

## State of Rhode Island and Providence Plantations

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# Journal of the Senate

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

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Volume 131, No. 59

Tuesday, June 22, 2004

Fifty-ninth Day

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The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 5:02 o'clock P.M.

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

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

**ABSENT** – 0:

### INVOCATION

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

(See Appendix for Invocation)

### PLEDGE OF ALLEGIANCE TO THE FLAG

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

### GUESTS

Upon suggestion of Senator Paiva-Weed and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable J. Clement Ciccilline, former State Senator from Newport.

**REPORTS OF COMMITTEES****COMMITTEE ON COMMERCE, HOUSING AND MUNICIPAL GOVERNMENT**

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

**Senate Bill No. 2843 SUB A****BY** Senator McCaffrey**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- PUBLIC ACCOUNTANCY

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 3106****BY** Senators Polisena, Damiani**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES -- SIZE, WEIGHT AND LOAD LIMITS

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 3193****BY** Senator Breene**ENTITLED**, AN ACT CREATING THE EXETER FIRE DISTRICT

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 3202****BY** Senators Revens, Lenihan, McCaffrey, Walaska, Raptakis**ENTITLED**, AN ACT RELATING TO THE CITY OF WARWICK TO PLACE ON THE BALLOT A QUESTION AUTHORIZING \$2,000,000 IN BONDS TO PURCHASE OPEN SPACE

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 3203****BY** Senator Breene**ENTITLED**, AN ACT CREATING THE SHANNOCK WATER DISTRICT

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 3204**

**BY** Senators Revens, Lenihan, McCaffrey, Walaska, Raptakis  
**ENTITLED**, AN ACT RELATING TO THE CITY OF WARWICK

Read and ordered to be placed on the Calendar

Also:

**House Bill No. 7284 SUB A**

**BY** Shanley, Scott, Caprio D, Carter, Lally  
**ENTITLED**, AN ACT RELATING TO REAL ESTATE SALES DISCLOSURES

Read and ordered to be placed on the Calendar

Also:

**House Bill No. 7327**

**BY** Flaherty  
**ENTITLED**, AN ACT RELATING TO INSURANCE --CONTINUING EDUCATION  
REQUIREMENTS

Read and ordered to be placed on the Calendar

Also:

**House Bill No. 7538**

**BY** Ajello, Shavers, Anderson R, McHugh, Moura  
**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- DEPARTMENT OF  
TRANSPORTATION

Read and ordered to be placed on the Calendar

Also:

**House Bill No. 8566**

**BY** McManus, Menard, Petrarca  
**ENTITLED**, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION

Read and ordered to be placed on the Calendar

Also:

**House Bill No. 8580**

**BY** Rose, Savage, Dennigan, Moura, Coogan  
**ENTITLED**, AN ACT AUTHORIZING THE CITY OF EAST PROVIDENCE, TO FINANCE THE  
ACQUISITION OF A SITE AND THE DESIGN AND CONSTRUCTION OF A MULTI-PURPOSE

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

Read and ordered to be placed on the Calendar

Also:

**House Bill No. 8637**

**BY** Flaherty, Gemma, McNamara, Trillo, Ginaitt

**ENTITLED**, AN ACT RELATING TO THE CITY OF WARWICK

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 2511** SUB A (by request)

**BY** Senators Polisena, Lanzi, Tassoni

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY

Read and ordered to be placed on the Calendar

### **SUSPENSION OF THE RULES**

The Honorable President announces that, without objection, the rules of the Senate are suspended and the Senate will operate on a continuous calendar.

### **COMMITTEE ON JUDICIARY**

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

Appointment of George E. Healy, Jr. of East Greenwich VICE chief Judge Robert F. Arrigan, as Chief Judge of the Rhode Island workers' Compensation Court.

Senator McCaffrey requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Lenihan, seconded by Senators McCaffrey, Polisena, Damiani, Algiere, Ciccone, Lanzi, Connors, Parella, Gibbs, Bates, Blais, Breene, Paiva-Weed, Ruggerio, Goodwin, Roberts, McBurney, Perry, Tassoni, Felag and many others, moves that advice and consent of the Senate be given this appointment.

The advice and consent of the Senate is given this appointment, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

### GUESTS

Upon suggestion of Senator Lenihan, and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable George E. Healy, Jr., newly confirmed Chief Judge of the Rhode Island Workers' Compensation Court, along with his wife Ruth Healy and sons Timothy Healy and Paul Healy.

### NEW BUSINESS

#### **Senate Resolution No. 3209**

**BY** Senator Ruggerio

**ENTITLED**, SENATE RESOLUTION RESPECTFULLY URGING THE MERCURY REDUCTION OVERSIGHT COMMISSION TO PREVENT MERCURY POLLUTION FROM AUTO PARTS.

Senator Ruggerio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggerio moves passage, seconded Senator Badeau.

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

Also:

#### **Senate Resolution No. 3210**

**BY** Senator Parella

**ENTITLED**, SENATE RESOLUTION COMMENDING MARY KAY GASPERINI SALOMONE AND THE HONORABLE MARY ANN CARROLL FOR THE CREATION AND ONGOING SUCCESS OF "OPERATION SUPPORT OUR TROOPS".

Senator Parella requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Parella moves passage, seconded by the entire Senate.

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

### GUESTS

Upon suggestion of Senators Lenihan and Parella and by unanimous consent, the Honorable President welcomes to the Chamber Mary Kay Gasperimi Salonone of Operation Support Our Troops and Eleanor Rock of Warwick and Elizabeth Cedrone of Providence.

Upon suggestion of Senators Tassoni and Fogarty and by unanimous consent, the Honorable President welcomes to the Chamber the Smithfield High School Baseball team, 2004 State Champions, Mike Montella, Eric Bazinet, Pat Zimmerman, Ryan Toher, Jared Paquette, Joe Morrissey, Corey Smith, Jill Salisbury, Matt Merlino, Courtney Loring, Scott Briden, Lauren Boisvert, Andy Martin, Jim DiCenzo, Liam Freaney, Mike Tobin, Ross Manzotti, Nate Meyer, Pete Fogarty, Brian Burrows, Andy Tuetken, Vin Zibelli, Steve Russillo, Steve Quattrini and Kevin Wilder

### NEW BUSINESS

#### **Senate Resolution No. 3211**

**BY** Senator Blais

**ENTITLED**, SENATE RESOLUTION PROCLAIMING SEPTEMBER 16, 2004 AS STEPFAMILY DAY.

Senator Blais requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Blais moves passage, seconded by the entire Senate.

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

Also:

#### **Senate Resolution No. 3212**

**BY** Senator Blais

**ENTITLED**, SENATE RESOLUTION CONGRATULATING ANN AND BRUNO BARTNICK ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Senator Blais requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Blais moves passage, seconded by the entire Senate.

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

CALENDAR

IN ORDER FOR TUESDAY, JUNE 22, 2004:

1. 2004-S 3089 as amended

BY Fogarty P

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

Ordered on the Calendar

Senator Fogarty moves passage, seconded by Senator Tassoni.

Senator Fogarty seconded by Senator Tassoni, offers the following written motion to amend.

FLOOR AMENDMENT

TO

2004 -- S 3089 As Amended

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

Mr. President:

I hereby move to amend 2004 -- S 3089 As Amended, entitled "AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - MILL BUILDING AND ECONOMIC REVITALIZATION ACT", as follows:

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

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

CHAPTER 64.9

MILL BUILDING AND ECONOMIC REVITALIZATION ACT

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

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

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

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

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

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

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

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

requires, the term:

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

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

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

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

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

(v) That is proposed for substantial rehabilitation;

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

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

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

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

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

(3) "Certified building owner" means an individual, partnership, corporation, limited liability company or other entity which is listed in the appropriate municipal records of land evidence as the owner of a certified building, and may include one or more successors in title to the owner of the building at the time the building received written notice of final designation as a certified building pursuant to section 42-64.9-6. A certified building owner may include the owner of a leasehold interest with a minimum term of fifty (50) years, with respect to which a memorandum of lease has been recorded in the land evidence records.

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

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

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

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

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

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

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

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

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

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

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

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

(8) "Qualified employee" means a full-time employee of an eligible business whose business activity originates and terminates from within the eligible business and certified building on a daily basis, and who is



employed by the eligible business at the end of the calendar year, and who is a domiciled resident of the state of Rhode Island.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Any tax credits provided in subdivision (1) shall not offset any tax liability in years other than the year in which the taxpayer qualifies for the credit. Fiscal year taxpayers must claim the tax credit in the year in which the December 31st of the certification year falls. The credit shall not reduce the tax below the minimum

tax. The credit shall be used to offset tax liability under either chapter 11 or 30 of title 44, but not both.

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

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

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

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

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

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

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

(e) In the event a certified building owner is also a qualified business under chapter 64.3 of this title, the lender/taxpayer must elect to treat the loan described in subdivision (a) and its related interest payments as pertaining to the interest credit provided in this section or section 42-64.3-8.1, but not both.

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

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

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

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

**42-64.9-14. Penalties.** -- Any taxpayer or employee, officer or agent of any taxpayer that willfully fails to comply with the provisions of this chapter or otherwise submits false or misleading information shall be guilty of

a felony and upon conviction shall be fined an amount not more than three (3) times the amount of the tax credit received by the taxpayer, or imprisoned not more than one year, or both.

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

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

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

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

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

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

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

Respectfully submitted,  
SENATOR FOGARTY

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

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

NAYS- 0:

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

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

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

NAYS- 0:

**2. 2004-S 2405****BY Connors****ENTITLED,** AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --  
PARTICULAR ACTIONS -- ARBITRATION

Committee on Judiciary recommends passage.

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

**3. 2004-H 7475****BY Flaherty****ENTITLED,** AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --  
PARTICULAR ACTIONS -- ARBITRATION

Committee on Judiciary recommends passage in concurrence.

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

**4. 2004-S 2726 SUB B as amended****BY McCaffrey****ENTITLED,** AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS, AND  
PARTNERSHIPS

Ordered on the Calendar

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

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

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

NAYS- 0:

**5. 2004-S 2105 SUB A as amended****BY Cote****ENTITLED,** AN ACT RELATING TO DISTRIBUTION OF CREDIT CARDS

Ordered on the Calendar

Senator Cote moves passage, seconded by Senators Lenihan and Walaska.

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

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

NAYS- 0:

**6. 2004-S 2129 SUB B**

**BY Polisena**

**ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- ASSAULTS**

Ordered on the Calendar

Senator Polisena moves passage, seconded by Senators Sosnowski, Damiani, Blais, Breene, Algieri, Paiva-Weed, Tassoni and others.

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

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

NAYS- 0:

**7. 2004-S 2681 SUB B**

**BY Blais**

**ENTITLED, AN ACT RELATING TO PHYSICAL THERAPISTS**

Ordered on the Calendar

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

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

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

NAYS- 0:

**8. 2004-S 2693 SUB A**

**BY Roberts**

**ENTITLED, AN ACT RELATING TO INSURANCE**

Ordered on the Calendar

Senator Roberts moves passage, seconded by Senators Goodwin, Pichardo and Sheehan.

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

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

NAYS- 0:

**9. 2004-S 3043 SUB A**

**BY Connors**

**ENTITLED, AN ACT RELATING TO ANIMALS - DOGS**

Ordered on the Calendar

Senator Connors moves passage, seconded by Senator Issa.

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

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

NAYS- 0:

**10. 2004-S 3148 SUB A**

**BY Tassoni**

**ENTITLED, AN ACT RELATING TO HOUSING**

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

Senator Tassoni moves passage, seconded by Senators Perry, Caprio, McBurney, Paiva-Weed, Sosnowski, Pichardo, Connors, and many others.

Senators Cote and Blais discuss the act.

Senator Blais seconded by Senators Raptakis, Gibbs and Breene, offers the following written motion to amend.

## FLOOR AMENDMENT

TO

2004 -- S 3148 SUBSTITUTE A

AN ACT RELATING TO HOUSING

I hereby move to amend 2004 -- S 3148 SUBSTITUTE A, entitled "AN ACT RELATING TO HOUSING", as follows:

(1) On page 40, lines 19-34, through page 41, lines 1-15, by reinserting all language that has been stricken.

(2) On page 40, line 21, by deleting the words "comprehensive permit" and by substituting the words "special exceptions" in place thereof.

(3) On page 40, line 27, by deleting the words "hearings on applications" and by substituting the words "for special exceptions" in place thereof.

(4) On page 40, lines 28, 29 and 30, by deleting the following language: "The chair of the state housing appeals board shall, by regulation, provide for review by planning boards in cases of applications involving land development projects or subdivisions."

(5) On page 41, line 16, by deleting the letter "(a)"

(6) On page 41, line 17, by deleting the words "comprehensive permit" and by inserting the words "special exception" in place thereof.

(7) On page 50, after line 7, by inserting the following language:

"SECTION 14. Chapter 45-53 of the General Laws entitled "Low and Moderate Income Housing" is hereby amended by adding thereto the following section:

**45-53-4.1. Procedure for approval of construction of low or moderate income housing.** -- Any public agency, nonprofit organization, or limited equity housing cooperative proposing to build a low or moderate income housing may submit to the zoning board of review, established under section 45-24-56, a single application for a special exception to build that housing in lieu of separate applications to the applicable local boards. In the case of a private developer, this procedure is only available for low or moderate income rental housing proposals which remain as low or moderate income housing for a period of not less than thirty (30) years from initial occupancy. The zoning board of review shall immediately notify each local board, as applicable, of the filing of the application, by sending a copy to the local boards and to other parties entitled to notice of hearings on applications for special exceptions and shall, within thirty (30) days of the receipt of the application, hold a public hearing on the application.

The zoning board of review has the same power to issue permits or approvals that any local board or official who would otherwise act with respect to the application, including, but not limited to, the power to attach to the permit or approval, conditions, and requirements with respect to height, site plan, size, or



shape, or building materials, as are consistent with the terms of this section. In reviewing the special permit request, the zoning board may deny the request for any of the following reasons: if the proposal is inconsistent with local needs, including, but not limited to, the needs identified in an approved comprehensive plan, and local zoning ordinances and procedures promulgated in conformance with the comprehensive plan; if the proposal is not in conformance with the comprehensive plan; if the community has met or has plans to meet the standard of ten percent (10%) of the units or, in the case of an urban town or city, fifteen percent (15%) of the occupied rental housing units as defined in section 45-53-3(2)(i) being low and moderate income housing; or if concerns for the environment and the health and safety of current residents have not been adequately addressed. The zoning board shall render a decision, based upon a majority vote of the board, within forty (40) days after the termination of the public hearing and, if favorable to the applicant, shall immediately issue a decision approving the application. If the hearing is not convened or a decision is not rendered within the time allowed, unless the time has been extended by mutual agreement between the zoning board and the applicant, the application is deemed to have been allowed and the approval shall issue immediately. Any person aggrieved by the issuance of an approval may appeal to the supreme court. No application for private, for-profit housing proposals under this section can be acted upon until this prohibition is repealed, not to exceed one year from passage of this act."

(8) On page 50, line 8, by changing "SECTION 14" to "SECTION 15".

(9) On page 50, line 11, by adding the following language after the word "passage."

"The provisions of sections 45-53-4 and 45-53-4.1 shall be retroactive to June 28, 2002 and shall expire upon passage."

Respectfully submitted,  
SENATOR BLAIS

Senators Polisena, Tassoni and Blais discuss the amendment.

The motion to amend fails of passage upon a roll call vote with 5 Senators voting in the affirmative and 29 Senators voting in the negative as follows:

YEAS- 5: Senators Algieri, Blais, Breene, Gibbs, Raptakis.

NAYS- 29: The Honorable President Montalbano and Senators Alves, Badeau, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Fogarty, Gallo, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

Senators Polisena, Paiva-Weed and Gibbs discuss the act.

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

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

NAYS- 0:

**11. 2004-S 3146**

**BY Felag**

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

Committee on Environment & Agriculture recommends passage.

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

**12. 2004-S 3132**

**BY Bates**

**ENTITLED,** AN ACT AUTHORIZING THE BRISTOL WARREN REGIONAL SCHOOL DISTRICT TO FINANCE PHASE ONE OF THE ELEMENTARY FACILITIES PROGRAM FOR CONSTRUCTION OF ADDITIONS, IMPROVEMENTS AND RENOVATIONS TO HUGH COLE ELEMENTARY SCHOOL IN WARREN, RHODE ISLAND AND TO COLT MEMORIAL, ANDREWS AND ROCKWELL SCHOOLS IN BRISTOL, RHODE ISLAND, INCLUDING SITE INFRASTRUCTURE AND IMPROVEMENTS, THE FURNISHING AND EQUIPPING THEREOF AND THE PROVISION OF ARCHITECTURAL, ENGINEERING, SURVEYING AND OTHER SERVICES NECESSARY OR APPROPRIATE THEREFOR, AND TO ISSUE NOT MORE THAN \$22,800,000 BONDS AND NOTES THEREFOR

Committee on Finance recommends passage.

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

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

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

NAYS- 0:

**13. 2004-S 3143**

**BY Breene**

**ENTITLED,** AN ACT IN AMENDMENT OF CHAPTER 55 OF THE PUBLIC LAWS, 1958, AS AMENDED, ENTITLED "AN ACT AUTHORIZING THE TOWNS OF CHARLESTOWN, RICHMOND AND HOPKINTON, TO JOIN A REGIONAL SCHOOL DISTRICT, INCORPORATING SAID REGIONAL SCHOOL DISTRICT, AND PROVIDING FOR THE ISSUANCE OF BONDS, CONSTRUCTION

AND OPERATION OF A REGIONAL SCHOOL SYSTEM FOR THE  
JOINT USE OF THE PARTICIPATING TOWNS, WITHIN SAID  
REGIONAL SCHOOL DISTRICT ESTABLISHED BY THIS ACT."

Committee on Finance recommends passage.

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

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

NAYS- 0:

**14. 2004-S 3151**

**BY Gallo**

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

Committee on Finance recommends passage.

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

**15. 2004-S 3153**

**BY Algieri**

**ENTITLED,** AN ACT AUTHORIZING THE TOWN OF CHARLESTOWN TO FINANCE THE DESIGN, CONSTRUCTION, FURNISHING AND EQUIPPING OF AN AUDITORIUM AT THE MIDDLE SCHOOL/HIGH SCHOOL IN THE TOWN BY THE ISSUANCE OF NOT MORE THAN \$3,000,000 BONDS AND/OR NOTES THEREFOR

Committee on Finance recommends passage.

Senator Algieri moves passage, seconded by Senators Breene and Ciccone.

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, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin,

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

NAYS- 0:

**16. 2004-S 3154**

**BY Algieri**

**ENTITLED,** AN ACT AUTHORIZING THE TOWN OF CHARLESTOWN TO FINANCE CAPITAL COSTS ASSOCIATED WITH THE TOWN'S WITHDRAWAL FROM THE CHARIHO REGIONAL SCHOOL DISTRICT INCLUDING THE ACQUISITION OF LAND FOR AND THE DESIGN, CONSTRUCTION, FURNISHING AND EQUIPPING OF A MIDDLE SCHOOL/HIGH SCHOOL COMPLEX AND THE RENOVATION, REHABILITATION, REPAIR, IMPROVEMENT AND EQUIPPING OF AND/OR ADDITIONS TO EXISTING SCHOOLS AND SCHOOL FACILITIES IN THE TOWN BY THE ISSUANCE OF NOT MORE THAN \$34,900,000 BONDS AND/OR NOTES THEREFOR

Committee on Finance recommends passage.

Senator Algieri moves passage, seconded by Senators Breene and Ciccone.

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

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

NAYS- 0:

**17. 2004-S 3164**

**BY Felag**

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

Committee on Finance recommends passage.

Senator Felag moves passage, seconded by Senator Walaska.

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

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

NAYS- 0:

**18. 2004-S 2481 SUB A**

**BY Goodwin**

**ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES**

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

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

Senator McCaffrey seconded by Senators Damiani, Goodwin and Walaska, offers the following written motion to amend.

**F L O O R   A M E N D M E N T**

**TO**

**2004 -- S 2481 SUBSTITUTE A**

**AN ACT RELATING TO MOTOR AND OTHER VEHICLES**

Mr. President:

I hereby move to amend 2004 -- S 2481 SUBSTITUTE A, entitled "AN ACT RELATING TO MOTOR AND OTHER VEHICLES", as follows:

(1) On page 4, line 7, by deleting the words "of passage of this act, or" and inserting in place thereof "the accident occurred, and".

(2) On page 5, line 33, by deleting the words "of passage of the act, or" and inserting in place thereof the words, "the accident occurred, and".

Respectfully submitted,  
SENATOR MCCAFFREY

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

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

NAYS- 0:

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

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

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

NAYS- 0:

**19. 2004-S 2902 SUB A**

**BY DaPonte**

**ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES**

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

Senator DaPonte moves passage, seconded by Senators Damiani, Raptakis and Felag.

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

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

NAYS- 0:

**20. 2004-S 2987 SUB A**

**BY Alves**

**ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --  
RESPONSIBILITY OF OWNERS OF RENTAL VEHICLES**

Committee on Judiciary recommends indefinite postponement of the original bill and

passage of Substitute A.

Senator Alves moves passage, seconded by Senator Ruggerio.

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

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

NAYS- 0:

**21. 2004-S 3046 SUB A**

**BY Damiani**

**ENTITLED, AN ACT RELATING TO CRIMINAL LAW**

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

Senator Damiani moves passage, seconded by Senators Polisena, DaPonte, Sosnowski, Breene and many others.

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

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

NAYS- 0:

**22. 2004-S 3150**

**BY Sosnowski**

**ENTITLED, AN ACT RELATING TO ELECTIONS - VOTER REGISTRATION**

Committee on Judiciary recommends passage.

Senator Sosnowski moves passage, seconded by Senator Lenihan.

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

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

NAYS- 0:

**23. 2004-S 3170 SUB A**

**BY Montalbano J**

**ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --  
LEAD HAZARD MITIGATION**

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

Senator McCaffrey moves passage, seconded by Senators Perry, Algieri, Blais, Breene, Tassoni, Walaska, Felag, Gibbs, Parella, Damiani, Pichardo, Cote, Badeau, McBurney and many others.

Senator McCaffrey seconded by Senators Ruggerio, Roberts, Pichardo, Ciccone, Paiva-Weed, Perry, Felag 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**

**2004 -- S 3170 SUBSTITUTE A**

**AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- LEAD HAZARD MITIGATION**

Mr. President:

I hereby move to amend 2004 -- S 3170 SUBSTITUTE A, entitled "AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- LEAD HAZARD MITIGATION", as follows:

1. On page 1, line 3, by deleting the year "2007" and inserting in its place the year "2008".
2. On page 3, line 8, by deleting the year "2007" and inserting in its place the year "2008".
3. On page 4, line 5, by deleting the year "2007" and inserting in its place the year "2008".
4. On page 6, line 9, by deleting the year "2007" and inserting in its place the year "2008".
5. On page 6, line 19, by deleting the year "2007" and inserting in its place the year "2008".
6. On page 7, line 2, by deleting the year "2007" and inserting in its place the year "2008".
7. On page 8, between lines 11 and 12, by inserting the following language:  
"SECTION 3. Notwithstanding any provisions of this act to the contrary, if an insurer by the Fair plan or an insurance producer has acted in good faith reliance on the July 1, 2004 effective date set forth in the act prior to its amendment, such insurer or the Fair plan shall be immune from any and all liability arising out of such act; provided, however, that any proceeds received by any insurer by the Fair plan or



by any insurance producer as the result of any increase in premiums charged in anticipation of said July 1, 2004 effective date shall be refunded in full not later than sixty (60) days after the effective date of this act.

SECTION 4. Section 6 of Chapter 187 of the Public Laws of 2002, and Section 6 of Chapter 188 of the Public Laws of 2002 are hereby amended to read as follows:

SECTION 6. Sunset provision. – This act shall be and is hereby repealed effective July 1, ~~2007~~ 2008."

11. On page 8, line 12, by deleting the number "3" after the word "SECTION" and inserting in place thereof the number "5".

Respectfully submitted,

SENATOR MCCAFFREY

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

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

NAYS- 0:

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

Senators Roberts, Perry, Issa and Parella discuss the act.

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

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

NAYS- 0:

Upon suggestion of Senator Paiva-Weed, and without objection, the remainder of the Calendar is deferred to tomorrow.

### AMENDMENTS TO THE BUDGET

Senator Alves announces that in accordance with Senate Rule 7.10, proposed amendments to the Annual Budget Bill must be filed with the Secretary of the Senate, Raymond T. Hoyas, Jr., no later than 12:00 o'clock Noon on Wednesday, June 23, 2004 and that the full Senate will consider the Budget Bill on Thursday, June 24, 2004.

**TRANSMITTAL**

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

**RECESS**

Upon suggestion of Senator Paiva-Weed and by unanimous consent the Senate stands at recess at 6:13 o'clock P.M. until the call of the chair.

**CALL TO ORDER**

The Senate is called to order at 3:05 o'clock P.M. on Wednesday June 23, 2004.

**REPORTS OF COMMITTEES****COMMITTEE ON CONSTITUTIONAL AND GAMING ISSUES**

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

**Senate Bill No. 2338** SUB A

**BY** Senators Alves, Ruggiero

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

Read and ordered to be placed on the Calendar

**FROM THE HOUSE OF REPRESENTATIVES**

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

**House Bill No. 7474** as amended

**BY** Lally, Enos, Shanley, McNamara

**ENTITLED**, AN ACT RELATING TO SMALL CLAIMS AND CONSUMER CLAIMS.

Read and ordered to be placed on the Calendar

Also:

**House Bill No. 7973** as amended

**BY** Slater, Williams, Tejada, Anguilla, Malik

**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- SOCIAL WORKERS.

Read and ordered to be placed on the Calendar

Also:

**House Bill No. 8085** SUB A

**BY** McCauley

**ENTITLED**, AN ACT RELATING TO TAXATION -- ALTERNATIVE FUELED VEHICLE AND FILLING STATION TAX CREDIT

Read and referred to the Senate Committee on Finance

Also:

**House Bill No. 8393** as amended

**BY** Almeida, Williams, Slater

**ENTITLED**, AN ACT AUTHORIZING SUIT AGAINST THE CITY OF PROVIDENCE BY THE FAMILY AND ESTATE OF CAROL WALKER.

Read and referred to the Senate Committee on Finance

Also:

**House Bill No. 8667**

**BY** Menard, Petrarca, McManus

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

Read and referred to the Senate Committee on Finance

Also:

**House Bill No. 8192** SUB A as amended

**BY** Naughton, Crowley, Giannini, Carter, Petrarca

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- STROKE TASK FORCE

Referred to Senate Health and Human Services

Also:

**Senate Bill No. 2478** SUB B as amended

**BY** Senators Paiva-Weed, Goodwin, Montalbano J, McCaffrey, Gallo

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

Read and ordered to be placed on the Calendar

Also:

**House Bill No. 8675**

**BY** Faria, Moran, Rose

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

Read and ordered to be placed on the Calendar

Also:

**House Bill No. 7680** (General Treasurer)

**BY** Rose, Savage, Dennigan, Moura, Story

**ENTITLED**, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE -- UNCLAIMED PROPERTY.

Read and ordered to be placed on the Calendar

Also:

**House Bill No. 7512**

**BY** Gallison, Enos, San Bento, Anguilla, Lewiss

**ENTITLED**, AN ACT RELATING TO COASTAL RESOURCES MANAGEMENT COUNCIL -- ADMINISTRATIVE PENALTIES.

Read and ordered to be placed on the Calendar

Also:

**House Bill No. 7150** SUB A as amended

**BY** Anguilla, Crowley, Lima, Ginaitt, Lewiss

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

Read and ordered to be placed on the Calendar

Also:

**House Bill No. 7375** SUB A as amended

**BY** Moura, Fox, Ginaitt, Long, Naughton

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

Read and ordered to be placed on the Calendar

Also:

**House Bill No. 8574** SUB A

**BY** Kennedy, Winfield, Menard, Petrarca, McHugh  
**ENTITLED**, AN ACT RELATING TO HOUSING

Read and ordered to be placed on the Calendar

### COMMITTEE ON FINANCE

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

**House Bill No. 8219** SUB A as amended (Governor)

**BY** Watson, Callahan, Story, Long, Scott  
**ENTITLED**, AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2005

Read and ordered to be placed on the Calendar as a Special Order of Business for Thursday, June 24, 2004.

### NEW BUSINESS

**Senate Resolution No. 3213**

**BY** Senator DaPonte  
**ENTITLED**, JOINT RESOLUTION MAKING AN APPROPRIATION TO PAY CERTAIN CLAIMS.

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 3214**

**BY** Senators Ciccone, Badeau, Lanzi, Connors, Pichardo  
**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- AIR POLLUTION.

Read and referred to the Senate Committee on Environment and Agriculture

Also:

**Senate Bill No. 3215**

**BY** Senators Polisena, Damiani, Raptakis, Tassoni  
**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- CHILDREN.

Read and referred to the Senate Committee on Judiciary

**ADJOURNMENT**

Upon motion of Senator Lanzi, seconded by Senator Algieri, the Senate adjourns at 3:06 o'clock P.M.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SENATOR MICHAEL J. DAMIANI**

Dear Lord, as we near the end of this legislative session, help us to remain patient, practice our resolve and refrain from that which is unproductive. We ask you to keep our minds focused on what is truly important, the service to our people. Amen.

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

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

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

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

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

- 3** **2004-S 3146**

**BY Felag**

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

Committee on Environment & Agriculture recommends passage.

- 4** **2004-S 3151**

**BY Gallo**

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

Committee on Finance recommends passage.

- 5** **2004-H 8443**

**BY Fox**

**ENTITLED,** AN ACT RELATING TO THE CODE OF ETHICS

Ordered on the Calendar

- 6** **2004-H 8648 as amended**

**BY Brien T**

**ENTITLED,** AN ACT RELATING TO TAXATION

Ordered on the Calendar



**7 2004-H 7000 SUB B****BY Landroche****ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- ASSAULTS**

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

**8 2004-H 7027 SUB A****BY Flaherty****ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE**

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

**9 2004-H 7585 SUB A as amended****BY Giannini****ENTITLED, AN ACT RELATING TO HUMAN SERVICES - ABUSED AND NEGLECTED CHILDREN**

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

**10 2004-H 7655 SUB A****BY Lally****ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES**

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

**11 2004-H 8019****BY Schadone****ENTITLED, AN ACT RELATING TO MOTOR VEHICLE INSURANCE -- RENTAL VEHICLES**

Committee on Judiciary recommends passage in concurrence.

**12 2004-H 8359 SUB A as amended****BY Naughton****ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION -- THE RHODE ISLAND BAYS, RIVERS, AND WATERSHEDS COORDINATION TEAM**

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

**13 2004-S 2029 SUB B****BY Sosnowski****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY --  
RHODE ISLAND WORKERS' SAFETY ACT OF 2004

Ordered on the Calendar

**14 2004-S 2099 SUB B****BY Bates****ENTITLED,** AN ACT RELATING TO ALCOHOLIC BEVERAGES

Ordered on the Calendar

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

Ordered on the Calendar

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

Committee on Commerce, Housing &amp; Municipal Government recommends passage.

**17 2004-S 3186****BY Roberts****ENTITLED,** AN ACT AUTHORIZING THE CITY OF CRANSTON TO ISSUE NOT MORE THAN \$1,500,000 BONDS AND NOTES TO FINANCE REPAIRS AND RENOVATIONS TO BUILDINGS OWNED BY THE CITY OF CRANSTON (UP TO \$500,000 OF WHICH MAY BE USED FOR FIRE CODE UPGRADES

Committee on Commerce, Housing &amp; Municipal Government recommends passage.

**18 2004-S 3187****BY Gallo****ENTITLED,** AN ACT AUTHORIZING THE CITY OF CRANSTON TO ISSUE NOT MORE THAN \$2,000,000 BONDS AND NOTES TO FINANCE THE REPAIR, RESURFACING, CONSTRUCTION AND REHABILITATION OF PUBLIC HIGHWAYS THROUGHOUT THE CITY OF CRANSTON

Committee on Commerce, Housing & Municipal Government recommends passage.

**19 2004-S 3188**

**BY Lanzi**

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

Committee on Commerce, Housing & Municipal Government recommends passage.

**20 2004-S 3189**

**BY Fogarty P**

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

Committee on Commerce, Housing & Municipal Government recommends passage.

**21 2004-S 3195**

**BY Perry**

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

Committee on Constitutional & Gaming Issues recommends passage.

**22 2004-S 3196**

**BY Lanzi**

**ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES

Committee on Constitutional & Gaming Issues recommends passage.

**23 2004-S 2061 SUB A**

**BY Paiva-Weed**

**ENTITLED,** AN ACT RELATING TO TAXATION -- SALES TAX

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

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

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

**25 2004-S 2220****BY Blais****ENTITLED,** AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX

Committee on Finance recommends passage.

**26 2004-S 2374 SUB A****BY Alves****ENTITLED,** AN ACT IMPLEMENTING AN AMENDMENT TO THE TOBACCO MASTER SETTLEMENT AGREEMENT AND RELATING TO ENFORCEMENT OF THE TOBACCO MANUFACTURERS' MASTER SETTLEMENT AGREEMENT AND FUNDS ESCROW

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

**27 2004-S 2495 as amended****BY Fogarty P****ENTITLED,** AN ACT RELATING TO TAXATION -- THE RHODE ISLAND MILITARY FAMILY RELIEF FUND

Committee on Finance recommends passage as amended.

**28 2004-S 2821****BY Felag****ENTITLED,** AN ACT RELATING TO TAXATION -- SALES TAX

Committee on Finance recommends passage.

**29 2004-S 3073****BY Revens****ENTITLED,** AN ACT RELATING TO TAXATION -- EXEMPTIONS FOR WRITERS, COMPOSERS AND ARTISTS

Committee on Finance recommends passage.

**30 2004-S 3152****BY Lanzi****ENTITLED,** AN ACT AUTHORIZING THE CITY OF CRANSTON TO ISSUE NOT MORE THAN \$1,400,000 BONDS AND NOTES TO

FINANCE BUILDING REPAIRS, CONSTRUCTION AND  
RENOVATIONS TO THE CRANSTON WEST AREA CAREER AND  
TECHNICAL CENTER

Committee on Finance recommends passage.

**31 2004-S 3175**

**BY Tassoni**

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

Committee on Finance recommends passage.

**32 2004-S 3176 as amended**

**BY Lenihan**

**ENTITLED,** AN ACT AUTHORIZING THE TOWN OF EAST GREENWICH TO FINANCE THE CONSTRUCTION, RENOVATION, ALTERATION, REPAIR, IMPROVEMENT, EQUIPPING AND FURNISHING OF, AND/OR ADDITIONS TO, PUBLIC SCHOOLS AND SCHOOL FACILITIES IN THE TOWN AND TO ISSUE NOT MORE THAN \$42,800,000 BONDS AND/OR NOTES THEREFOR

Committee on Finance recommends passage as amended.

**33 2004-S 3180**

**BY Paiva-Weed**

**ENTITLED,** AN ACT RELATING TO TAXATION -- NEWPORT SENIOR RESIDENT PROPERTY TAX SERVICE CREDIT PROGRAM

Committee on Finance recommends passage.

**34 2004-S 3182**

**BY Gallo**

**ENTITLED,** AN ACT RELATING TO EDUCATION -- EDUCATION EQUITY AND PROPERTY TAX RELIEF

Committee on Finance recommends passage.

**35 2004-S 3184**

**BY Roberts**

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

Committee on Finance recommends passage.

**36 2004-S 2082 SUB A****BY Bates****ENTITLED,** AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS --  
RENEWABLE ENERGY STANDARD

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

**37 2004-S 2133 SUB A****BY Walaska****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --  
LONG-TERM CARE -- COMMUNITY LIVING OPTIONS

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

**38 2004-S 2279 SUB A****BY Alves****ENTITLED,** AN ACT RELATING TO HEALTH INSURANCE COVERAGE --  
MANDATED HEARING AID COVERAGE

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

**39 2004-S 2635 SUB A****BY Tassoni****ENTITLED,** AN ACT RELATING TO INSURANCE -- ACCIDENT AND  
SICKNESS INSURANCE POLICIES

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

**40 2004-S 2569 SUB A****BY Perry****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES

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

**41 2004-H 7006 SUB A****BY Murphy****ENTITLED,** AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL  
LICENSES

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

**42 2004-H 7135 SUB B as amended****BY Gallison****ENTITLED, AN ACT RELATING TO DISTRIBUTION OF CREDIT CARDS**

Ordered on the Calendar

**43 2004-H 7346****BY Shanley****ENTITLED, AN ACT RELATING TO TAXATION - SALES AND USE TAXES -  
LIABILITY AND COMPUTATION**

Ordered on the Calendar

**44 2004-H 7416 SUB A as amended****BY Costantino****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT**

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

**45 2004-H 7445 SUB A as amended****BY Lima****ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --  
VETERINARY PRACTICE**

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

**46 2004-H 7462 SUB A****BY Anguilla****ENTITLED, AN ACT RELATING TO INSURANCE -- HEALTH COVERAGE**

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

**47 2004-H 7503 SUB A as amended****BY Giannini****ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --  
DISABILITY BUSINESS ENTERPRISES**

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

**48 2004-H 7590 SUB A****BY Menard****ENTITLED, AN ACT RELATING TO INSURANCE -- SMALL EMPLOYER  
HEALTH INSURANCE**

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

**49 2004-H 7646**

**BY Aubin**

**ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- BURRILLVILLE

Committee on Finance recommends passage in concurrence.

**50 2004-H 7986**

**BY Crowley**

**ENTITLED,** AN ACT RELATING TO EDUCATION -- THE RHODE ISLAND STUDENT INVESTMENT INITIATIVE

Committee on Education recommends passage in concurrence.

**51 2004-H 7900**

**BY Crowley**

**ENTITLED,** AN ACT RELATING TO EDUCATION -- DUTIES OF COMMISSIONER OF ELEMENTARY AND SECONDARY EDUCATION

Committee on Education recommends passage in concurrence.

**52 2004-H 7945 SUB A**

**BY Anguilla**

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

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

**53 2004-H 7964 SUB A as amended**

**BY Jacquard**

**ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES

Ordered on the Calendar

**54 2004-H 8180**

**BY Crowley**

**ENTITLED,** AN ACT RELATING TO EDUCATION -- RHODE ISLAND LITERACY AND DROPOUT PREVENTION ACT

Committee on Education recommends passage in concurrence.



**55 2004-H 8191****BY Naughton****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --  
MEDICAID EXPENDITURES -- ANNUAL REPORT

Ordered on the Calendar

**56 2004-H 8239****BY Moura****ENTITLED,** AN ACT RELATING TO INSURANCE -- UNFAIR CLAIMS  
SETTLEMENT PRACTICES ACTCommittee on Commerce, Housing & Municipal Government recommends passage in  
concurrence.**57 2004-H 8257****BY Costantino****ENTITLED,** AN ACT RELATING TO FINANCIAL INSTITUTIONS --  
PAWNBROKERS

Ordered on the Calendar

**58 2004-H 8309 SUB B as amended****BY Fox****ENTITLED,** AN ACT RELATING TO THE GENERAL ASSEMBLY - LOBBYING

Ordered on the Calendar

**59 2004-H 8481 as amended****BY Aubin****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --  
MILL BUILDING AND ECONOMIC REVITALIZATION ACT

Committee on Finance recommends passage as amended in concurrence.

**60 2004-H 8484****BY Ginaitt****ENTITLED,** AN ACT RELATING TO EDUCATION -- PRIVATE SCHOOLS

Committee on Education recommends passage in concurrence.

**61 2004-H 8548****BY Gemma****ENTITLED,** AN ACT RELATING TO PROPERTY SUBJECT TO TAXATIONCommittee on Commerce, Housing & Municipal Government recommends passage in  
concurrence.

**62 2004-H 8564****BY Benson**

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

Ordered on the Calendar

**63 2004-H 8638 as amended****BY Ginaitt**

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

Ordered on the Calendar

**64 2004-H 8640****BY Ginaitt**

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

Ordered on the Calendar

**65 2004-H 8641****BY Naughton**

**ENTITLED,** AN ACT RELATING TO WATERS AND NAVIGATION

Ordered on the Calendar

**66 2004-H 8642****BY Naughton**

**ENTITLED,** AN ACT RELATING TO WATERS AND NAVIGATION

Ordered on the Calendar

**67 2004-S 2511 SUB A****BY Polisena**

**ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY

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

**68 2004-S 2843 SUB A****BY McCaffrey**

**ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- PUBLIC ACCOUNTANCY

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

**69 2004-S 3106**

**BY Polisena**

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

Committee on Commerce, Housing & Municipal Government recommends passage.

**70 2004-S 3193**

**BY Breene**

**ENTITLED,** AN ACT CREATING THE EXETER FIRE DISTRICT

Committee on Commerce, Housing & Municipal Government recommends passage.

**71 2004-S 3202**

**BY Revens**

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

Committee on Commerce, Housing & Municipal Government recommends passage.

**72 2004-S 3203**

**BY Breene**

**ENTITLED,** AN ACT CREATING THE SHANNOCK WATER DISTRICT

Committee on Commerce, Housing & Municipal Government recommends passage.

**73 2004-S 3204**

**BY Revens**

**ENTITLED,** AN ACT RELATING TO THE CITY OF WARWICK

Committee on Commerce, Housing & Municipal Government recommends passage.

**74 2004-H 7284 SUB A**

**BY Shanley**

**ENTITLED,** AN ACT RELATING TO REAL ESTATE SALES DISCLOSURES

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

**75 2004-H 7327**

**BY Flaherty**

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

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

**76 2004-H 7538**

**BY Ajello**

**ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --  
DEPARTMENT OF TRANSPORTATION

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

**77 2004-H 8566**

**BY McManus**

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

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

**78 2004-H 8580**

**BY Rose**

**ENTITLED,** AN ACT AUTHORIZING THE CITY OF EAST PROVIDENCE, TO  
FINANCE THE ACQUISITION OF A SITE AND THE DESIGN  
AND CONSTRUCTION OF A MULTI-PURPOSE  
COMMUNITY/RECREATION COMPLEX IN LIEU OF CONVERTING  
MARTIN MIDDLE SCHOOL TO SUCH PURPOSE, AS WAS  
PREVIOUSLY APPROVED BY THE VOTERS OF EAST  
PROVIDENCE, AND TO ISSUE NOT MORE THAN \$5,000,000  
BONDS AND NOTES THEREFOR

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

**79 2004-H 8637**

**BY Flaherty**

**ENTITLED,** AN ACT RELATING TO THE CITY OF WARWICK

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

**80 2004-S 2478 SUB B as amended**

**BY Paiva-Weed**

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

Ordered on the Calendar

**81 2004-H 7150 SUB A as amended****BY Anguilla****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT-  
LOBBYING OF STATE EMPLOYEES

Ordered on the Calendar

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

Ordered on the Calendar

**83 2004-H 7512****BY Gallison****ENTITLED,** AN ACT RELATING TO COASTAL RESOURCES MANAGEMENT  
COUNCIL -- ADMINISTRATIVE PENALTIES

Ordered on the Calendar

**84 2004-H 7680****BY Rose****ENTITLED,** AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE  
-- UNCLAIMED PROPERTY

Ordered on the Calendar

**85 2004-H 8574 SUB A****BY Kennedy****ENTITLED,** AN ACT RELATING TO HOUSING

Ordered on the Calendar

**86 2004-H 8675****BY Faria****ENTITLED,** AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO  
TAXATION

Ordered on the Calendar

**87 2004-H 7474 as amended****BY Lally****ENTITLED,** AN ACT RELATING TO SMALL CLAIMS AND CONSUMER  
CLAIMS

Ordered on the Calendar

**88 2004-H 7973 as amended****BY Slater****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS --  
SOCIAL WORKERS

Ordered on the Calendar

**89 2004-S 3216****BY Gibbs****ENTITLED,** AN ACT AUTHORIZING THE TOWN OF MIDDLETOWN TO  
BORROW UP TO \$4,500,000 FOR THE PURPOSE OF  
FINANCING THE MAINTENANCE AND CONSTRUCTION OF  
SEWERS AND SEWERAGE SYSTEMS THROUGH THE ISSUANCE  
OF ITS GENERAL OBLIGATION BONDS OR NOTES INCLUDING  
BUT NOT LIMITED TO, ANY BONDS OR NOTES ISSUED  
PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE  
ISLAND CLEAN WATER FINANCE AGENCY

Ordered on the Calendar

**90 2004-S 3217****BY Gibbs****ENTITLED,** AN ACT AUTHORIZING THE TOWN OF MIDDLETOWN TO  
FINANCE THE ACQUISITION AND PRESERVATION OF OPEN  
SPACE AND ACQUIRING, PRESERVING, RESTORING OR  
IMPROVING RECREATIONAL AREAS IN THE TOWN BY THE  
ISSUANCE OF NOT MORE THAN \$2,000,000 BONDS AND/OR  
NOTES THEREFOR

Ordered on the Calendar

**91 2004-S 3218****BY Gibbs****ENTITLED,** AN ACT AUTHORIZING THE TOWN OF MIDDLETOWN TO  
BORROW UP TO \$1,500,000 FOR THE PURPOSE OF  
FINANCING THE CONSTRUCTION AND EXTENSION OF SEWERS  
AND SEWER LINES THROUGH THE ISSUANCE OF ITS  
GENERAL OBLIGATION BONDS OR NOTES INCLUDING BUT  
NOT LIMITED TO, ANY BONDS OR NOTES ISSUED PURSUANT  
TO FINANCING AGREEMENTS WITH THE RHODE ISLAND  
CLEAN WATER FINANCE AGENCY

Ordered on the Calendar

**92 2004-S 3219****BY Gibbs****ENTITLED,** AN ACT AUTHORIZING THE TOWN OF MIDDLETOWN TO  
BORROW UP TO \$1,000,000 FOR THE PURPOSE OF

FINANCING WATERLINE EXTENSION THROUGH THE ISSUANCE OF ITS GENERAL OBLIGATION BONDS OR NOTES INCLUDING BUT NOT LIMITED TO, ANY BONDS OR NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND CLEAN WATER FINANCE AGENCY

Ordered on the Calendar

**93 2004-S 3220**

**BY Fogarty P**

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

Ordered on the Calendar

**94 2004-S 3221**

**BY Paiva-Weed**

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

Ordered on the Calendar

**95 2004-S 2338 SUB A**

**BY Alves**

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

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

**SPECIAL ORDER OF BUSINESS IN ORDER FOR THURSDAY, JUNE 24, 2004**

**1 2004-H 8219 SUB A as amended**

**BY Watson**

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

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

**Raymond T. Hoyas, Jr.**  
**Secretary of the Senate**