

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 fourth day of January in the year of Our Lord two thousand and five.

Volume 132, No. 52

Wednesday, May 25, 2005

Fifty-second Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:17 o'clock P.M.

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

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

ABSENT – 2: Senator Damiani, Lenihan.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

GUESTS

Upon suggestion of Senator Issa and by unanimous consent, the Honorable President welcomes to the Chamber the family of Senator Raptakis, his wife Donna and children Alexandra-Marie and Nicholas Raptakis.

APPOINTMENTS BY THE GOVERNOR

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

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER**

May 23, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

Robert E. DeBlois, Jr. of Warwick
(Representing Builders)

for a term expiring May 1, 2008.

To this reappointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

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

Also:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER**

May 23, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

Donald Gagnon of Woonsocket
(Representing Minimum Housing Inspectors)

for a term expiring May 1, 2008.

To this reappointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

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

Also:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER**

May 23, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

John D. Gaskell, P.E. of Warwick
(Representing Electrical Engineers)

for a term expiring May 1, 2008.

To this reappointment, I respectfully request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

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

Also:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER**

May 23, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

Gordon Preiss of Westerly
(Mechanical Engineers)

for a term expiring May 1, 2007.

To this reappointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

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

Also:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER**

May 23, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

James R. Carlson of Foster
(Public Member)

for a term expiring May 1, 2007.

To this reappointment, I respectfully request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

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

Also:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER**

May 23, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

John Maloney of Middletown
Building Official (under 20,000)

for a term expiring May 1, 2007.

To this reappointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

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

Also:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER**

May 23, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

Allen P. Durand of Fiskville
(Representing Rhode Island Building Trades Council)

for a term expiring May 1, 2008.

To this appointment, I respectfully request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

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

Also:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER**

May 17, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-25-1 of the Rhode Island General Laws, I have made the following reappointment to the Narragansett Bay Commission:

Joseph Kimball of East Greenwich

for a term expiring April 1, 2008.

To this reappointment, I respectfully request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

Also:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER**

May 17, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-25-1 of the Rhode Island General Laws, I have made the following appointment to the Narragansett Bay Commission:

Alan Nathan of Barrington

VICE
Craig Baker

for a term expiring April 1, 2008.

To this appointment, I respectfully request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

Also:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER**

May 20, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-128-6 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island Housing Resources Commission:

Joseph Caffey of Providence
(Representative of a Community Development Corporation)

for a term expiring January 31, 2008.

To this reappointment, I respectfully request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

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

Also:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER**

May 19, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-102-2 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Human Resource Investment Council:

Armeather Gibbs of Providence
(Representative of Community Based Organization)

VICE
Marlene Qualls

for a term expiring January 1, 2008.

To this appointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Financial Services, Technology and Regulatory Issues.

Also:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER**

May 19, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-102-2 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Human Resource Investment Council:

Jo Ann Howard of Warwick
(Representing Labor)

for a term expiring January 1, 2008.

To this appointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Financial Services, Technology and Regulatory Issues.

REPORTS OF COMMITTEES

COMMITTEE ON FINANCE

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

Senate Bill No. 510

BY Senator Goodwin

ENTITLED, AN ACT IN AMENDMENT OF "AN ACT AUTHORIZING THE GIRL SCOUTS OF RHODE ISLAND, INCORPORATED TO HOLD PROPERTY EXEMPT FROM TAXATION," AS AMENDED.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 514

BY Senator Gallo

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- STATE LOTTERY (annual post audits of financial records and operations of the lottery for the preceding year).

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 530 SUB A

BY Senator Gallo

ENTITLED, AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS (increase its school funding)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 568

BY Senators Polisena, Damiani, Raptakis

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- EMERGENCY MEDICAL TRANSPORTATION SERVICES.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 668

BY Senators Alves, Felag, Lanzi, Pichardo, Badeau

ENTITLED, AN ACT RELATING TO PUBLIC FINANCE -- PUBLIC CORPORATION DEBT MANAGEMENT (remove certain dollar limitations regarding total payments).

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 676

BY Senators Gallo, Fogarty P, Walaska, Felag, Levesque C

ENTITLED, AN ACT RELATING TO AUDIT OF ACCOUNTS (submit corrective action plans).

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 868 SUB A

BY Senators Gallo, Fogarty P, Walaska

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- AUDIT OF ACCOUNTS AND INSTALLATION OF SYSTEMS

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 870 (General Treasurer)

BY Senators DaPonte, Raptakis

ENTITLED, AN ACT RELATING TO MILITARY SERVICE AND VETERANS (Uniformed Services Employment and Reemployment Rights Act of 1994).

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 964 SUB A

BY Senator Alves

ENTITLED, AN ACT COMMERCIAL LAWS -- UNFAIR SALES PRACTICES (definitions of what constitutes a "cost to the retailer" and "cost to the wholesaler" and any markup's therein for the sale of tobacco products only)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 37 SUB A

BY Senators Bates, Sosnowski, Walaska, Paiva-Weed, Doyle

ENTITLED, AN ACT RELATING TO TAXATION (credit/refund for renewable energy systems, including solar, wind, and photovoltaic energy systems)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 114

BY Senators Blais, McCaffrey, Polisena, Paiva-Weed, Algieri

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- ADJUDICATION OF TRAFFIC OFFENSES (Traumatic brain injury fund)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 1114

BY Senator DaPonte

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES (expand the authorized methods of obtaining bids form state vendors to include electronic reverse auctions).

Read and ordered to be placed on the Calendar

Also:

House Bill No. 6163**BY Church**

ENTITLED, AN ACT AUTHORIZING THE TOWN OF NORTH SMITHFIELD TO FINANCE THE ACQUISITION OF LAND FOR A NEW MIDDLE SCHOOL AND IT'S FACILITIES AND THE CONSTRUCTION AND EQUIPPING OF A NEW MIDDLE SCHOOL AND IT'S FACILITIES IN THE TOWN BY THE ISSUANCE OF NOT MORE THAN \$30,000,000 BONDS AND/OR NOTES THEREFOR.

Read and ordered to be placed on the Calendar

NEW BUSINESS**Senate Resolution No. 1124****BY** Senators Issa, Blais, Gallo, Sheehan, Breene

ENTITLED, SENATE RESOLUTION CONGRATULATING DR. DONNA M. RAPTAKIS ON HER GRADUATION FROM JOHNSON & WALES UNIVERSITY.

Senator Issa requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Issa moves passage, seconded by the entire Senate.

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

CALENDAR**IN ORDER FOR WEDNESDAY, MAY 25, 2005:**

Upon suggestion of Senator Ruggiero and without objection, the following act is removed from tomorrow's calendar, and ordered to be placed before the body 05-S01

2005-S 1**BY Issa**

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE --
NATIONAL GUARD

Committee on Finance recommends passage.

Senator Ruggiero requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggiero moves passage, seconded by Senators Walaska, Felag, Roberts, Perry, Tassoni, Paiva Weed, Algieri, Sosnowski, Bates, Gibbs, Lanzi, Badeau, Ciccone and many others.

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

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

NAYS- 0:

1 2005-S 447 SUB A

BY Sheehan

**ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
CAUSES OF ACTION -- FIREFIGHTERS' IMMUNITY**

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

Senator Sheehan moves passage, seconded by Senators Polisen, Cote and Sosnowski.

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, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

2 2005-S 1035

BY Montalbano J

ENTITLED, AN ACT RELATING TO THE CLEARY SCHOOL

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator DaPonte moves passage, seconded by Senator Caprio.

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

FLOOR AMENDMENT

TO

2005 -- S 1035

Mr. President:

I hereby move to amend 2005 -- S 1035, entitled "AN ACT RELATING TO THE CLEARY SCHOOL", as follows:

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

"SECTION 1. Section 2 of that act of the 1894 Public Laws entitled "An Act to Incorporate the Cleary School" is hereby amended to read as follows:

Section 2. Said corporation may take, hold, transmit and convey real and personal estate to an amount not exceeding ~~seventy five thousand~~ one million five hundred thousand dollars, which shall be exempt from taxation so long as the same shall be used for school purposes only.

SECTION 2. The corporate charter for Cleary School as created by an April 6, 1894 act of the general assembly and since revoked is hereby reinstated for a period of one hundred twenty (120) days. Upon the expiration of the one hundred twenty (120) day period the corporation shall be deemed dissolved.

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

Respectfully submitted,

SENATE PRESIDENT MONTALBANO

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, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 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, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa,

Lanzi, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

3 2005-S 76 SUB A

BY Raptakis

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES

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

Senator Raptakis moves passage, seconded by Senator Goodwin.

Senator Raptakis seconded by Senator Goodwin, offers the following written motion to amend.

FLOOR AMENDMENT

2005 -- S 76 SUBSTITUTE A

Mr. President:

I hereby move to amend 2005 -- S 76 SUBSTITUTE A, entitled "AN ACT RELATING TO ALCOHOLIC BEVERAGES", as follows:

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

"SECTION 1. Section 3-7-6.1 of the General Laws in Chapter 3-7 entitled "Retail Licenses" is hereby amended to read as follows:

3-7-6.1. Renewal of Class B, Class C, Class D, Class E, Class J, and Class N licenses-Renewal of Class B,

Class C, Class D, Class J, Class N and Class P licenses. -- (a) The holder of a Class B, Class C, Class D, ~~Class E~~, Class J, ~~or Class N or Class P~~ license who applies before October 1, in any licensing period, for a license of the same class for the next succeeding licensing period shall, prior to filing said application, demonstrate that he or she has complied with the Alcohol Server Training Regulations, as promulgated by the department of business regulation, as set forth in ~~subsection~~ subsection (b) of this section.

(b) The department of business regulation shall promulgate rules and regulations requiring that all licenses issued pursuant to this section meet the following minimum Alcohol Server Training requirements:

(1) All persons who sell or serve alcoholic beverages, anyone serving in a supervisory capacity over those who sell or serve alcoholic beverages, anyone whose job description entails the checking of identification for the purchase of alcoholic beverages and valet parking staff shall receive Alcohol Server Training as set forth herein.

(2) Any eligible employee of a licensee shall be required to complete certified training within sixty (60) days of the commencement of his or her employment and must attain a minimum score of seventy-five percent (75%). Individuals certified by an alcohol server training program prior to December 31, 2005 are exempt from the certification requirements herein, not to exceed three (3) years.

(3) Licensees shall require servers to be recertified every three (3) years.

(4) As a condition of license renewal, and as part of the license renewal application, each licensee must submit to their municipality information verifying that all persons listed under subsection (b)(1) above and employed by the licensee for more than sixty (60) days in the past year have completed a certified program within the last three (3) years.

(5) All person identified under subsection (b) above must have their valid server permits on the premises when engaged in the sale or service of alcoholic beverages.

(6) Individuals who have been issued a server permit in another jurisdiction by an approved Rhode Island alcohol server training program shall be determined to be in compliance with this section subject to the three (3) year limitation contained herein.

~~(2) (c)(1) Only nationally recognized alcohol server training programs, which that meet the following criteria as determined by the department of mental health, retardation and hospitals may be eligible for certification by the department. :~~

~~(i) Training is provided through more than one medium including, but not limited to, video, training manual and/or role playing;~~

~~(ii) The content of the program has been developed and maintained by recognized subject matter and industry experts in the field;~~

~~(iii) Programs wherein the instructor is not the grading organization;~~

~~(iv) Programs that have been validated and approved by other states which have mandated this training;~~

~~(v) Programs which follow sound instructional design norms for the target audience;~~

~~(vi) Programs which are regularly updated as science, technology and standards change.~~

~~(3) Licensees, pursuant to regulations promulgated by the department, shall require servers to be recertified every five (5) years.~~

~~(4) Any eligible employee of a licensee will be required to complete said training within one hundred and twenty (120) days of the commencement of his or her employment.~~

~~(5) The department shall promulgate said regulations no later than January 1, 2005.~~

~~All licensees shall be in compliance with said regulations within ninety (90) days of January 1, 2005, or be subject~~

~~to the penalties set forth in this title.~~

(2) Training is provided in all basic information relevant to servers, including, but not limited to:

(i) the physiological effects of alcohol;

(ii) alcohol's association with social problems;

(iii) coverage of legal requirements related to alcohol service;

(iv) how to identify patrons who are impaired; and

(v) techniques in refusing service to intoxicated patrons.

(3) Training is provided in more than one medium including, but not limited to, video, training manual, and/or role playing related to refusal of service to intoxicated drinkers.

(4) Training in preventing sales to underage drinkers, including training in detection of fraudulent identification;

(5) Training entails a minimum of a four (4) hour duration with no absentee certification.

(d)(1) Testing procedures, test content, and grading procedures shall be approved by the department of mental health, retardation and hospitals to insure testing integrity and consistency with program requirements contained in subsection (c) herein. The department of mental health, retardation and hospitals is authorized to audit, in a method it shall determine, any approved server training program.

(2) Training programs, pursuant to rules and regulations promulgated by the department of mental health, retardation and hospitals, shall be recertified every three (3) years.

(3) Server permits shall be issued by the server training programs in a form approved by the department of mental health, retardation and hospitals. Said permits shall include, at a minimum, the name of the server, the date of issuance, and the name of the server training program.

(e) The department of business regulation shall promulgate and enforce rules and regulations for non-compliance as follows:

(1) graduated penalties for licensees for violations within a three (3) year period beginning with an initial written warning for violations within a three (3) year period for a first violation, a written warning for a second (2nd) violation, a fine not to exceed two hundred fifty dollars (\$250) for a third (3rd) violation or noncompliance, and a license suspension for subsequent violations.

(2) for violations within a three (3) year period, graduated penalties for training programs beginning with an initial written warning, a written warning for a second (2nd) violation, and a suspension and/or decertification for a third (3rd) violation or for repeated noncompliance. The department of mental health, retardation and hospitals may forward complaints

of violations to the department of business regulation.

(3) for violations within a three (3) year period, graduated penalties for servers beginning with an initial written warning, a written warning for a second (2nd) violation, and a loss of server training certification for a third (3rd) violation or noncompliance.

(4) Failure to have a valid server permit on their person shall not constitute a violation, provided, proof of a valid permit is provided within ten (10) days thereof.

(f) In order to provide for uniformity, any enactment by any government body relating to alcohol server training programs pertaining to Class B, Class C, Class D, Class J, Class N. and P licenses, as provided for herein shall be by statute as enacted by the general assembly.

(g) The respective departments shall promulgate said regulations no later than October 1, 2005. The department of mental health, retardation and hospitals shall review and certify eligible alcohol server training programs no later than January 1, 2006. The department of mental health, retardation and hospitals shall notify applicants of any deficiencies no later than December 1, 2005. All licensees shall be in compliance with said regulations within ninety (90) days of January 1, 2006, or be subject to the penalties set forth herein.

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

Respectfully submitted,

SENATOR RAPTAKIS

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, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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

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

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

Lanzi, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

4 2005-S 381

BY Raptakis

**ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES --
REGULATION OF SALES**

Committee on Constitutional & Gaming Issues recommends passage.

Senator Raptakis moves passage, seconded by Senator Pichardo.

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, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

5 2005-S 457

BY Raptakis

ENTITLED, AN ACT RELATING TO LICENSES -- ALCOHOLIC BEVERAGES

Committee on Constitutional & Gaming Issues recommends passage.

Senator Raptakis moves passage, seconded by Senators Polisena and Goodwin.

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

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

NAYS- 0:

6 2005-S 508 SUB A**BY Alves****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT
-- DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

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

Senator Alves moves passage, seconded by Senators Perry, Paiva Weed, Goodwin, Sosnowski.

Senators Felag and Alves 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, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

7 2005-S 611 SUB A as amended**BY Ruggerio****ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- MERCURY
REDUCTION AND EDUCATION ACT**

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

Senator Ruggerio moves passage, seconded by Senators Sosnowski, Goodwin, Paiva Weed, Caprio, Perry, Walaska, Roberts, Felag and others.

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, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

8 2005-S 961 SUB A**BY Bates****ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION**

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

Senator Bates moves passage, seconded by Senator Sosnowski.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon roll call vote with 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, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

9 2005-S 81 SUB A as amended**BY Badeau****ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -
SUNDAY BUSINESS**

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

Upon suggestion of Senator Ruggerio, and without objection, ordered to be placed on the Calendar for Tuesday, May 31, 2005.

10 2005-S 363**BY Revens****ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS**

Committee on Labor recommends passage.

Senator Revens moves passage, seconded by Senator Badeau.

The act is read and passed, upon a roll call vote with 32 Senators voting in the affirmative and 2 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Doyle, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Levesque, McBurney, McCaffrey, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 2: Senators Felag and Metts.

11 2005-S 604 SUB A**BY Gibbs****ENTITLED, AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS**

Committee on Labor 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, May 26, 2005.

12 2005-S 1031**BY McBurney****ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS**

Committee on Labor recommends passage.

Upon suggestion of Senator Ruggerio, and without objection, ordered to be placed on the Calendar for Thursday, May 26, 2005.

13 2005-S 1054**BY Connors****ENTITLED, AN ACT RELATING TO LABOR -- EMPLOYMENT SECURITY -- BENEFITS**

Committee on Labor recommends passage.

Senator Connors moves passage, seconded by Senator Levesque.

Senators Sheehan, Connors and Polisena discuss the act.

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, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

14 2005-S 922 as amended**BY Blais****ENTITLED, SENATE RESOLUTION AMENDING THE RULES OF THE SENATE**

Committee on Rules recommends passage as amended.

Senator Blais moves passage, seconded by Senator Connors.

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

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

NAYS- 0:

15 2005-H 5186

BY Almeida

ENTITLED, AN ACT RELATING TO EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

Committee on Labor recommends passage in concurrence.

Upon suggestion of Senator Ruggerio, seconded by Senator Badeau and without objection, ordered to be recommitted to the committee on Labor.

16 2005-H 5891

BY Moura

ENTITLED, AN ACT RELATING TO LABOR -- EMPLOYMENT SECURITY -- BENEFITS

Committee on Labor recommends passage in concurrence.

Senator Badeau moves passage, seconded by Senators Ciccone, Connors and Sheehan

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

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

NAYS- 0:

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 6387**BY** Gallison**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

Senator Ruggerio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggerio moves passage, seconded by Senator Polisena.

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

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

NAYS- 0:

House Bill No. 6534**BY** Gallison, Rice**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Megan McCarthy and Adam Webster).

Senator Ruggerio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggerio moves passage, seconded by Senator Polisena.

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

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

NAYS- 0:

TRANSMITTAL

By unanimous consent, all matters on the Clerk's desk, with the exception of 05-H 5891 are ordered to be transmitted to His Excellency, the Governor or to the Honorable House of Representatives forthwith.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns at 4:52 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR MARYELLEN GOODWIN

Heavenly Father, we thank you for your blessings of health and strength. We seek your encouragement in using these qualities to their fullest potential. Amen.

Appendix**CALENDAR****IN ORDER FOR THURSDAY, MAY 26, 2005:****1 2005-S 1051 SUB A****BY Montalbano J****ENTITLED, AN ACT RELATING TO COURTS -- JUDICIAL SELECTION**

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

2 2005-S 981**BY Ciccone****ENTITLED, AN ACT RELATING TO HIGHWAYS -- CONSTRUCTION AND MAINTENANCE OF STATE ROADS**

Committee on Environment & Agriculture recommends passage.

3 2005-S 604 SUB A**BY Gibbs****ENTITLED, AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS**

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

4 2005-S 1031**BY McBurney****ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS**

Committee on Labor recommends passage.

5 2005-S 970 SUB A as amended**BY Montalbano J****ENTITLED, AN ACT ENABLING THE RHODE ISLAND LOTTERY COMMISSION'S ENTRY INTO A MASTER VIDEO LOTTERY TERMINAL CONTRACT WITH UTGR, INC.**

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

6 2005-S 15**BY Tassoni****ENTITLED,** AN ACT RELATING TO CRIMINAL PROCEDURE -- CRIMINAL INJURIES COMPENSATION

Committee on Finance recommends passage.

7 2005-S 36**BY Ciccone****ENTITLED,** AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- RETIREMENT SYSTEM -- CONTRIBUTIONS AND BENEFITS

Committee on Finance recommends passage.

8 2005-S 57**BY Raptakis****ENTITLED,** AN ACT RELATING TO TAXATION

Committee on Finance recommends passage.

9 2005-S 63**BY Polisena****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- RHODE ISLAND RESOURCE RECOVERY CORPORATION

Committee on Finance recommends passage.

10 2005-S 80**BY Doyle****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- COUNCIL ON THE ARTS

Committee on Finance recommends passage.

11 2005-S 113 SUB A**BY Revens****ENTITLED,** AN ACT RELATING TO EDUCATION -- THE PUBLIC HIGHER EDUCATION ENDOWMENT INCENTIVE PROGRAM

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

12 2005-S 146**BY Perry****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES - RELIEF OF INJURED AND DECEASED FIREFIGHTERS AND POLICE OFFICERS

Committee on Finance recommends passage.

13 2005-S 1121 SUB A**BY Montalbano J****ENTITLED,** AN ACT RELATING TO JOBS GROWTH

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

IN ORDER FOR TUESDAY, MAY 31, 2005:**1 2005-S 81 SUB A as amended****BY Badeau****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS - SUNDAY BUSINESS

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

2 2005-S 37 SUB A**BY Bates****ENTITLED,** AN ACT RELATING TO TAXATION

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

3 2005-S 510**BY Goodwin****ENTITLED,** AN ACT IN AMENDMENT OF "AN ACT AUTHORIZING THE GIRL SCOUTS OF RHODE ISLAND, INCORPORATED TO HOLD PROPERTY EXEMPT FROM TAXATION," AS AMENDED

Committee on Finance recommends passage.

4 2005-S 514**BY Gallo****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- STATE LOTTERY

Committee on Finance recommends passage.

5 2005-S 530 SUB A**BY Gallo****ENTITLED,** AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS

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

6 2005-S 568**BY Polisena****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- EMERGENCY MEDICAL TRANSPORTATION SERVICES

Committee on Finance recommends passage.

7 2005-S 668**BY Alves****ENTITLED,** AN ACT RELATING TO PUBLIC FINANCE -- PUBLIC CORPORATION DEBT MANAGEMENT

Committee on Finance recommends passage.

8 2005-S 676**BY Gallo****ENTITLED,** AN ACT RELATING TO AUDIT OF ACCOUNTS

Committee on Finance recommends passage.

9 2005-S 868 SUB A**BY Gallo****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- AUDIT OF ACCOUNTS AND INSTALLATION OF SYSTEMS

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

10 2005-S 870**BY DaPonte****ENTITLED,** AN ACT RELATING TO MILITARY SERVICE AND VETERANS

Committee on Finance recommends passage.

11 2005-S 964 SUB A**BY Alves****ENTITLED,** AN ACT COMMERCIAL LAWS -- UNFAIR SALES PRACTICES

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

12 2005-S 1104

BY DaPonte

ENTITLED, AN ACT RELATING TO TAXATION -- STATE TAX OFFICIALS

Committee on Finance recommends passage.

13 2005-S 1114

BY DaPonte

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
STATE PURCHASES

Committee on Finance recommends passage.

14 2005-H 6163

BY Church

ENTITLED, AN ACT AUTHORIZING THE TOWN OF NORTH SMITHFIELD TO
FINANCE THE ACQUISITION OF LAND FOR A NEW MIDDLE
SCHOOL AND IT'S FACILITIES AND THE CONSTRUCTION AND
EQUIPPING OF A NEW MIDDLE SCHOOL AND IT'S FACILITIES
IN THE TOWN BY THE ISSUANCE OF NOT MORE THAN
\$30,000,000 BONDS AND/OR NOTES THEREFOR

Committee on Finance recommends passage in concurrence.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Wednesday, May 25, 2005