

14 2008-H 8030 SUB A**BY Fellela**

ENTITLED, AN ACT AUTHORIZING THE TOWN OF JOHNSTON TO FINANCE THE DESIGN AND CONSTRUCTION OF SANITARY SEWERS FOR THE MEMORIAL PLAT SEWER PROJECT WHICH INCLUDES ALL OR A PORTION OF MILLS DRIVE, POCOTTE DRIVE, ARNOLD DRIVE, MONGONE DRIVE, RICHARDSON DRIVE, HARRINGTON DRIVE, CORRINE DRIVE, PINWOOD, AVENUE AND CENTRAL AVENUE; AND FOR THE CHERRY HILL SEWER PROJECT WHICH INCLUDES ALL OR A PORTION OF CHERRY HILL ROAD, OLD CHERRY HILL ROAD, CHRYSANTHY COURT, SETIAN CIRCLE, KERN ACRE DRIVE, CAVALCADE BOULEVARD, BALSAM COURT, HEMLOCK COURT, WOODCREST DRIVE, CYNTHIA DRIVE, WORCESTER AVENUE, PRESCOTT AVENUE, HOLLAND AVENUE, ROWENA DRIVE, BIRCHWOOD DRIVE AND TO ISSUE NOT MORE THAN \$7,100,000 BONDS AND NOTES THEREFOR

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

15 2008-H 8081**BY Vaudreuil**

ENTITLED, AN ACT RELATING TO TAXATION -- THE TOWN OF CUMBERLAND -- HOMESTEAD EXEMPTION

----- Committee on Housing & Municipal Government recommends passage in concurrence.

IN ORDER FOR THURSDAY, JUNE 5, 2008:**1. 2008-S 2709****BY Doyle**

ENTITLED, AN ACT RELATING TO ELECTIONS - CONDUCT OF ELECTION AND VOTING EQUIPMENT, AND SUPPLIES

Committee on Judiciary recommends passage.

2. 2008-S 2839 SUB A**BY Gibbs**

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - HEALTH CARE REGULATORY RESOURCES

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

3. **2008-S 2916 SUB A**

BY McCaffrey

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- DISORDERLY CONDUCT

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

4. **2008-S 2592 SUB A**

BY Connors

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW GENERAL REGULATORY PROVISIONS -- THE RHODE ISLAND FAIR DEALERSHIP ACT

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

5. **2008-S 3037**

BY Cote

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - STATE BUILDING CODE

Committee on Housing & Municipal Government recommends passage.

6. **2008-S 2058**

BY Raptakis

ENTITLED, AN ACT RELATING TO ELECTIONS -- REGISTRATION OF VOTERS

Committee on Judiciary recommends passage.

7. **2008-S 2145**

BY Bates

ENTITLED, AN ACT RELATING TO MOTOR VEHICLES - EQUIPMENT AND ACCESSORIES - INSPECTIONS

Committee on Judiciary recommends passage.

8. **2008-S 2490**

BY Alves

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - STATE POLICE

Committee on Judiciary recommends passage.

9. 2008-S 2726**BY Sheehan****ENTITLED,** AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
COURTS -- JUDICIAL SELECTION

Committee on Judiciary recommends passage.

10. 2008-S 2963 SUB A as amended**BY Lenihan****ENTITLED,** AN ACT RELATING TO PUBLIC RECORDS -- ACCESS TO
PUBLIC RECORDS

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

11. 2008-H 7191 SUB A**BY Story****ENTITLED,** AN ACT RELATING TO INSURANCE

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

12. 2008-H 7519 SUB A**BY Kennedy****ENTITLED,** AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS, AND
PARTNERSHIP - RHODE ISLAND UNIFORM SECURITIES ACT

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

13. 2008-H 7867 SUB B**BY Kennedy****ENTITLED,** AN ACT RELATING TO INSURANCE

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

14. 2008-H 8067 SUB A**BY Kennedy****ENTITLED,** AN ACT RELATING TO INSURANCE -- PRODUCER LICENSING
ACT

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

IN ORDER FOR THURSDAY, JUNE 12, 2008:

1 2008-S 2961

BY Issa

ENTITLED, AN ACT RELATING TO THE 10A VALIDATION AND
RATIFICATION OF THE CITY CHARTER OF THE CITY OF
CENTRAL FALLS

Committee on Housing & Municipal Government recommends passage.