

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.56

Thursday, June 5, 2008

Fifty-sixth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:07o'clock P.M.

The roll is called and a quorum is declared present with 34 Senators present and 4 Senators absent as follows:

PRESENT – 34: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Blais, Ciccone, Connors, Cote, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 4: Senators Breene, DaPonte, Fogarty, Raptakis.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal's of the Fifty-fourth and Fifty-fifth Legislative Day's of the 2008 proceedings are read in part.

Upon suggestion of Senator Paiva Weed, and by unanimous consent, further reading of the Journal's are dispensed with and the Journal's approved as recorded.

**REPORTS OF COMMITTEES
COMMITTEE ON EDUCATION**

Senator Issa, from the Committee on Education, reports back, with recommendation of passage of the following measures:

House Bill No. 7463 SUB A

BY Baldelli-Hunt

ENTITLED, AN ACT RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS (direct the governing bodies of each school to develop a policy designed to provide a safe environment for students with peanut, tree nut, or other food allergies) {LC1480/2/A}

Read and ordered to be placed on the Calendar.

Also:

Nomination of William A. Brackett (reappointment) of Coventry to the Rhode Island State Council on the Arts for a term expiring March 1, 2011

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Amy Beretta (reappointment) of East Greenwich to the Board of Regents for Elementary and Secondary Education or a term expiring January 31, 2011

Read and ordered to be placed on the Consent Calendar.

COMMITTEE ON ENVIRONMENT AND AGRICULTURE

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

Senate Bill No.. 2455 as amended

BY Senator Sosnowski

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY (would extend the period for disposal of covered electronic products in a manner other than by recycling or disposal as hazardous waste to December 31, 2008) {LC1864/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No.. 2628 SUB A

BY Senators Sosnowski, Miller, Moura, Breene, Revens

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF ENVIRONMENTAL MANAGEMENT -- DIVISIONS {LC2013/1/A}

Read and ordered to be placed on the Calendar.

Also:

Nomination of Michael J. DeLuca (appointment) to the Scenic Highway Board for a term expiring January 31, 2010

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Charles E. Vandemoer (appointment) of Wakefield VICE Sharon Pavignano to the Rhode Island Rivers Council for a term to expire January 1, 2011

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Scott D. Lajoie (reappointment) of Warwick to the Rhode Island Clean Water Finance Agency for a term expiring March 1, 2010

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Everett A. Petronio, Jr. (reappointment) of Cranston to the Atlantic States Marine Fisheries Commission for a term expiring January 1, 2011

Read and ordered to be placed on the Consent Calendar.

COMMITTEE ON FINANCE

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

Senate Bill No. 2806 SUB A

BY Senator Ruggerio

ENTITLED, AN ACT RELATING TO EDUCATION -- CHILDREN WITH DISABILITIES (would require local school committees to pay and provide for the education of children with disabilities placed in private schools) {LC2412/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2925**BY** Senators Doyle, McBurney, DaPonte**ENTITLED**, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE RENOVATION AND EQUIPPING OF PUBLIC SCHOOL BUILDINGS IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$3,000,000 BONDS, NOTES AND OTHER EVIDENCES OF INDEBTEDNESS THEREFOR, INCLUDING BUT NOT LIMITED TO ANY BONDS OR NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2009 AND 2010 {LC2548/1}

Read and ordered to be placed on the Calendar.

Also:

House Bill No. 7057 SUB A as amended**BY** Lewiss, Shanley, Kennedy, Picard, McNamara**ENTITLED**, AN ACT RELATING TO INSURANCE -- HEALTH INSURANCE -- COPAYMENTS (require health insurance carriers to reimburse hospitals for certain uncollected member copayments and deductibles/also place conditions upon the variation of adjusted community rates applied by small employer carriers) {LC140/1/A}

Read and ordered to be placed on the Calendar.

COMMITTEE ON HEALTH AND HUMAN SERVICES

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

Senate Bill No. 2475 SUB A**BY** Senator Miller**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- PHYSICAL THERAPISTS {LC1992/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2677 SUB A as amended**BY** Senators Perry, Goodwin, Pichardo, Miller, Sosnowski**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- DEPARTMENT OF HEALTH (establish the Rhode Island patient safety and quality improvement act of 2008) {LC1643/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2866**BY** Senator Gallo

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - HEALTH CARE SERVICES - UTILIZATION REVIEW ACT (would require the department of human services to report to the general assembly by the 15th of January each year, and would also extend the sunset provision to July 1, 2011) {LC2299/1}

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 measure:

Senate Bill No. 2707**BY** Senators Doyle, Tassoni, McBurney, Connors

ENTITLED, AN ACT RELATING TO ELECTIONS -- VOTING DISTRICTS AND OFFICIALS (allow an election official to appoint not more than 5 students as supervisors/moderators per ward and/or precinct to serve under the direct supervision of the ward and/or precinct board members) {LC2231/1}

Read and ordered to be placed on the Calendar.

NEW BUSINESS**Senate Resolution No. 3072****BY** Senators Revens, Montalbano J, Felag, Levesque C, Walaska

ENTITLED, SENATE RESOLUTION CONGRATULATING ANNA TUCKER, ONE OF THE FOUNDERS OF THE SENIOR OLYMPICS, ON THE OCCASION OF ITS 30TH ANNIVERSARY {LC3046/1}

Senator Alves requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Alves moves passage, seconded by the entire Senate.

The resolution is read and passed, upon a voice vote.

Also:

Senate Resolution No. 3073**BY** Senators Revens, Montalbano J, Levesque C, Walaska, Bates

ENTITLED, SENATE RESOLUTION HONORING DOLORES CASEY BERGERON ON THE CELEBRATION OF THE 30TH ANNIVERSARY OF THE OCEAN STATE SENIOR OLYMPICS {LC3051/1}

Senator Alves requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Alves moves passage, seconded by the entire Senate.

The resolution is read and passed, upon a voice vote.

Also:

Senate Resolution No. 3074

BY Senators Revens, Montalbano J, Connors, Levesque C, Walaska

ENTITLED, SENATE RESOLUTION CELEBRATING THE 30TH ANNIVERSARY OF THE RHODE ISLAND SENIOR OLYMPICS AND THANKING THE HONORABLE GOVERNOR J. JOSEPH GARRAHY FOR HIS THIRTY YEARS OF SUPPORT FOR THE RHODE ISLAND SENIOR OLYMPICS {LC3049/1}

Senator Alves requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Alves moves passage, seconded by the entire Senate.

The resolution is read and passed, upon a voice vote.

GUESTS

Upon suggestion of Senator Alves and by unanimous consent, the Honorable President, welcomes to the Chamber Dr. Patrick Conley, President of Rhode Island Senior Olympics, Michael Lyons, Executive Director of Rhode Island Senior Olympics, members of the Board of Directors and the three founders of the Rhode Island Senior Olympics, the Honorable Joseph Garrahy, former Governor of the State of Rhode Island, Anna Tucker and Delones Bergeron.

NEW BUSINESS

Senate Resolution No. 3075

BY Senators Tassoni, Felag, Walaska, Bates, Gallo

ENTITLED, SENATE RESOLUTION CONGRATULATING DEFENDERS OF ANIMALS, A NON-PROFIT ANIMAL ADVOCACY ORGANIZATION, ON THE OCCASION OF ITS 30TH ANNIVERSARY {LC3031/1}

Senator Tassoni requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Tassoni moves passage, seconded by the entire Senate.

The resolution is read and passed, upon a voice vote.

Also:

Senate Resolution No. 3076

BY Senators Connors, Pichardo, Montalbano J, Levesque C, Walaska

ENTITLED, SENATE RESOLUTION WELCOMING THE INDONESIAN POLITICAL LEADERS DELEGATION AND MEMBERS OF THE AMERICAN COUNCIL OF YOUNG POLITICAL LEADERS TO THE STATE OF RHODE ISLAND {LC3047/1}

Senator Connors requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Connors moves passage, seconded by the entire Senate.

The resolution is read and passed, upon a voice vote.

GUESTS

Upon suggestion of Senator Connors and Pichardo and by unanimous consent, the Honorable President, welcomes to the Chamber the Indonesian political leaders delegation and members of the American Council of Young Political Leaders.

Upon suggestion of Senator McCaffrey and by unanimous consent, the Honorable President, welcomes to the Chamber Patrick Knox, Tracy Knox, Patrick Knox, Jr. and Alexandria Knox, all of Warwick.

Upon suggestion of Senator Doyle and by unanimous consent, the Honorable President, welcomes to the Chamber William Massuck of Pawtucket

NEW BUSINESS

Senate Resolution No. 3077

BY Senators Paiva-Weed, Gibbs, Levesque C, Issa

ENTITLED, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF MARY SHEA {LC3055/1}

Senator Paiva Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Paiva Weed moves passage, seconded by Senators Gibbs, Levesque and the entire Senate.

The resolution is read and passed, upon a rising vote.

Also:

Senate Resolution No. 3078**BY** Senators Gallo, Fogarty P, Algiere, Paiva-Weed, Tassoni**ENTITLED**, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF LT. JAMES A. PAGANO, CFD {LC3034/1}

Senator Gallo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Gallo moves passage, seconded by the entire Senate.

The resolution is read and passed, upon a rising vote.

Also:

Senate Resolution No. 3079**BY** Senators Paiva-Weed, Algiere, Ruggerio, McCaffrey, Montalbano J**ENTITLED**, SENATE RESOLUTION WISHING THE HONORABLE EDWARD M. KENNEDY A FULL AND SPEEDY RECOVERY {LC2992/1}

Senator Paiva Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Paiva Weed moves passage, seconded by the entire Senate.

The resolution is read and passed, upon a voice vote.

Also:

Senate Bill No. 3080**BY** Senator Blais**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- GENERAL POWERS (This act would authorize cities and towns owning ratable property devoted to public use which is located within any other city or town, to enter into agreements from time to time to fix the amount and value of such property for the purposes of taxation. {LC3064/1}

Read and referred to the Senate Committee on Housing and Municipal Government

Also:

Senate Resolution No. 3081**BY** Senator Issa**ENTITLED**, SENATE RESOLUTION PROCLAIMING THE THIRD WEEK OF OCTOBER "DISABILITY HISTORY WEEK" IN THE STATE OF RHODE ISLAND {LC3036/1}

Read and referred to the Senate Committee on Constitutional and Regulatory Issues

Also:

Senate Bill No. 3082

BY Senators Paiva-Weed, Levesque C, Gibbs, Picard, Goodwin

ENTITLED, AN ACT RELATING TO EDUCATION -- PAUL W. CROWLEY RHODE ISLAND STUDENT INVESTMENT INITIATIVE {LC3065/1}

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 3083

BY Senator Bates

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC3069/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 3084

BY Senator Issa

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC3057/1}

Read and referred to the Senate Committee on Judiciary

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 8247

BY Schadone

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES (would authorize the town council of Smithfield to issue a liquor license for certain property located near a school and church.) {LC2867/1}

Received and referred to the Senate Committee on Constitutional and Regulatory Issues

RECONSIDERATION

Upon suggestion of Senator Connors, seconded by Senator Gallo, and by unanimous consent, (S-2588) AN ACT RELATING TO PUBLIC PROPERTY AND WORKS, is reconsidered by the Senate upon a voice vote.

Upon suggestion of Senator Connors, seconded by Senator Gallo, and by unanimous consent, (S-2588) AN ACT RELATING TO PUBLIC PROPERTY AND WORKS, is recommitted to the Senate Committee on Labor upon a voice vote.

CONSENT CALENDAR

In order for the day is taken up as follows:

- 1 Nomination of Robert E. Cusack (reappointment) of Rumford to the Historical Preservation and Heritage Commission for a term expiring June 1, 2011.**
- 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.**
- 3 Nomination of Dr. Patricia Rubertone (reappointment) of Providence to the Historical Preservation and Heritage Commission for a term expiring June 1, 2011.**
- 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.**
- 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.**
- 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.**
- 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.**
- 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.**
- 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.**
- 10 Nomination of Mark VanNoppen (reappointment) of Providence to the Rhode Island Housing Resources Commission for a term expiring January 31, 2009.**
- 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.**

12. 2008-H 7191 SUB A**BY Story****ENTITLED, AN ACT RELATING TO INSURANCE****13. 2008-H 8067 SUB A****BY Kennedy****ENTITLED, AN ACT RELATING TO INSURANCE -- PRODUCER LICENSING ACT**

Upon motion of Senator Paiva Weed, seconded by Senator Algieri, the following measures on today's Consent Calendar, by unanimous consent, are read and passed, 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, Connors, Cote, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

CALENDAR**IN ORDER FOR THURSDAY, JUNE 5, 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.

Upon suggestion of Senator Ruggerio, seconded by Senator Tassoni and without objection, ordered to be recommitted to the committee on Constitutional and Regulatory Issues.

2. 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 Ruggerio, and without objection, ordered to be placed on the Calendar for Thursday, June 12, 2008.

3. 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 Ruggerio, and without objection, ordered to be placed on the Calendar for Wednesday, June 11, 2008.

4. 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.

Upon suggestion of Senator Ruggerio, and without objection, ordered to be placed on the Calendar for Thursday, June 12, 2008.

5. 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.

Senator Connors moves passage, seconded by Senators Walaska, Paiva Weed and Bates.

Senator Connors, seconded by Senators Walaska and many others, offers the following written motion to amend.

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

TO

2008 -- S 2592 SUBSTITUTE A

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

Mr. President:

I hereby move to amend 2008 -- S 2592 SUBSTITUTE A, entitled "AN ACT RELATING TO COMMERCIAL LAW GENERAL REGULATORY PROVISIONS -- THE RHODE ISLAND FAIR DEALERSHIP ACT", as follows:

By deleting all the language following the enactment clause and substituting therefor the following:

"SECTION 1. Sections 6-50-2, 6-50-3, 6-50-4, 6-50-6, 6-50-7 and 6-50-9 of the General Laws in Chapter 6-50 entitled "The Rhode Island Fair Dealership Act" are hereby amended to read as follows:

6-50-2. Definitions. -- In this chapter:

(1) "Community of interest" means a continuing financial interest between the grantor and the grantee in either the operation of the dealership business or the marketing of such goods or services;

(2) "Dealer" means a person who is a grantee of a dealership situated in this state;

(3) "Dealership" means any of the following:

(i) A contract or agreement, either expressed or implied, whether oral or written, between two (2) or more persons, by which a person is granted the right to sell or distribute goods or services, or use a trade name, trademark, service mark, logotype, advertising or other commercial symbol, in which there is a community of interest in the business of offering, selling or distributing goods or services at wholesale, retail, by lease, agreement or otherwise.

(4) "Good cause" means: ~~(i) Failure by a dealer to comply substantially with essential and reasonable requirements imposed upon the dealer by the grantor, or sought to be imposed by the grantor, which requirements are not discriminatory as compared with requirements imposed on other similarly situated dealers either by their terms or in the manner of their enforcement; or~~

~~(ii) Bad faith by the dealer in carrying out the terms of the dealership~~ for the purposes of this act, good cause for terminating, canceling or nonrenewal shall include, but not be limited to, failure by the dealer to comply with the reasonable requirements imposed by the grantor or any of the reasons listed in subdivisions 6-50-4(a)(1) through (a)(6).

(5) "Grantor" means a person who grants a dealership;

(6) "Person" means a natural person, partnership, joint venture, corporation or other entity.

6-50-3. Purposes; rules of construction; variation by contract. -- (a) This chapter shall be liberally construed and applied to promote its underlying remedial purposes and policies.

(b) The underlying purposes and policies of this chapter are:

(1) To promote the compelling interest of the public in fair business relations between dealers and grantors, and in the continuation of dealerships on a fair basis;

(2) To protect dealers against unfair treatment by grantors, ~~who inherently have superior economic power and~~

superior bargaining power in the negotiation of dealerships;

(3) To provide dealers with rights and remedies in addition to those existing by contract or common law;

(4) To govern dealerships, including any renewals or amendments, to the full extent consistent with the constitutions of this state and the United States.

(c) The effect of this chapter may not be varied by contract or agreement. Any contract or agreement purporting to do so is void and unenforceable to that extent only.

6-50-4. Notice of termination or change in dealership. – (a) ~~Except as provided in this section (a)~~ Notwithstanding the terms, provisions, or conditions of any agreement to the contrary, a grantor shall provide a dealer ~~at least ninety (90) days'~~ sixty (60) days prior written notice of termination, cancellation, or nonrenewal ~~or substantial change in competitive circumstances~~. The notice shall state all the reasons for termination, cancellation, or nonrenewal ~~or substantial change in competitive circumstances~~ and shall provide that the dealer has ~~sixty (60)~~ thirty (30) days in which to ~~rectify~~ cure any claimed deficiency; provided that a dealer has a right to cure three (3) times in any twelve (12) month period during the period of the dealership agreement. ~~If the deficiency is rectified within sixty (60) days the notice shall be void.~~ The sixty (60) day notice provisions of this section shall not apply and the termination, cancellation or nonrenewal may be made effective immediately upon written notice, if the reason for termination, cancellation or nonrenewal is ~~insolvency, the occurrence of an assignment for the benefit of creditors or bankruptcy.~~ in the event the dealer: (1) voluntarily abandons the dealership relationship; (2) is convicted of a felony offense related to the business conducted pursuant to the dealership; (3) engages in any substantial act which tends to materially impair the goodwill of the grantor's trade name, trademark, service mark, logotype or other commercial symbol; (4) makes a material misrepresentation of fact to the grantor relating to the dealership; (5) attempts to transfer the dealership (or a portion thereof) without authorization of the grantor; or (6) is insolvent, files or suffers to be filed against it any voluntary or involuntary bankruptcy petition, or makes an assignment for the benefit of creditors or similar disposition of assets of the dealer business.

(b) If the reason for termination, cancellation, or nonrenewal ~~or substantial change in competitive circumstances~~ is nonpayment of sums due under the dealership, the dealers shall be entitled to written notice of such default, and shall have ten (10) days in which to ~~remedy~~ cure such default from the date of ~~delivery or posting of~~ such notice. A dealer has the right to cure three (3) times in any twelve (12) month period during the period of the dealership agreement.

(c) If the reason for termination, cancellation or nonrenewal is for violation of any law, regulation or standard relating to public health or safety the dealer shall be entitled to immediate written notice and shall have twenty-four (24) hours to cure such violation.

6-50-6. Application to arbitration agreements. -- This chapter shall not apply to provisions for the binding arbitration of disputes contained in a dealership agreement, if the criteria for determining whether good cause existed for a termination, cancellation, ~~or nonrenewal or substantial change of competitive circumstances~~, and the relief provided is no less than that provided for in this chapter.

6-50-7. Action for damages and injunctive relief. -- If any grantor violates this chapter, a dealer may bring an action against such grantor in any court of competent jurisdiction for damages sustained by the dealer as a consequence of the grantor's violation, together with the actual costs of the action, including reasonable actual attorneys' fees, and the dealer also may be granted injunctive relief against unlawful termination, cancellation, ~~or nonrenewal or substantial change of competitive circumstances~~.

6-50-9. Nonapplicability. -- This chapter shall not apply to ~~intoxicating liquor~~ malt beverage dealerships, motor vehicle dealerships, insurance agency relationships, any relationship relating to the sale or administration of insurance or any similar contract with an entity organized under Chapters 19 or 20 of Title 27, fuel distribution dealerships, and door to door sales dealerships.

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

Respectfully submitted,
SENATOR CONNORS

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, Connors, Cote, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Connors moves passage of the act, as amended, seconded by Senators Walaska and many others

Senator Walaska discusses the act.

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

NAYS- 0:

6. 2008-S 3037

BY Cote

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

Committee on Housing & Municipal Government recommends passage.

Senator Cote moves passage, seconded by Senators Felag and Picard.

Senators Gibbs and Cote discuss the act.

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

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

NAYS- 0:

7. 2008-S 2058

BY Raptakis

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

Committee on Judiciary recommends passage.

Upon suggestion of Senator Ruggerio, and without objection, ordered to be placed on the Calendar for Tuesday, June 10, 2008.

8. 2008-S 2145

BY Bates

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

Committee on Judiciary recommends passage.

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

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

YEAS- 30: Senators Algieri, Alves, Bates, Blais, Connors, Cote, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ABSTAINED- 1: Senator Montalbano

9. 2008-S 2490

BY Alves

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

Committee on Judiciary recommends passage.

Senator Alves moves passage, seconded by Senators Issa, Gallo, Levesque, Paiva Weed and Picard.

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

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

NAYS- 0:

10. 2008-S 2726

BY Sheehan

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
COURTS -- JUDICIAL SELECTION

Committee on Judiciary recommends passage.

Senator Sheehan moves passage, seconded by Senators Metts, Gallo and Lenihan.

The act is read and passed, upon a roll call vote with 27 Senators voting in the affirmative and 2 Senators voting in the negative as follows:

YEAS- 27: The Honorable President Montalbano and Senators Algieri, Connors, Cote, Doyle, Felag, Gallo, Gibbs, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 2: Senators Bates and Blais

11. 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.

Senator Lenihan moves passage, seconded by Senators Metts, Sosnowski, Paiva Weed, McCaffrey, Felag, Levesque and Sheehan.

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

YEAS- 30: The Honorable President Montalbano and Senators Algieri, Bates, Blais, Connors, Cote, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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.

Senator Walaska moves passage, seconded by Senators Levesque and Sheehan.

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

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

NAYS- 0:

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.

Senator Walaska moves passage, seconded by Senator Bates.

The bill marked Substitute “B” is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 30 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 30: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Blais, Connors, Cote, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Picard, Pichardo, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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.

ANNOUNCEMENTS

Senator Lenihan announces that the Committee on Government Oversight will meet on Monday, June 9, 2008, at 3:30 o'clock P.M. in the Senate Lounge of the State House.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, and upon suggestion of Senator Paiva Weed, the Senate adjourns at 5:00 o'clock P.M. in memory Mary Shea of Newport.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR M TERESA PAIVA WEED

Lord, Enable us to make our best judgments, not only during this hurried moment of prayer, but throughout the entire day. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR TUESDAY, JUNE 10, 2008:

1 Nomination of William A. Brackett (reappointment) of Coventry to the Rhode Island State Council on the Arts for a term expiring March 1, 2011.

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

2 Nomination of Amy Beretta (reappointment) of East Greenwich to the Board of Regents for Elementary and Secondary Education or a term expiring January 31, 2011.

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

3 Nomination of Michael J. DeLuca (appointment) to the Scenic Highway Board for a term expiring January 31, 2010.

Committee on Environment & Agriculture recommends that the Senate give its Advice and Consent to this nomination.

4 Nomination of Charles E. Vandemoer (appointment) of Wakefield VICE Sharon Pavignano to the Rhode Island Rivers Council for a term to expire January 1, 2011.

Committee on Environment & Agriculture recommends that the Senate give its Advice and Consent to this nomination.

5 Nomination of Scott D. Lajoie (reappointment) of Warwick to the Rhode Island Clean Water Finance Agency for a term expiring March 1, 2010.

Committee on Environment & Agriculture recommends that the Senate give its Advice and Consent to this nomination.

6 Nomination of Everett A. Petronio, Jr. (reappointment) of Cranston to the Atlantic States Marine Fisheries Commission for a term expiring January 1, 2011.

Committee on Environment & Agriculture recommends that the Senate give its Advice and Consent to this nomination.

7. 2008-H 7463 SUB A

BY Baldelli-Hunt

ENTITLED, AN ACT RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS

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

Appendix**CALENDAR****IN ORDER FOR TUESDAY, JUNE 10, 2008:****1. 2008-S 2058****BY Raptakis****ENTITLED,** AN ACT RELATING TO ELECTIONS -- REGISTRATION OF VOTERS

Committee on Judiciary recommends passage.

2. 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.

IN ORDER FOR WEDNESDAY, JUNE 11, 2008:**1. 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.

2. 2008-S 2455 as amended**BY Sosnowski****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY

Committee on Environment & Agriculture recommends passage as amended.

3. 2008-S 2628 SUB A**BY Sosnowski****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF ENVIRONMENTAL MANAGEMENT -- DIVISIONS

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

4. 2008-S 2806 SUB A**BY Ruggerio****ENTITLED,** AN ACT RELATING TO EDUCATION -- CHILDREN WITH DISABILITIES

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

5. 2008-S 2925**BY Doyle**

ENTITLED, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE RENOVATION AND EQUIPPING OF PUBLIC SCHOOL BUILDINGS IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$3,000,000 BONDS, NOTES AND OTHER EVIDENCES OF INDEBTEDNESS THEREFOR, INCLUDING BUT NOT LIMITED TO ANY BONDS OR NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2009 AND 2010

Committee on Finance recommends passage.

6. 2008-S 2475 SUB A**BY Miller**

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- PHYSICAL THERAPISTS

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

7. 2008-S 2677 SUB A as amended**BY Perry**

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- DEPARTMENT OF HEALTH

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

8. 2008-S 2866**BY Gallo**

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - HEALTH CARE SERVICES - UTILIZATION REVIEW ACT

Committee on Health & Human Services recommends passage.

9. 2008-S 2707**BY Doyle****ENTITLED,** AN ACT RELATING TO ELECTIONS -- VOTING DISTRICTS AND OFFICIALS

Committee on Judiciary recommends passage.

10. 2008-H 7057 SUB A as amended**BY Lewiss****ENTITLED,** AN ACT RELATING TO INSURANCE -- HEALTH INSURANCE -- COPAYMENTS

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

11. 2008-H 7463 SUB A**BY Baldelli-Hunt****ENTITLED,** AN ACT RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS

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

IN ORDER FOR THURSDAY, JUNE 12, 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 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.

3. 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.