

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. 60

Friday, July 1, 2005

Sixtieth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 3:57 o'clock P.M.

The roll is called and a quorum is declared present with 35 Senators present and 3 Senators absent as follows:

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

ABSENT – 3: Senators Algieri, Breene, Connors.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

CALENDAR

In order for the day is taken up as follows:

29 2005-S 1174 SUB B

BY Perry

ENTITLED, AN ACT RELATING TO LEAD HAZARD MITIGATION

Ordered on the Calendar

Senator Perry moves passage, seconded by Senators Bates, Gibbs, McCaffrey and others.

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

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

NAYS- 0:

32 2005-H 6617 SUB A

BY Picard

ENTITLED, AN ACT RELATING TO LEAD HAZARD MITIGATION

Ordered on the Calendar

Senator Perry moves passage, seconded by Senators Bates, Badeau, Roberts, Metts, Cote, Gibbs and many others.

Senators Ciccone, Paiva Weed, Issa, Goodwin, Roberts, Bates discuss the act.

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

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

NAYS- 0:

TRANSMITTAL

Upon suggestion of Senator Perry, and by unanimous consent, (05 S-1174) (Sub B) and (05 H-6617) (Sub A) on the secretary's desk are ordered to be transmitted to His Excellency, the Governor forthwith.

CALENDAR**1 2005-S 466 SUB A as amended****BY Badeau****ENTITLED, AN ACT RELATING TO TOURISM AND DEVELOPMENT**

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

Senator Alves moves passage, seconded by Senators Goodwin, Perry, Ciccone, Walaska, Pichardo, Lanzi, Badeau and Metts.

Senators Sheehan, Sosnowski, Gibbs, Cote, Ciccone, Lenihan, Metts, Walaska, Issa, Felag and Alves discuss the act.

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, upon a roll call vote with 19 Senators voting in the affirmative and 10 Senators voting in the negative as follows:

YEAS- 19: The Honorable President Montalbano and Senators Alves, Badeau, Ciccone, Damiani, Felag, Gallo, Goodwin, Lanzi, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Walaska.

NAYS- 10: Senators Blais, Cote, DaPonte, Doyle, Gibbs, Issa, Lenihan, Sheehan, Sosnowski, Tassoni.

NEW BUSINESS**Senate Bill No. 1225****BY Senators Caprio F, Goodwin, Perry, Ciccone, Metts****ENTITLED, AN ACT RELATING TO TAXATION.**

Senator Caprio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Caprio moves passage, seconded by Senators Pichardo and Ciccone.

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

YEAS- 30: The Honorable President Montalbano and Senators Alves, Badeau, Blais, Caprio, Ciccone, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisen, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ANNOUNCEMENTS

Senator Sosnowski announces that the Committee on Environment and Agriculture will meet today, at the recess, in the Senate Lounge of the State House.

Senator Ciccone announces that the Committee on Labor will meet will meet today, at the recess, in Room 211 of the State House.

TRANSMITTAL

Upon suggestion of Senator Paiva Weed and by unanimous consent, (05 S-1225) on the secretary's desk is ordered to be transmitted to the Honorable House of Representatives forthwith.

RECESS

Upon motion of Senator Paiva Weed, and by unanimous consent, the Senate stands at recess at 4:30 o'clock P.M. until the call of the chair.

CALLED TO ORDER

The Senate is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 6:00 o'clock P.M.

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:

House Bill No. 6167

BY Kilmartin, Long, Moura, Amaral, Loughlin

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- CERTIFICATES OF TITLE AND SECURITY INTERESTS (duplicate automobile title).

Read and ordered to be placed on the Calendar

Also:

House Bill No. 6300

BY Scott, Story, Moura, Shanley, Smith

ENTITLED, AN ACT RELATING TO EDUCATION -- SCHOOL DEPARTMENT EMPLOYEES.

Read and ordered to be placed on the Calendar

Also:

House Bill No. 6635

BY Jacquard

ENTITLED, AN ACT RELATING TO INSURANCE -- CASUALTY INSURANCE RATING.

Read and ordered to be placed on the Calendar

COMMITTEE ON LABOR

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

House Bill No. 5649 SUB B

BY Moura, Slater, Diaz, McCauley

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- EMPLOYMENT OF WOMEN AND CHILDREN (require a sufficient opportunity for eating lunch)

Read and ordered to be placed on the Calendar

REPORTS OF COMMITTEES

COMMITTEE ON ENVIRONMENT AND AGRICULTURE

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

House Bill No. 6389 as amended

BY Naughton, Malik, Gallison, Ginatt, Carter

ENTITLED, AN ACT RELATING TO AQUACULTURE (the state to award aquaculture permits for a period of twenty (20) years with ten (10) year renewals).

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. 5477 SUB A as amended

BY Fox, Anguilla, Kilmartin, Jackson, Sullivan

ENTITLED, AN ACT RELATING TO THE GENERAL ASSEMBLY LOBBYING

Read and ordered to be placed on the Calendar

Also:

House Bill No. 5214 SUB A (by request)

BY Loughlin, McManus, Savage, Ucci, Davey

ENTITLED, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES (Little Compton to adopt a tax classification)

Read and ordered to be placed on the Calendar

Also:

House Bill No. 5791 SUB A as amended (Attorney General)

BY Malik, Shanley, O'Neill, Picard, Schadone

ENTITLED, AN ACT RELATING TO THE OFFICE OF ATTORNEY GENERAL -- ELDER JUSTICE PROSECUTION UNIT

Read and ordered to be placed on the Calendar

Also:

House Bill No. 6609

BY Pacheco, Winfield, Gorham

ENTITLED, AN ACT RELATING TO THE TOWN OF GLOCESTER

Read and ordered to be placed on the Calendar

CALENDAR

2 2005-S 551

BY Bates

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

Committee on Government Oversight recommends passage.

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

3 2005-S 1184

BY Alves

ENTITLED, AN ACT RELATING TO PERSONAL INCOME TAX

Committee on Finance recommends passage.

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

4 2005-S 712 SUB A

BY Tassoni

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

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

Senator Tassoni moves passage, seconded by Senators Damiani and Levesque.

Senator Levesque, seconded by Senators Blais, Pichardo, Tassoni and Sosnowski, offers the following written motion to amend.

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

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

Mr. President:

I hereby move to amend 2005 -- S 712 SUBSTITUTE A, entitled "AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- OPERATORS' AND CHAUFFEURS' LICENSES", as follows:

1. On page 3, line 17, by deleting the language "six (6)" and inserting in place thereof the language "twelve (12)".
2. On page 3, line 17, by deleting the language "no passengers" after the word "license" and the comma immediately after the word "license".
3. On page 3, by deleting line 18 in its entirety.
4. On page 3, line 19, by deleting the word "months" and the comma immediately after the word "months".

Respectfully submitted,
SENATOR LEVESQUE

The motion to amend prevails upon a roll call vote with 31 Senators voting in the affirmative and 2 Senators voting in the negative as follows:

YEAS- 31: The Honorable President Montalbano and Senators Alves, Badeau, Blais, Caprio, Ciccone, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 2: Senators Bates, Sheehan.

Senator Tassoni moves passage of the act, as amended, seconded by Senators Levesque, Sosnowski, Doyle and Damiani.

Senators Alves, Tassoni, Pichardo, Damiani, Polisen, Goodwin, DaPonte, Levesque and Sheehan discuss the act.

The act is read and passed, as amended, upon a roll call vote with 23 Senators voting in the affirmative and 9 Senators voting in the negative as follows:

YEAS- 23: The Honorable President Montalbano and Senators Bates, Blais, Caprio, Damiani, Doyle, Gallo, Gibbs, Goodwin, Issa, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Polisen, Raptakis, Revens, Roberts, Sosnowski, Tassoni, Walaska.

NAYS- 9: Senators Alves, Badeau, Cote, DaPonte, Felag, Lanzi, Pichardo, Ruggerio, Sheehan.

5 2005-S 123 SUB A as amended

BY Gibbs

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

Ordered on the Calendar

Senator Gibbs moves passage, seconded by Senator Blais.

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

YEAS- 30: The Honorable President Montalbano and Senators Alves, Bates, Blais, Caprio, Cote, Damiani, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

TRANSMITTAL

Upon suggestion of Senator Ruggerio, and by unanimous consent, (05 S-712) (Sub B) on the secretary's desk is ordered to be transmitted to the Honorable House of Representatives forthwith.

CALENDAR**6 2005-S 1161 SUB A****BY Walaska****ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES**

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

Senator Walaska moves passage, seconded by Senators Levesque, Sheehan, Issa, Metts and many others.

Senator Issa discuss the act.

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

FLOOR AMENDMENT**AN ACT RELATING TO PUBLIC UTILITIES**

Mr. President:

I hereby move to amend 2005 -- S 1161 SUBSTITUTE A, entitled "AN ACT RELATING TO PUBLIC UTILITIES", as follows:

- (1) On page 2, line 14, by inserting the language "part V" immediately before the word "section".
- (2) On page 2, line 14, by inserting the letter "(E)" immediately after the numeral "4".
- (3) On page 2, line 19, by inserting the word "pay" immediately after the word "to".
- (4) On page 2, line 29, by inserting the language "part V" immediately before the word "section".
- (5) On page 2, line 30, by inserting the letter "(E)" immediately after the numeral "4".

Respectfully submitted,
SENATOR WALASKA

The motion to amend prevails upon a roll call vote with 31 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 31: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Blais, Caprio, Ciccone, Cote, Damiani, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Walaska moves passage of the act, as amended, seconded by Senators Levesque, Metts, Pichardo, Damiani, Sosnowski, Issa and Sheehan.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Blais, Caprio, Ciccone, Cote, Damiani, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

7 2005-H 6101 SUB A

BY Kilmartin

ENTITLED, AN ACT RELATING TO UNFAIR SALES PRACTICES

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

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

8 2005-H 6471

BY Mumford

ENTITLED, AN ACT RELATING TO MOTOR VEHICLES - ADJUTANT GENERAL EMERITUS

Committee on Constitutional & Gaming Issues recommends passage in concurrence.

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

9 2005-H 5355 SUB A

BY McNamara

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

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

Senator Tassoni moves passage, seconded by Senators Damiani, Polisena and Levesque.

Senator Levesque, seconded by Senators Tassoni and Polisena, offers the following written motion to amend.

FLOOR AMENDMENT

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

Mr. President:

I hereby move to amend 2005 -- H 5355 SUBSTITUTE A, AS AMENDED, entitled "AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- OPERATORS' AND CHAUFFEURS' LICENSES", as follows:

1. On page 3, line 17, by deleting the language "six (6)" and inserting in place thereof the language "twelve (12)".
2. On page 3, line 17, by deleting the language "no passengers" after the word "license" and the comma immediately after the word "license".
3. On page 3, by deleting line 18 in its entirety.
4. On page 3, line 19, by deleting the word "months" and the comma immediately after the word "months".

Respectfully submitted,
SENATOR LEVESQUE

The motion to amend prevails upon a roll call vote with 28 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS- 28: The Honorable President Montalbano and Senators Badeau, Bates, Blais, Caprio, Ciccone, Damiani, Doyle, Felag, Gallo, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggiero, Sosnowski, Tassoni, Walaska.

NAYS- 1: Senator Sheehan.

Senator Tassoni moves passage of the act, as amended, seconded by Senators Levesque, Polisena, Damiani and others.

The act is read and passed, as amended, upon a roll call vote with 25 Senators voting in the affirmative and 5 Senators voting in the negative as follows:

YEAS- 25: The Honorable President Montalbano and Senators Badeau, Bates, Blais, Caprio, Ciccone, Damiani, Doyle, Gallo, Gibbs, Goodwin, Issa, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roberts, Sosnowski, Tassoni, Walaska.

NAYS- 5: Senators Cote, Felag, Pichardo, Ruggiero, Sheehan.

10 2005-H 6170 SUB A as amended

BY Coderre E

ENTITLED, AN ACT SEPARATION OF POWERS

Ordered on the Calendar

Senator Lenihan moves passage, seconded by Senators Metts and Levesque.

Senator Lenihan seconded by Senators Levesque and Metts, offers the following written motion to amend.

FLOOR AMENDMENT

AN ACT SEPARATION OF POWERS

Mr. President:

I hereby move to amend 2005 -- H 6170 SUBSTITUTE A, entitled "AN ACT SEPARATION OF POWERS", as follows:

1. By deleting all of the language on page 20, line 6, through page 29, line 15 inclusive.
2. On page 29, line 16, after the word "SECTION" by deleting the numeral "11" and inserting in place thereof the numeral "9".
3. On page 30, line 16, after the word "SECTION" by deleting the numeral "12" and inserting in place thereof the numeral "10".
4. On page 30, line 20, after the word "SECTION" by deleting the numeral "13" and inserting in place thereof the numeral "11".

Respectfully submitted,
SENATOR LENIHAN

The motion to amend prevails upon a roll call vote with 29 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS- 29: The Honorable President Montalbano and Senators Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 1: Senator Ciccone.

Senator Lenihan moves passage of the act, as amended, seconded by Senators Levesque and Metts.

The act is read and passed, as amended, upon a roll call vote with 31 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS- 31: The Honorable President Montalbano and Senators Alves, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 1: Senator Ciccone.

20 2005-H 5815

BY Landroche

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES

Ordered on the Calendar

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

Senators Gibbs, Goodwin and Blais discuss the act.

The act is read and passed, in concurrence, upon a roll call vote with 22 Senators voting in the affirmative and 8 Senators voting in the negative as follows:

YEAS- 22: The Honorable President Montalbano and Senators Badeau, Blais, Caprio, Ciccone, Cote, Damiani, DaPonte, Doyle, Goodwin, Issa, Lenihan, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Revens, Ruggerio, Tassoni, Walaska.

NAYS- 8: Senators Bates, Felag, Gibbs, Levesque, Raptakis, Roberts, Sheehan, Sosnowski.

27 2005-S 297 SUB B

BY Levesque C

**ENTITLED, AN ACT RELATING TO MOTOR VEHICLES -- SPECIAL LICENSE
PLATES DECAL**

Ordered on the Calendar

Senator Levesque moves passage, seconded by Senators Issa, Goodwin and many others.

The bill marked Substitute "B" is read and passed, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Blais, Caprio, Ciccone, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

28 2005-S 562 SUB A

BY Blais

**ENTITLED, AN ACT RELATING TO EMERGENCY MEDICAL
TRANSPORTATION SERVICES**

Ordered on the Calendar

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

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

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

NAYS- 0:

30 2005-H 5777 SUB A as amended

BY Gallison

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW -- UNFAIR SALES PRACTICES

Ordered on the Calendar

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

31 2005-H 6021

BY Carter

ENTITLED, AN ACT RELATING TO CITIES AND TOWNS -- EXEMPTING FROM TAXATION PROPERTY OF THE PIOUS SOCIETY OF THE MISSIONARIES OF ST. CHARLES BOROMEO, INC.

Ordered on the Calendar

Senator Lenihan moves passage, seconded by Senator Sosnowski.

The act is read and passed, by unanimous consent, in concurrence, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Alves, Bates, Blais, Caprio, Ciccone, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

34 2005-S 1167 SUB A

BY Raptakis

ENTITLED, AN ACT CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY ALL ASPECTS OF THE KENT COUNTY WATER AUTHORITY

Ordered on the Calendar

Senator Raptakis moves passage, seconded by Senators Lenihan and Lanzi.

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

YEAS- 30: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Blais, Caprio, Cote, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey,

Metts, Paiva Weed, Perry, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

37 2005-S 1179 SUB A as amended

BY Lenihan

ENTITLED, AN ACT SEPARATION OF POWERS

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

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

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, upon a roll call vote with 29 Senators voting in the affirmative and 2 Senators voting in the negative as follows:

YEAS- 29: The Honorable President Montalbano and Senators Bates, Blais, Caprio, Cote, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 2: Senators Alves, Ciccone.

38 2005-H 6378 SUB A as amended

BY Coderre E

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- RHODE ISLAND RESOURCE RECOVERY CORPORATION

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

Upon suggestion of Senator Ruggerio, and without objection, seconded by Senator Lenihan and without objection, ordered to be recommitted to the committee on Government Oversight.

39 2005-H 6323 SUB A as amended

BY Coderre E

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION -- RHODE ISLAND UNDERGROUND STORAGE TANK FINANCIAL RESPONSIBILITY ACT

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

Senator Lenihan moves passage, seconded by Senators Roberts and Metts.

The bill marked Substitute "A" is read and passed, as amended, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Blais, Caprio, Ciccone, Cote, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

40 2005-H 5756 SUB A as amended

BY Melo

ENTITLED, AN ACT RELATING TO RESIDENTIAL LANDLORD AND TENANT ACT

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

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

41 2005-H 6103

BY Ajello

ENTITLED, AN ACT RELATING TO EDUCATION

Committee on Judiciary recommends passage in concurrence.

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

42 2005-H 6191 SUB A

BY Gemma

ENTITLED, AN ACT RELATING TO IDENTITY THEFT PROTECTION

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

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

Upon Suggestion of Senator Ruggerio, and without objection, the following acts will be considered in one vote:

11 2005-H 5096

BY Gallison

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

- 12 **2005-H 5140 SUB A**
BY Sullivan
ENTITLED, AN ACT RELATING TO MOTOR VEHICLES -- SPECIAL LICENSE
PLATES DECAL
- 13 **2005-H 5341 as amended**
BY Dennigan
ENTITLED, AN ACT RELATING TO FOOD AND DRUGS -- FOOD DONATIONS
- 15 **2005-H 5546 as amended**
BY Rice
ENTITLED, AN ACT RELATING TO ANIMALS
- 16 **2005-H 5635**
BY Kilmartin
ENTITLED, AN ACT RELATING TO CRIMINAL LAW
- 17 **2005-H 5715**
BY Diaz
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT
- 18 **2005-H 5734 SUB A**
BY Naughton
ENTITLED, AN ACT RELATING TO HUMAN SERVICES -- HEALTH CARE FOR
ELDERLY AND DISABLED RESIDENTS ACT
- 19 **2005-H 5786 SUB A**
BY Moura
ENTITLED, AN ACT RELATING TO TAXATION
- 21 **2005-H 5949 SUB A**
BY Story
ENTITLED, AN ACT RELATING TO EMERGENCY MEDICAL
TRANSPORTATION SERVICES
- 22 **2005-H 6176 SUB A**
BY Gallison
ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS --
TEMPORARY DISABILITY INSURANCE -- NATIONAL GUARD
- 23 **2005-H 6177 SUB A**
BY Long
ENTITLED, AN ACT RELATING TO HIGHWAYS -- RHODE ISLAND
TURNPIKE AND BRIDGE AUTHORITY
- 24 **2005-H 6237 SUB A**
BY McManus
ENTITLED, AN ACT RELATING TO THE LONSDALE FIRE DISTRICT

- 25 2005-H 6427
BY Moura
ENTITLED, AN ACT RELATING TO LABOR -- ARBITRATION
- 26 2005-H 6655
BY Loughlin
ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL
LICENSES
- 33 2005-H 5670
BY Kilmartin
ENTITLED, AN ACT RELATING TO MILITARY SERVICE AND VETERANS
- 35 2005-S 699 SUB A as amended
BY Badeau
ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS --
WORKERS' COMPENSATION -- BENEFITS
- 36 2005-S 985 SUB B as amended
BY Tassoni
ENTITLED, AN ACT RELATING TO EDUCATION
- 43 2005-H 5098 SUB A as amended
BY Gallison
ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS - VETERANS' HOME
- 44 2005-H 5135 SUB A
BY Gallison
ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE --
NATIONAL GUARD
- 45 2005-H 5835 SUB A
BY Williams
ENTITLED, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX
- 46 2005-H 6192 SUB A
BY Jacquard
ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- REFUSE
DISPOSAL
- 47 2005-H 6212 SUB A
BY O'Neill
ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY
- 48 2005-H 6642
BY Coderre E
ENTITLED, AN ACT RELATING TO THE BLOCK ISLAND HOUSING BOARD

49 2005-H 6647 as amended**BY Costantino****ENTITLED, AN ACT RELATING TO CONVENTION CENTER AUTHORITY ACT**

Senator Ruggerio moves passage, seconded by Senator Blais.

The acts are read and passed, by unanimous consent, upon a roll call vote with 31 Senators voting in the affirmative and 0 Senators voting in the negative and 1 Senators abstaining as follows as follows:

YEAS- 31: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Blais, Caprio, Ciccone, Cote, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ABSTAINED- 1: Senator Paiva Weed

14 2005-H 5507 SUB A**BY Lewiss****ENTITLED, AN ACT RELATING TO INSURANCE - AUTHORIZING HEALTH CARE PROVIDERS TO NEGOTIATE WITH HEALTH CARE INSURERS AND PROVIDING FOR THE POWERS AND DUTIES OF THE ATTORNEY GENERAL**

Ordered on the Calendar

Senator Walaska moves passage, seconded by Senators Metts and Gallo.

The bill marked Substitute "A" is read and passed, in concurrence, and the original bill indefinitely postponed, upon a roll call vote with 32 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Blais, Caprio, Ciccone, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 1: Senator Sheehan

NEW BUSINESS**Senate Bill No. 1226****BY Senators McCaffrey, Perry, Roberts, Levesque C, Walaska****ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- SEXUAL ASSAULT.**

Senator McCaffrey requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

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

YEAS- 30: The Honorable President Montalbano and Senators Alves, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Tassoni, Walaska.

NAYS- 0:

Also:

Senate Bill No. 1227

BY Senators Perry, McCaffrey, Levesque C, Walaska, Tassoni

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- SEXUAL ASSAULT.

Senator Perry requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Perry moves passage, seconded by Senators Roberts, Polisena, Damiani and others.

The act is read and passed, by unanimous consent, upon a roll call vote with 29 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 29: Senators Alves, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

Senate Resolution No. 1228

BY Senator Sosnowski

ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO UNDERTAKE A STUDY OF ALL ASPECTS OF THE TAKING OF SHELLFISH WITH THE USE OF DIVING/BREATHING APPARATUS IN SALT PONDS.

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sosnowski moves passage, seconded by Senator Damiani and others.

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

TRANSMITTAL

By unanimous consent, all Senate matters and all House matters that have been amended by the Senate on the secretary's desk are ordered to be transmitted to His Excellency, the Governor or to the Honorable House of Representatives forthwith.

RECESS

Upon motion of Senator Paiva Weed, and by unanimous consent, the Senate stands at recess at 6:53 o'clock P.M. until the call of the chair.

CALLED TO ORDER

The Senate is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 10:01 o'clock P.M.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 5829 SUB A

BY Slater, Costantino

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES

Read and ordered to be placed on the Calendar.

Also:

House Bill No. 6199 SUB A

BY San Bento, Williamson

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- ACTIONS AGAINST THE STATE ON HIGHWAY AND PUBLIC WORKS CONTRACTS (prejudgment interest)

Read and ordered to be placed on the Calendar.

Also:

House Bill No. 6511 SUB A as amended

BY Handy, Slater, Williams, Coderre E, Almeida

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- DUTIES OF UTILITIES AND CARRIERS (heat shut off could have their service restored if they pay ten percent)

Read and ordered to be placed on the Calendar.

Also:

House Bill No. 6599

BY Watson

ENTITLED, AN ACT AUTHORIZING THE TOWN OF EAST GREENWICH TO FINANCE THE ACQUISITION OF LAND FOR, AND THE CONSTRUCTION, FURNISHING AND EQUIPPING OF, A NEW POLICE STATION AND ITS FACILITIES IN THE TOWN BY THE ISSUANCE OF NOT MORE THAN \$8,000,000 BONDS AND/OR NOTES THEREFOR.

Read and ordered to be placed on the Calendar.

Also:

House Bill No. 6614 as amended

BY Naughton, McNamara, Gemma, Crowley, Flaherty

ENTITLED, AN ACT RELATING TO MENTAL HEALTH, RETARDATION AND HOSPITALS -- COMMUNITY MENTAL HEALTH SERVICES (permit a provider to bill separately for services provided by certain program).

Read and ordered to be placed on the Calendar.

Also:

House Bill No. 6616

BY Gallison

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- ACQUISITION OF LAND (mandate that no acquiring authority relinquish riparian rights of Colt State Park or Poppasquash Road, Bristol to any entity for private use.).

Read and ordered to be placed on the Calendar.

Also:

House Bill No. 6631

BY McManus

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- GENERAL POWERS.

Read and ordered to be placed on the Calendar.

Also:

House Bill No. 5929 as amended

BY Lima, Williamson, Coderre E, Dennigan, Gemma

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- RESTRICTING RADIO FREQUENCY IDENTIFICATION DEVICES (purpose of tracking the movement or identity of an employee, student or client).

Read and ordered to be placed on the Calendar.

Also:

House Bill No. 6538

BY Long, Jackson, Rice

ENTITLED, AN ACT RELATING TO ZONING ORDINANCES -- MIDDLETOWN (consist of five regular members and three alternate members).

Read and ordered to be placed on the Calendar.

Also:

House Bill No. 6603 SUB A

BY Sullivan, Landroche, Ginaitt, Gallison, Gemma

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- EQUIPMENT AND ACCESSORIES GENERALLY (add school bus drivers and monitors to the list of people who are immune from liability when administering epinephrine for allergic reactions)

Read and ordered to be placed on the Calendar.

Also:

House Bill No. 5074 SUB A as amended

BY Crowley, Flaherty, Anguilla, Fox, Costantino

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

Read and ordered to be placed on the Calendar.

Also:

House Bill No. 5914 SUB A (Governor)

BY Long, Ehrhardt, Moffitt, Amaral

ENTITLED, AN ACT RELATING TO EMPLOYMENT SECURITY -- GENERAL PROVISIONS (SUTA Dumping Prevention Act of 2004)

Read and ordered to be placed on the Calendar.

Also:

House Bill No. 6641**BY** Trillo, Singleton, Scott, Davey, Ehrhardt**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION (authority to the pump-out station operator/boat operator to issue a certificate to be attached to the compliance record card/remote sewage removal).

Read and ordered to be placed on the Calendar.

FROM THE DESK**House Resolution No. 6174****BY** Gemma**ENTITLED**, JOINT RESOLUTION RESPECTFULLY REQUESTING THE STATE TRAFFIC COMMISSION TO MOVE THE EXISTING TRAFFIC SIGNAL BETWEEN NORWOOD AVENUE AND WELFARE AVENUE IN THE CITY OF WARWICK.

Read and ordered to be placed on the Calendar.

Also:

House Bill No. 6205**BY** Gemma**ENTITLED**, AN ACT RELATING TO THE PAINTING OF TRAFFIC LINES ON GREENWICH AVENUE AND PONTIAC AVENUE IN THE CITY OF WARWICK.

Read and ordered to be placed on the Calendar.

**REPORTS OF COMMITTEES
COMMITTEE ON JUDICIARY**

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

House Bill No. 5985 SUB A as amended**BY** Lima, Naughton, Diaz, Handy, Anguilla**ENTITLED**, AN ACT RELATING TO DECEPTIVE TRADE PRACTICES --MODEL FAIR CONSUMER CONTRACTS ACT (repeal exemptions to the deceptive trade practices act/create the Model Fair Consumer Contracts Act)

Read and ordered to be placed on the Calendar.

CONSENT CALENDAR

In order for the day is taken up as follows:

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

1 2005-H 6591

BY Rice

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Ordered to be placed on the Consent Calendar

CALENDAR

7 2005-H 6101 SUB A

BY Kilmartin

ENTITLED, AN ACT RELATING TO UNFAIR SALES PRACTICES

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

Senator Caprio moves passage, seconded by Senators McCaffrey .

The bill marked Substitute "A" is read and passed, in concurrence, and the original bill indefinitely postponed, upon a roll call vote with 30 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS- 30: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Blais, Caprio, Ciccone, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 1: Senator Sheehan.

NEW BUSINESS

Senate Bill No. 1230

BY Senators Sheehan, Tassoni, Cote, Metts, Caprio F

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

Senator Sheehan requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sheehan moves passage, seconded by Senators Paiva Weed, Metts, Damiani and Polisena.

The act is read and passed, by unanimous consent, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

CALENDAR

70 2005-H 5074 SUB A

BY Crowley

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

Ordered on the Calendar

Senator Bates moves passage, seconded by Senators Goodwin, Blais, Damiani, Polisena and Lenihan.

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

FLOOR AMENDMENT

AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- STATE LOTTERY

Mr. President:

I hereby move to amend 2005 -- H 5074 SUBSTITUTE A, entitled "AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- STATE LOTTERY", as follows:

On page 2, line 13 by inserting after the language "commission." the following language: "The director shall serve until his or her successor is appointed and qualified."

Respectfully submitted,
SENATOR BATES

The motion to amend prevails upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Blais, Caprio, Ciccone, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Tassoni, Walaska.

NAYS- 0:

Senator Bates moves passage of the act, as amended, seconded by Senators Goodwin and Damiani.

Senators Alves and Bates discuss the act.

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

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

NAYS- 0:

2 2005-S 551

BY Bates

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

Committee on Government Oversight recommends passage.

Senator Bates moves passage, seconded by Senators Damiani, Polisena, Lenihan, Goodwin and Blais.

Senator Bates, seconded by Senators Damiani and Polisena, offers the following written motion to amend.

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

AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- STATE LOTTERY

Mr. President:

I hereby move to amend 2005 -- S 551, entitled "AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- STATE LOTTERY", as follows:

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

"SECTION 1. Sections 42-61-1, 42-61-3, 42-61-4, 42-61-5, 42-61-6, 42-61-8, 42-61-10, 42-61-12 and 42-61-15 of the General Laws in Chapter 42-61 entitled "State Lottery" are hereby amended to read as follows:

~~42-61-1. Lottery commission established.~~ **Division of state lottery established.** -- (a) There is established a state lottery division within the department of administration, ~~commission which shall consist of nine (9) members, all of whom shall be citizens and residents of this state; three (3) of whom shall be members of the senate, not more than two (2) from the same political party to be appointed by the president of the senate; three (3) of whom shall be members of the house of representatives, not more than two (2) from the same political party to be appointed by the speaker of the house; and three (3) of whom shall be representatives of the general public to be appointed by the governor.~~

~~(b) The members shall be appointed for terms of three (3) years except for the three (3) members originally appointed by each of the appointing authorities; one shall be appointed for a term of one year, one shall be appointed for a term of two (2) years and one for a term of three (3) years. The members shall annually elect one of them as chairperson of the commission.~~

~~(c) Any vacancy on the commission, occurring for any reason prior to the expiration of the term, including but not limited to termination of active membership in the general assembly, shall be filled for the unexpired term by the appointing authority in the same manner as the original appointment.~~

~~(d) Any member of the commission may, for cause, be summarily removed from office by the appointing authority, which removal shall be subject to judicial review by the superior court and pending that review the member shall not carry out any duties as a commission member.~~

~~(e) The members of the commission shall receive no salaries but shall be allowed reasonable expenses in the performance of their official duties.~~

42-61-3. Appointment of director of lotteries. -- The lotteries shall be under the immediate supervision and direction of a director, who shall be a qualified person to administer an enterprise of the nature of a lottery. The director shall be appointed

by the governor to a five (5) year term with the advice and consent of the senate. The appointment shall be reviewed or vetted by the Permanent Joint Committee on State Lottery according to Article 6 Section 15 of the Rhode Island Constitution with the majority approval of the commission and shall serve at the pleasure of the commission. The director shall serve until his or her successor is appointed and qualified. Any vacancy occurring in the office of the director shall be filled in the same manner as the original appointment. Pursuant to section 42-6-4 of the Rhode Island general laws, in the case of a vacancy while the senate is not in session, the governor shall appoint a director to hold the office until the next session thereof; provided, that no person should serve in such a position for more than three (3) legislative days after the senate convenes unless that person's name shall have been submitted to the senate for its approval. The director shall devote his or her entire time and attention to the duties of his or her office and shall not be engaged in any other profession or occupation. He or she shall receive any salary that the director of the department of administration ~~commission~~ shall determine and shall be in the unclassified service.

The Director of Lotteries shall be removable by the governor, pursuant to the provisions of section 36-1-7 of the general laws and for cause only, and removal solely for partisan or personal reasons unrelated to capacity or fitness for the office shall be unlawful.

42-61-4. Powers and duties of director. -- The director shall have the power and it shall be his or her duty to:

- (1) Supervise and administer the operation of lotteries in accordance with this chapter, chapter 61.2 and with the rules and regulations of the ~~commission~~ division;
- (2) Act as the chief administrative officer having general charge of the office and records and to employ ~~temporarily subject to the approval of the commission~~, necessary personnel to serve at his pleasure and who shall be in the unclassified service and whose salaries shall be set by the ~~commission~~ director of the department of administration; pursuant to the provisions of section 36-4-16 of the general laws.
- (3) ~~Act as executive secretary of the commission;~~
- (4) (3) In accordance with this chapter and the rules and regulations of the ~~commission~~ division, license as agents to sell lottery tickets those persons, as in his or her opinion, who will best serve the public convenience and promote the sale of tickets or shares. The director may require a bond from every licensed agent, in an amount provided in the rules and regulations ~~of the commission of the division~~. Every licensed agent shall prominently display his or her license, or a copy of their license, as provided in the rules and regulations ~~of the commission of the committee~~;
- (5) (4) Confer regularly as necessary or desirable, and not less than once each month, with the ~~commission~~ permanent joint committee on state lottery on the operation and administration of the lotteries; make available for inspection by the ~~commission~~ committee, upon request, all books, records, files, and other information, and documents of the ~~commission~~ division; advise the ~~commission~~ committee and recommend those matters that he or she deems necessary and advisable to improve the operation and administration of the lotteries;
- (6) (5) ~~Recommend to the commission that it suspend~~ Suspend or revoke any license issued pursuant to this chapter, chapter 61.2 or the rules and regulations promulgated under this chapter and chapter 61.2;
- (7) (6) ~~Subject to the approval of the commission, enter~~ Enter into contracts for the operation of the lotteries, or any part of the operation of the lotteries, and into contracts for the promotion of the lotteries. ~~No contract awarded or entered into by the director may be assigned by the holder except by specific written approval of the commission;~~
- (8) (7) Ensure that monthly financial reports are prepared providing gross monthly revenues, prize disbursements, other expenses, net income, and the amount transferred to the state general fund for keno and for all other lottery operations; submit this report to the state budget officer, the auditor general, the ~~commission~~ permanent joint committee on state lottery, the legislative fiscal advisors, and the governor no later than the twentieth business day following the close of the month; the monthly report shall be prepared in a manner prescribed by the members of the revenues estimating conference; at the end of each fiscal year the director shall submit an annual report based upon an accrual system of accounting which shall include a full and complete statement of lottery revenues, prize disbursements and expenses, to the governor and the general assembly, which report shall be a public document and shall be filed with the secretary of state;
- (9) (8) Carry on a continuous study and investigation of the state lotteries throughout the state, and the operation and administration of similar laws which may be in effect in other states or countries; and
- (10) (9) Implement the creation and sale of commercial advertising space on lottery tickets as authorized by section ~~42-61-2~~ 42-61-4 of this chapter as soon as practicable after June 22, 1994.
- (10) Promulgate rules and regulations which shall include but not be limited to:
 - (i) The price of tickets or shares in the lotteries;
 - (ii) The number and size of the prizes on the winning tickets or shares;
 - (iii) The manner of selecting the winning tickets or shares;
 - (iv) The manner of payment of prizes to the holders of winning tickets or shares;
 - (v) The frequency of the drawings or selections of winning tickets or shares;
 - (vi) The number and types of location at which tickets or shares may be sold;
 - (vii) The method to be used in selling tickets or shares;

(viii) The licensing of agents to sell tickets or shares, except that a person under the age of eighteen (18) shall not be licensed as an agent;

(ix) The license fee to be charged to agents;

(x) The manner in which the proceeds of the sale of lottery tickets or shares are maintained, reported, and otherwise accounted for;

(xi) The manner and amount of compensation to be paid licensed sales agents necessary to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the general public;

(xii) The apportionment of the total annual revenue accruing from the sale of lottery tickets or shares and from all other sources for the payment of prizes to the holders of winning tickets or shares, for the payment of costs incurred in the operation and administration of the lotteries, including the expense of the division and the costs resulting from any contract or contracts entered into for promotional, advertising, consulting, or operational services or for the purchase or lease of facilities, lottery equipment, and materials, for the repayment of moneys appropriated to the lottery fund;

(xiii) The superior court upon petition of the director after a hearing may issue subpoenas to compel the attendance of witnesses and the production of documents, papers, books, records, and other evidence in any matter over which it has jurisdiction, control or supervision. If a person subpoenaed to attend in the proceeding or hearing fails to obey the command of the subpoena without reasonable cause, or if a person in attendance in the proceeding or hearing refuses without lawful cause to be examined or to answer a legal or pertinent question or to exhibit any book, account, record, or other document when ordered to do so by the court, that person may be punished for contempt of the court;

(xiv) The manner, standards, and specification for a process of competitive bidding for division purchases and contracts; and

(xv) The sale of commercial advertising space on the reverse side of, or in other available areas upon, lottery tickets provided that all net revenue derived from the sale of the advertising space shall be deposited immediately into the state's general fund and shall not be subject to the provisions of section 42-61-15.

42-61-5. Sales agents. -- (a) For the purpose of this chapter, the term "person" shall be construed to mean and include an individual, association, partnership, corporation, trust, estate, company, receiver, trustee, referee, or other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals. "Person" shall be construed to mean all departments, committees, commissions, agencies, and instrumentalities of the state, including counties and municipalities and agencies and instrumentalities of the state.

(b) The director of ~~the state lottery commission~~ lotteries may license any person as a lottery sales agent as provided in this chapter. No license shall be issued to any person to engage in the sale of lottery tickets as his or her sole occupation or business.

(c) Before issuing any license to a lottery sales agent the director shall consider:

- (1) The financial responsibility and security of the person and his or her business or activity;
- (2) The accessibility of his or her place of business or activity to the public;
- (3) The sufficiency of existing licensed agents to serve the public interest;
- (4) The volume of expected sales by the applicant;
- (5) Any other factors pertaining to the public interest, convenience or trust.

(d) The director shall refuse to grant or shall suspend, pending a hearing before the ~~commission~~ division, or recommend a revocation of a license if the applicant or licensee:

- (1) Has been convicted of a felony, or any crime involving moral turpitude;
- (2) Has been engaging in gambling as a significant source of income; (3) Has been convicted of violating any gambling statutes;
- (4) Has been convicted of fraud or misrepresentation in any connection;
- (5) Has been found to have violated any rule, regulation, or order of the state lottery ~~commission~~ division.

The license of an agent shall be suspended by the director for any charge which may result in a conviction for conduct prescribed in subdivisions (d)(1) -- (d)(5); which suspension shall be effective until a final judicial determination.

(e) The director shall refuse to grant, or shall suspend, pending a hearing before the ~~commission~~ division, or recommend revocation of a license if the applicant or licensee is a corporation:

- (1) Any of whose directors, officers, or controlling shareholders have been found guilty of any of the activities specified in subsection (d);
- (2) In which it appears to the director of ~~the state lottery commission~~ lotteries that due to the experience, character, or general fitness of any director, officer, or controlling shareholder, the granting of a license as a lottery sales agent would be inconsistent with the public interest, convenience, or trust;
- (3) Not the owner or lessee of the business at which it will conduct a lottery sales agency pursuant to the license applied for, or that any person, firm, association, or corporation other than the applicant shares or will share in the profits of the applicant, other than receiving dividends as a shareholder, or will participate in the management of the affairs of the applicant.

(f) Every holder of a license as a lottery sales agent shall renew the license annually pursuant to the rules and regulations of the commission division. Licensees shall pay to the commission division a fee to be determined by the commission director upon receipt or renewal of a license.

(g) Whenever requested by the director, the division of criminal identification of the department of the attorney general, the superintendent of state police, any superintendent or chief of police or sergeant of any city or town, shall furnish all information on convictions, arrests and present investigations concerning any person who is an applicant for a license or who is a licensee of the state lottery.

(h) Notwithstanding any other provision of law, any person licensed as provided in this chapter is authorized and empowered to act as a lottery sales agent.

(i) Every licensed sales agent authorized pursuant to this section and every licensed video lottery retailer authorized by chapter 61.2 of this title shall keep conspicuously posted on his or her premises the name and telephone number of a council on problem gambling recognized by an appropriate authority within state government or within the professional field of addiction disorders and a statement of its availability to offer assistance. The lottery commission division shall supply each licensee with the required notice.

42-61-6. Proceeds of sales -- Segregated funds. -- (a) All proceeds from the sale of lottery tickets or shares received by a person in the capacity of a sales agent shall constitute a trust fund until paid into the state lottery fund.

(b) The sales agent shall be personally liable for all proceeds; and failure to pay the lottery commission division moneys owed, upon demand, from the sales or misappropriation of the funds shall constitute embezzlement under section 11-41-3.

(c) The provisions of this section shall be enforced and prosecuted by the state police and the attorney general's office.

42-61-8. Sales above fixed price -- Unlicensed sales -- Gifts. -- No person shall sell a ticket or share at a price greater than that fixed by rule or regulation of the commission division. No person other than a licensed lottery sales agent shall sell lottery tickets or shares, except that nothing in this section shall be construed to prevent any individual purchaser from giving lottery tickets or shares to another as a gift. Any person convicted of violating this section shall be guilty of a misdemeanor.

42-61-10. Prizes to lottery employees. -- No lottery prize award shall be awarded to or for any officer or employee of the state lottery commission division, or any blood relative of that officer or employee living as a member of that officer or employee's household.

42-61-12. Deposit of receipts -- Reports. -- The director shall, in accordance with rules and regulations, require any and all lottery sales agents to deposit to the credit of the state lottery fund in financial institutions designated by the commission division all moneys received by those agents from the sale of lottery tickets or shares, less the amount, if any, retained as compensation for the sale of tickets or shares and less any moneys paid out as prizes by the agents, and to file with the director, or his or her designated agents, reports of their receipts and transactions in the sale of lottery tickets in any form and containing any information he or she may require. The director may make any arrangements for any person, including a financial institution, to perform any functions, activities, or services in connection with the operation of the lottery as he or she may deem advisable pursuant to this chapter and the rules and regulations of the commission division, and the functions, activities, or services shall constitute lawful functions, activities, and services of the person.

42-61-15. State lottery fund. -- (a) There is created the state lottery fund, into which shall be deposited all revenues received by the commission division from the sales of lottery tickets and license fees. The fund shall be in the custody of the general treasurer, subject to the direction of the commission division for the use of the commission division, and money shall be disbursed from it on the order of the controller of the state, pursuant to vouchers or invoices signed by the director of the commission and certified by the ~~chairperson of the commission~~ director of administration. The moneys in the state lottery fund shall be allotted in the following order, and only for the following purposes:

(1) (i) Establishing a prize fund from which payments of the prize awards shall be disbursed to holders of winning lottery tickets on checks signed by the director and countersigned by the ~~chairperson or his or her designee~~ controller of the state or his or her designee. The amount of payments of prize awards to holders of winning lottery tickets shall be determined by the commission division, but shall not be less than forty-five percent (45%) nor more than sixty-five percent (65%) of the total revenue accruing from the sale of lottery tickets.

(ii) However, for the lottery game commonly known as "Keno", the amount of prize awards to holders of winning Keno tickets shall be determined by the commission division, but shall not be less than forty-five percent (45%) nor more than seventy-two percent (72%) of the total revenue accruing from the sale of Keno tickets.

(2) Payment of expenses incurred by the commission division in the operation of the state lotteries including but not limited to costs arising from contracts entered into by the director for promotional, consulting, or operational services, salaries of professional, technical, and clerical assistants, and purchases or lease of facilities, lottery equipment, and materials;

(3) Repayment into the general revenue fund of the amount appropriated for the implementation of the state lottery; and

(4) Payment into the general revenue fund of all revenues remaining in the state lottery fund after the payments specified in subdivisions (a)(1) -- (a)(3) of this section; provided, that the amount to be transferred into the general revenue fund shall equal no less than twenty-five percent (25%) of the total revenue received and accrued from the sale of lottery tickets plus any other income earned from the lottery, provided further, that the revenue returned to the general fund from the game

commonly known as Keno, shall not be calculated as part of the twenty-five percent (25%) mandate required by this section, but the amount transferred into the general revenue fund shall equal no less than fifteen percent (15%) of the total Keno revenue received.

(b) In addition to any other audit, the auditor general shall conduct semi-annual audits of all accounts and any other audits he or she or the ~~commission~~ division shall deem necessary. The auditor general may examine all records, files, and other documents of the ~~commission~~ division, and any records of lottery sales agents that pertain to their activities as agents, for purposes of conducting authorized audits.

(c) Payments into the state's general fund specified in subsection (a)(4) of this section shall be made on an estimated quarterly basis. Payment shall be made on the tenth business day following the close of the quarter except for the fourth quarter when payment shall be on the last business day.

SECTION 2. Sections 42-61.2-1, 42-61.2-2, 42-61.2-3, 42-61.2-4 and 42-61.2-7 of the General Laws in Chapter 42-61.2 entitled "Video Lottery Terminal" are hereby amended to read as follows:

42-61.2-1. Definitions. -- For the purpose of this chapter, the following words shall mean:

(1) "Central communication system" means a system approved by the lottery ~~commission~~ division, linking all video lottery machines at a licensee location to provide auditing program information and any other information determined by the lottery. In addition, the central communications system must provide all computer hardware and related software necessary for the establishment and implementation of a comprehensive system as required by the ~~commission~~ division. The central communications licensee may provide a maximum of fifty percent (50%) of the video lottery terminals.

(2) "Licensed video lottery retailer" means a pari-mutuel licensee specifically licensed by the director subject to the approval of the ~~commission~~ division to become a licensed video lottery retailer.

(3) "Net terminal income" means currency placed into a video lottery terminal less credits redeemed for cash by players.

(4) "Pari-mutuel licensee" means an entity licensed and authorized to conduct:

(i) Dog racing, pursuant to chapter 3.1 of title 41; and/or

(ii) Jai-alai games, pursuant to chapter 7 of title 41.

(5) "Technology provider" means any individual, partnership, corporation, or association that designs, manufactures, installs, operates, distributes or supplies video lottery machines or associated equipment for the sale or use in this state.

(6) "Video lottery games" means lottery games played on video lottery terminals controlled by the lottery ~~commission~~ division. (7) "Video lottery terminal" means any electronic computerized video game machine that, upon the insertion of cash, is available to play a video game authorized by the lottery ~~commission~~ division, and which uses a video display and microprocessors in which, by chance, the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens.

42-61.2-2. State lottery commission authorized to operate video lotteries. -- Division of state lottery authorized to operate video lotteries. -- (a) Notwithstanding the provisions of any other law, the division of state lottery ~~commission~~ is authorized to conduct and control video lottery games under its authority.

(b) Video lottery terminals may only be installed and operated at pari-mutuel licensee facilities existing as of June 30, 1992, as defined in section 42-61.2-1(4) which are specifically approved by the state lottery director, ~~subject to the approval of the commission~~, to be licensed video lottery retailers according to rules and regulations set forth by the ~~commission~~ director.

(c) Commencing July 1, 2005, the number of video lottery terminals to be installed at pari-mutuel license facilities shall be established by the general assembly.

(d) Pursuant to Article 6 section 15 of the Rhode Island Constitution, the general assembly shall determine the type of lotteries conducted.

42-61.2-3. Additional powers and duties of the commission. -- Additional powers and duties of the director. -- In addition to the powers and duties of the state lottery ~~commission~~ director under section 42-61-2, the ~~commission~~ director shall ~~meet with the lottery director for the purpose of promulgating~~ promulgate reasonable rules and regulations relating to video lottery games and to make recommendations and set policy for these games. These rules and regulations shall be ~~promulgated as soon as possible after July 1, 1992, and~~ shall include but not be limited to:

(1) The ~~commission~~ division shall license technology providers capable of interfacing with a central communications system controlled by the ~~commission~~ division. In making its licensing decision, the ~~commission~~ division shall select providers based on the following factors: providers experienced in performing comparable projects, financial stability, technical and management abilities, the quality of the product and service capabilities, likelihood of timely performance, maximum revenue generation, its ability to pass a law enforcement background investigation, and any other factors found to be relevant to performance. The award of a license to technology providers under this section shall satisfy the requirements of chapter 2 of title 37. An outside independent testing laboratory may be utilized by the ~~commission~~ division at the expense of the individual provider;

(2) Accounting procedures for determining the net terminal income from lottery video terminals, and unclaimed prizes and credits;

(3) The type of video lottery games to be conducted;

- (4) The price to play each game and the prizes or credits to be awarded;
- (5) Financial reporting procedures for licensed video lottery retailers and control procedures in the event that any of these retailers should become insolvent;
- (6) Insurance and bonding by:
 - (i) Licensed video lottery retailers; and
 - (ii) Technology provider;
- (7) The licensing of licensed video lottery retailers;
- (8) The contracting with technology providers;
- (9) All video lottery machines shall be linked under a central communications system to provide auditing program information as approved by the lottery division. The communications system approved by the lottery division may not limit participation to only one manufacturer of video lottery machines by either cost of implementing the necessary program modifications to communicate or the inability to communicate with the central communication system; and
- (10) Any other matters necessary for video lottery terminals or for the convenience of the public.

42-61.2-4. Additional powers and duties of director and lottery commission. -- Additional powers and duties of director and lottery division. -- In addition to the powers and duties set forth in sections 42-61-4 and 42-61.2-3, the director, ~~subject to the approval of the lottery commission~~ shall have the power to:

- (1) Supervise and administer the operation of video lottery games in accordance with this chapter and with the rules and regulations of the ~~commission division~~;
- (2) ~~Recommend to the commission that it suspend~~ Suspend or revoke upon a hearing any license issued pursuant to this chapter or the rules and regulations promulgated under this chapter; and
- (3) ~~Subject to the approval of the commission and in~~ In compliance with the provisions of chapter 2 of title 37, enter into contracts for the operation of a central communications system and technology providers, or any part thereof.
- (4) Certify monthly to the budget officer, the auditor general, the ~~commission permanent joint committee on state lottery~~, and to the governor a full and complete statement of lottery revenues, prize disbursements and other expenses for the preceding month; ensure that monthly financial reports are prepared providing gross monthly revenues, prize disbursements, other expenses, and net income for keno and for all other lottery operations; submit this report to the state budget officer, the auditor general, the ~~commission permanent joint committee on state lottery~~, the legislative fiscal advisors, and the governor no later than the twentieth business day following the close of the month; at the end of each fiscal year the director shall submit an annual report based upon an accrual system of accounting which shall include a full and complete statement of lottery revenues, prize disbursements and expenses, to the governor and the general assembly, which report shall be a public document and shall be filed with the secretary of state. The monthly report shall be prepared in a manner prescribed by the members of the revenue estimating conference.

42-61.2-7. Division of revenue. -- (a) Notwithstanding the provisions of section 42-61-15, the allocation of net terminal income derived from video lottery games is as follows:

- (1) For deposit in the general fund and to the state lottery ~~commission division~~ fund for administrative purposes: Net terminal income not otherwise disbursed in accordance with subdivisions (a)(2) through (a)(5) herein;
- (2) To the licensed video lottery retailer: (a) Lincoln Greyhound Park twenty-eight and eighty-five hundredths percent (28.85%); (b) Newport Jai Ali twenty-six percent (26%);
- (3) (i) To the technology providers who are not a party to the Master Contract as set forth and referenced in Public Law 2003, Chapter 32, seven percent (7%) of the net terminal income of the provider's terminals. ~~The lottery commission shall implement an incentive structure for the providers for Fiscal Year 2004 only, based on machine performance, not to exceed eight and one half percent (8.5%) of net terminal income of the provider's terminals. The lottery commission shall present this incentive structure in a report to the speaker of the house, the president of the senate and the governor, at least ninety (90) days prior to implementation of the incentive structure;~~
- (ii) To contractors who are a party to the Master Contract as set forth and referenced in Public Law 2003, Chapter 32, all sums due and payable under said Master Contract.
- (4) To the city or town in which the licensed video retailer is licensed: one percent (1%); provided, however, beginning January 1, 2005, the town of Lincoln shall receive one and one quarter percent (1.25%); and
- (5) Unclaimed prizes and credits shall remit to the general fund of the state;
- (6) Payments into the state's general fund specified in subdivisions (a)(1) and (a)(6) shall be made on an estimated monthly basis. Payment shall be made on the tenth day following the close of the month except for the last month when payment shall be on the last business day.
- (b) Provided, however, that for the fiscal year commencing July 1, 1993 and subsequent fiscal years, the sum of five million dollars (\$5,000,000) to the extent possible shall be contributed to the distressed communities relief program, pursuant to section 45-13-12, to be distributed according to the formula and the contributions shall be as follows:
 - (1) One million one hundred fifty-two thousand six hundred eighty-three dollars (\$1,152,683) of the net terminal income due retailers under subdivision (a)(2) deposited as general revenues as follows: Lincoln Greyhound Park seven hundred sixty-

seven thousand, six hundred eighty-seven dollars (\$767,687) and Newport Jai Alai Fronton three hundred eighty-four thousand nine hundred ninety-six dollars (\$384,996).

(2) Six hundred and twenty-eight thousand seven hundred and thirty-seven dollars (\$628,737) of the net terminal income due the technology providers under subsection (a)(3) deposited as general revenues.

(3) Three million dollars (\$3,000,000) from the state general revenue fund.

SECTION 3 Section 42-61-2 of the General Laws in Chapter 42-61 entitled "State Lottery" is hereby repealed.

~~**42-61-2. Powers and duties of commission.**— The commission shall meet with the director of lotteries appointed under section 42-61-3 not less than nine (9) times each year, for the purpose of promulgating and reviewing rules and regulations relating to the lotteries, to make recommendations and set policy for lotteries, to approve or reject actions of the director and to transact other business that may be properly brought before the commission. The rules and regulations promulgated by the commission shall include but not be limited to:~~

~~-(1) The types of lotteries to be conducted;~~

~~-(2) The price of tickets or shares in the lotteries;~~

~~-(3) The number and size of the prizes on the winning tickets or shares;~~

~~-(4) The manner of selecting the winning tickets or shares;~~

~~-(5) The manner of payment of prizes to the holders of winning tickets or shares;~~

~~-(6) The frequency of the drawings or selections of winning tickets or shares;~~

~~-(7) The number and types of location at which tickets or shares may be sold;~~

~~-(8) The method to be used in selling tickets or shares;~~

~~-(9) The licensing of agents to sell tickets or shares, except that a person under the age of eighteen (18) shall not be licensed as an agent;~~

~~-(10) The license fee to be charged to agents;~~

~~-(11) The manner in which the proceeds of the sale of lottery tickets or shares are maintained, reported, and otherwise accounted for;~~

~~-(12) The manner and amount of compensation to be paid licensed sales agents necessary to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the general public;~~

~~-(13) The apportionment of the total annual revenue accruing from the sale of lottery tickets or shares and from all other sources for the payment of prizes to the holders of winning tickets or shares, for the payment of costs incurred in the operation and administration of the lotteries, including the expense of the commission and the costs resulting from any contract or contracts entered into for promotional, advertising, consulting, or operational services or for the purchase or lease of facilities, lottery equipment, and materials, for the repayment of moneys appropriated to the lottery fund;~~

~~-(14) The superior court upon petition of the majority of the commission after a hearing may issue subpoenas to compel the attendance of witnesses and the production of documents, papers, books, records, and other evidence before it in any matter over which it has jurisdiction, control or supervision. If a person subpoenaed to attend in the proceeding or hearing fails to obey the command of the subpoena without reasonable cause, or if a person in attendance in the proceeding or hearing refuses without lawful cause to be examined or to answer a legal or pertinent question or to exhibit any book, account, record, or other document when ordered to do so by the court, that person may be punished for contempt of the court;~~

~~-(15) No action of the commission shall be binding unless taken at a meeting at which at least five (5) of the members are present and a majority of those present and voting are in favor of the action of the commission. The rules and regulations promulgated by the commission or any amendments, revisions, supplements, or repeal thereof, shall be immediately transmitted, and under the certification of the executive secretary of the commission, to the secretary of state for filing;~~

~~-(16) The manner, standards, and specification for a process of competitive bidding for commission purchases and contracts; and~~

~~-(17) The sale of commercial advertising space on the reverse side of, or in other available areas upon, lottery tickets provided that all net revenue derived from the sale of the advertising space shall be deposited immediately into the state's general fund and shall not be subject to the provisions of section 42-61-15.~~

SECTION 4. Title 22 of the General Laws entitled "General Assembly" is hereby amended by adding thereto the following chapter:

CHAPTER 62.3

PERMANENT JOINT COMMITTEE ON STATE LOTTERY

22-14.2-1. Permanent joint committee on state lottery - Composition. – There is hereby created a permanent joint committee on state lottery. The permanent joint committee on state lottery shall consist of eight (8) members; four (4) of whom shall be members of the senate, not more than three (3) from the same political party to be appointed by the senate president; and four (4) of whom shall be members of the house of representatives, not more than three (3) from the same political party to be appointed by the speaker of the house.

The senate president and the speaker of the house shall consult with the house and senate minority leaders on the appointment of the minority members.

22-14.2-2. Powers and duties of permanent joint committee on state lottery. – The permanent joint committee on state lottery shall have the authority to:

(a) provide oversight to the state lottery and the division of state lottery;

(b) confer as the committee deems desirable with the director of lotteries;

(c) recommend the type of lotteries to be conducted;

(d) issue subpoenas, subpoenas duces tecum and orders for the production of books, accounts, papers, records and documents, and;

(e) make recommendations to the general assembly and propose legislation regarding the operation of the state lottery.

SECTION 5. This act shall take effect upon passage."

Respectfully submitted,
SENATOR BATES

The motion to amend prevails upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

Senator Bates moves passage of the act, as amended, seconded by Senators Damiani, Polisena, Goodwin and Lenihan.

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

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

NAYS- 0:

40 2005-H 5756 SUB A as amended

BY Melo

**ENTITLED, AN ACT RELATING TO RESIDENTIAL LANDLORD AND
TENANT ACT**

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

Senator DaPonte moves passage, seconded by Senators Polisena, Damiani, Pichardo and Metts.

The bill marked Substitute "A" is read and passed, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Alves, Badeau, Blais, Caprio, Ciccone, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

41 2005-H 6103

BY Ajello

ENTITLED, AN ACT RELATING TO EDUCATION

Committee on Judiciary recommends passage in concurrence.

Senator Levesque moves passage, seconded by Senator Perry.

Senators Damiani and Levesque discuss the act.

The act is read and passed, in concurrence, upon a roll call vote with 23 Senators voting in the affirmative and 6 Senators voting in the negative as follows:

YEAS- 23: The Honorable President Montalbano and Senators Badeau, Caprio, DaPonte, Doyle, Gallo, Gibbs, Goodwin, Issa, Lanzi, Levesque, McCaffrey, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 6: Senators Bates, Blais, Cote, Damiani, Felag, Lenihan.

42 2005-H 6191 SUB A

BY Gemma

ENTITLED, AN ACT RELATING TO IDENTITY THEFT PROTECTION

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

Senator Polisena moves passage, seconded by Senators Sheehan and Damiani.

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

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

AN ACT RELATING TO IDENTITY THEFT PROTECTION

Mr. President:

I hereby move to amend 2005 -- H 6191 SUBSTITUTE A, entitled "AN ACT RELATING TO IDENTITY THEFT PROTECTION", as follows:

(1) On page 3, line 26, by deleting the word "dollars", and by deleting the dollar sign.

(2) On page 4, line 18, after the word chapter by inserting the following:

"A provider of health care, health care service plan, health insurer, or a covered entity governed by the medical privacy and security rules issued by the federal Department of Health and Human Services, Parts 160 and 164 of Title 45 of the Code of Federal Regulations, established pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) shall be deemed in compliance with this chapter."

Respectfully submitted,
SENATOR MCCAFFREY

The motion to amend prevails upon a roll call vote with 28 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 28: The Honorable President Montalbano and Senators Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Metts, Paiva Weed, Pichardo, Polisenena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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

The act is read and passed, as amended, upon a roll call vote with 28 Senators voting in the affirmative and 3 Senators voting in the negative as follows:

YEAS- 28: The Honorable President Montalbano and Senators Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisenena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 3: Senators Alves, Badeau, Ciccone.

50 2005-H 5999 SUB A as amended

BY Gemma

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

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

Senator Roberts moves passage, seconded by Senators Tassoni, Gibbs, Sosnowski, Lenihan, Felag, Levesque and many others.

The bill marked Substitute "A" is read and passed, as amended, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 29 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 29: The Honorable President Montalbano and Senators Alves, Bates, Blais, Caprio, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

51 2005-H 6167

BY Kilmartin

**ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
CERTIFICATES OF TITLE AND SECURITY INTERESTS**

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

Senator Caprio moves passage, seconded by Senators Damiani, Doyle and McCaffrey.

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

YEAS- 31: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Blais, Caprio, Ciccone, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Perry, Pichardo, Polisen, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

52 2005-H 6300

BY Scott

**ENTITLED, AN ACT RELATING TO EDUCATION -- SCHOOL DEPARTMENT
EMPLOYEES**

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

Senator Blais moves passage, seconded by Senators Sosnowski, Damiani and Ruggerio.

The act is read and passed, in concurrence, upon a roll call vote with 24 Senators voting in the affirmative and 2 Senators voting in the negative as follows:

YEAS- 24: The Honorable President Montalbano and Senators Alves, Bates, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, Levesque, McCaffrey, Perry, Polisen, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 2: Senators Metts and Pichardo.

53 2005-H 6635**BY Jacquard****ENTITLED,** AN ACT RELATING TO INSURANCE -- CASUALTY INSURANCE RATING

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

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

The act is read and passed, in concurrence, upon a roll call vote with 25 Senators voting in the affirmative and 2 Senators voting in the negative as follows:

YEAS- 25: The Honorable President Montalbano and Senators Alves, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Issa, Lanzi, Levesque, McCaffrey, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 2: Senators Lenihan, Metts.

54 2005-H 5649 SUB B**BY Moura****ENTITLED,** AN ACT RELATING TO LABOR AND LABOR RELATIONS -- EMPLOYMENT OF WOMEN AND CHILDREN

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

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

55 2005-H 6389 as amended**BY Naughton****ENTITLED,** AN ACT RELATING TO AQUACULTURE

Committee on Environment & Agriculture recommends passage as amended.

Senator Sosnowski moves passage, seconded by Senators Polisena and Damiani.

The act is read and passed, as amended, upon a roll call vote with 26 Senators voting in the affirmative and 3 Senators voting in the negative as follows:

YEAS- 26: The Honorable President Montalbano and Senators Alves, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, Metts, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 3: Senators Felag, McCaffrey and Walaska.

56 2005-H 5214 SUB A**BY Loughlin****ENTITLED, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT
OF LOCAL TAXES**

Ordered on the Calendar

Senator Gibbs moves passage, seconded by Senator Felag.

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

YEAS- 30: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Perry, Pichardo, Polisen, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

57 2005-H 5477 SUB A as amended**BY Fox****ENTITLED, AN ACT RELATING TO THE GENERAL ASSEMBLY LOBBYING**

Ordered on the Calendar

Senator DaPonte moves passage, seconded by Senators Tassoni and Polisen.

Senator Lenihan, seconded by Senators Sheehan and Roberts, offers the following written motion to amend.

F L O O R A M E N D M E N T**AN ACT RELATING TO THE GENERAL ASSEMBLY LOBBYING**

Mr. President:

I hereby move to amend 2005 -- H 5477 SUBSTITUTE A AS AMENDED, entitled "AN ACT RELATING TO THE GENERAL ASSEMBLY LOBBYING", as follows:

(1) On page 2, by deleting line 34.

(2) On page 3, by deleting lines 1 through 3 and inserting in place thereof the following language:

"(f) Nothing in this section shall be deemed to require the reporting of purchases from a major state decision maker of goods or services or anything else of value that does not exceed one thousand dollars (\$1,000); provided, however, that employment and consulting contracts and fees of any amount shall be fully reportable hereunder."

Respectfully submitted,

SENATOR LENIHAN

Senators Lenihan, Polisena, Issa, Sheehan and DaPonte discuss the amendment.

The motion to amend fails of passage upon a roll call vote with 10 Senators voting in the affirmative and 22 Senators voting in the negative as follows:

YEAS- 10: Senators Caprio, Cote, Gallo, Gibbs, Lenihan, Levesque, Metts, Perry, Roberts, Sheehan.

NAYS- 22: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Blais, Damiani, DaPonte, Doyle, Felag, Goodwin, Issa, Lanzi, McCaffrey, Paiva Weed, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sosnowski, Tassoni, Walaska.

The bill marked Substitute "A" is read and passed, as amended, in concurrence, and the original bill indefinitely postponed, upon a roll call vote with 24 Senators voting in the affirmative and 7 Senators voting in the negative as follows:

YEAS- 24: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Blais, Damiani, DaPonte, Doyle, Felag, Gibbs, Goodwin, Issa, Lanzi, McCaffrey, Metts, Paiva Weed, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 7: Senators Caprio, Cote, Lenihan, Levesque, Perry, Roberts, Sheehan.

58 2005-H 5791 SUB A as amended

BY Malik

**ENTITLED, AN ACT RELATING TO THE OFFICE OF ATTORNEY GENERAL
-- ELDER JUSTICE PROSECUTION UNIT**

Ordered on the Calendar

Senator Polisena moves passage, seconded by Senators Levesque, Metts and Damiani.

The bill marked Substitute "A" is read and passed, as amended, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 28 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 28: The Honorable President Montalbano and Senators Alves, Blais, Caprio, Damiani, DaPonte, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

59 2005-H 6609

BY Pacheco

ENTITLED, AN ACT RELATING TO THE TOWN OF GLOCESTER

Ordered on the Calendar

Senator Caprio moves passage, seconded by Senator Damiani.

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

YEAS- 31: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

60 2005-H 5829 SUB A

BY Slater

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES

Ordered on the Calendar

Senator Roberts moves passage, seconded by Senators Levesque and Metts.

The bill marked Substitute "A" is read and passed, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 29 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 29: The Honorable President Montalbano and Senators Alves, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

61 2005-H 6199 SUB A

BY San Bento

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
ACTIONS AGAINST THE STATE ON HIGHWAY AND PUBLIC
WORKS CONTRACTS

Ordered on the Calendar

Senator Ruggerio moves passage, seconded by Senators Damiani and McCaffrey.

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

YEAS- 30: The Honorable President Montalbano and Senators Alves, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

RECONSIDERATION

Upon suggestion of Senator Paiva Weed, and without objection, (05-S 699) (Sub A) is reconsidered by the Senate, by unanimous consent, upon a voice vote, and is placed before the body.

Senate Bill No. 699 SUB A as amended

BY Senator Badeau

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION -- BENEFITS (reduction in weekly compensation shall not be delayed for more than 90 days after maximum medical improvement)

Senator Paiva Weed moves passage, seconded by Senator Badeau.

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

FLOOR AMENDMENT

AN ACT RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION -- BENEFITS

Mr. President:

I hereby move to amend 2005 -- S 699 SUBSTITUTE A, AS AMENDED, entitled "AN ACT RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION -- BENEFITS", as follows:

1. On page 20, line 19, after the word "incapacity" by adding the language "as a result of a brain injury due to a violent assault"
2. On page 20, line 20, by deleting the period and inserting the language "or until said employee and his or her spouse are both eligible for Medicare."

Respectfully submitted,
SENATOR BADEAU

The motion to amend prevails upon a roll call vote with 25 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 25: Senators Alves, Badeau, Bates, Blais, Caprio, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Issa, Lanzi, Levesque, Metts, Paiva Weed, Perry, Pichardo, Polisen, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Badeau moves passage of the act, as amended, seconded by Senator Lanzi.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 29 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 29: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

63 2005-H 6599

BY Watson

ENTITLED, AN ACT AUTHORIZING THE TOWN OF EAST GREENWICH TO FINANCE THE ACQUISITION OF LAND FOR, AND THE CONSTRUCTION, FURNISHING AND EQUIPPING OF, A NEW POLICE STATION AND ITS FACILITIES IN THE TOWN BY THE ISSUANCE OF NOT MORE THAN \$8,000,000 BONDS AND/OR NOTES THEREFOR

Ordered on the Calendar

Senator Lenihan moves passage, seconded by Senators Raptakis and Levesque.

The act is read and passed, in concurrence, upon a roll call vote with 28 Senators voting in the affirmative and 3 Senators voting in the negative as follows:

YEAS- 28: The Honorable President Montalbano and Senators Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 3: Senators Alves, Goodwin and Paiva Weed.

64 2005-H 6614 as amended

BY Naughton

ENTITLED, AN ACT RELATING TO MENTAL HEALTH, RETARDATION AND HOSPITALS -- COMMUNITY MENTAL HEALTH SERVICES

Ordered on the Calendar

Senator Walaska moves passage, seconded by Senators Alves and Metts.

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

YEAS- 30: Senators Alves, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

65 2005-H 6616**BY Gallison****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
ACQUISITION OF LAND

Ordered on the Calendar

Senator Felag moves passage, seconded by Senators Levesque and Damiani.

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

YEAS- 30: The Honorable President Montalbano and Senators Alves, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

66 2005-H 6631**BY McManus****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- GENERAL
POWERS

Ordered on the Calendar

Senator Issa moves passage, seconded by Senator Polisena

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

YEAS- 30: The Honorable President Montalbano and Senators Alves, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

8 2005-H 6471**BY Mumford****ENTITLED,** AN ACT RELATING TO MOTOR VEHICLES - ADJUTANT
GENERAL EMERITUS

Committee on Constitutional & Gaming Issues recommends passage in concurrence.

Senator Blais moves passage, seconded by Senators Damiani, Pichardo, Goodwin and Raptakis.

Senators Alves, Goodwin and Raptakis discuss the act.

The act is read and passed, by unanimous consent, in concurrence, upon a roll call vote with 29 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 29: The Honorable President Montalbano and Senators Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

67 2005-H 6538

BY Long

ENTITLED, AN ACT RELATING TO ZONING ORDINANCES -- MIDDLETOWN

Ordered on the Calendar

Senator Gibbs moves passage, seconded by Senator Blais.

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

YEAS- 30: The Honorable President Montalbano and Senators Alves, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisen, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

68 2005-H 6603 SUB A

BY Sullivan

**ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
EQUIPMENT AND ACCESSORIES GENERALLY**

Ordered on the Calendar

Senator Blais moves passage, seconded by Senators Polisen, Sosnowski and Damiani.

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

YEAS- 30: The Honorable President Montalbano and Senators Alves, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisen, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

69 2005-H 5929 as amended**BY Lima****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
RESTRICTING RADIO FREQUENCY IDENTIFICATION DEVICES**

Ordered on the Calendar

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

The act is read and passed, by unanimous consent, as amended, in concurrence, upon a roll call vote with 24 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 24: The Honorable President Montalbano and Senators Alves, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Gallo, Gibbs, Issa, Lanzi, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Ruggiero, Sosnowski, Tassoni, Walaska.

NAYS- 0:

71 2005-H 5914 SUB A**BY Long****ENTITLED, AN ACT RELATING TO EMPLOYMENT SECURITY -- GENERAL
PROVISIONS**

Ordered on the Calendar

Senator Blais moves passage, seconded by Senator Polisena.

The bill marked Substitute "A" is read and passed, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 26 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 26: The Honorable President Montalbano and Senators Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Gallo, Gibbs, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

72 2005-H 6641**BY Trillo****ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION**

Ordered on the Calendar

Upon suggestion of Senator Ruggiero, and without objection, ordered to be recommitted to the committee on Environment and Agriculture.

NEW BUSINESS**Senate Bill No. 1231****BY** Senator Blais**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- UNIFORM ANATOMICAL GIFT ACT.

Senator Blais requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

The act is read and passed, by unanimous consent, upon a roll call vote with 28 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 28: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Blais, Caprio, Cote, Damiani, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Polisena, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

AT EASE

Upon motion of Senator Paiva Weed, and by unanimous consent, the Senate stands at ease at 11:03 o'clock P.M. until the call of the chair.

CALLED TO ORDER

The Senate is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 11:52 o'clock P.M.

FROM THE HOUSE OF REPRESENTATIVES

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

Senate Bill No. 269 SUB B**BY** Senators Breene, Blais, Gibbs**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- EQUIPMENT AND ACCESSORIES GENERALLY (school buses be equipped with an epinephrine pen/staff be trained)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 530 SUB B as amended

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. 866 SUB A

BY Senator Gallo

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- REFUSE DISPOSAL (amend the Rhode Island Refuse Disposal Act)

Read and ordered to be placed on the Calendar

Also:

Senate Resolution No. 1192 SUB A

BY Senator Alves

ENTITLED, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY THE ENTIRE SALARY STRUCTURE AT THE COMMUNITY COLLEGE OF RHODE ISLAND (CCRI)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 296 as amended

BY Senators Levesque C, Perry

ENTITLED, AN ACT RELATING TO ANIMALS (misdemeanor to release a domesticated, diseased animal in a park, circus, etc.).

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 379 SUB B as amended

BY Senators Tassoni, Goodwin, McBurney, Doyle

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- ANIMAL CARE

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 833 SUB A as amended

BY Senators Paiva-Weed, Fogarty P, Gibbs

ENTITLED, AN ACT RELATING TO TAXATION (amend laws for tax exempt artistic communities to include parts of Newport and Tiverton)

Read and ordered to be placed on the Calendar

Also:

Senate Resolution No. 1190 SUB A

BY Senators Alves, Goodwin

ENTITLED, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY ALL ASPECTS OF THE TAX EXEMPT STATUS OF INSTITUTIONS OF HIGHER LEARNING IN THE STATE OF RHODE ISLAND

Read and ordered to be placed on the Calendar

Also:

House Bill No. 5959 SUB A as amended

BY Lima, Gallison

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- ANIMAL CARE (disposal of animals by lethal injection only)

Read and ordered to be placed on the Calendar

Also:

House Bill No. 6020 SUB A

BY Almeida, Williams, Slater

ENTITLED, AN ACT RELATING TO TAX SALES (RIHMFC/ would have the right of first refusal to acquire the tax lien)

Read and ordered to be placed on the Calendar

Also:

House Bill No. 6512

BY Menard, Singleton, Moran

ENTITLED, AN ACT RELATING TO TAXATION - REAL PROPERTY EXEMPTIONS IN CUMBERLAND (veterans, gold star parents, blind persons, totally disabled veterans and persons 65 years of age or older).

Read and ordered to be placed on the Calendar

Also:

House Bill No. 6557 SUB A as amended
BY Costantino, Lewiss
ENTITLED, AN ACT RELATING TO TAXATION

Read and ordered to be placed on the Calendar

Also:

House Bill No. 6663
BY Melo, Laroche, Carter, Faria, Moura
ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION -- HARBOR AND HARBOR LINES.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 1141 SUB A
BY Senators Montalbano J, Goodwin, McBurney, Damiani, Bates
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - STATE LOTTERY

Read and ordered to be placed on the Calendar

NEW BUSINESS

Senate Resolution No. 1232 Resolution 367
BY Senator Montalbano J
ENTITLED, JOINT RESOLUTION DECLARING AND CONSENTING TO A RECESS OF THE GENERAL ASSEMBLY.

Senator Ruggerio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggerio moves passage, seconded by Senators Damiani and Polisena.

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

CALENDAR

62 2005-H 6511 SUB A as amended
BY Handy
ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- DUTIES OF UTILITIES AND CARRIERS

Ordered on the Calendar

Senator Walaska moves passage, seconded by Senators Sosnowski, Metts, Bates and Levesque.

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

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

AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- DUTIES OF UTILITIES AND CARRIERS

Mr. President:

I hereby move to amend 2005 -- H 6511 SUBSTITUTE A, AS AMENDED, entitled "AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- DUTIES OF UTILITIES AND CARRIERS", as follows:

On page 2, by deleting all of the language on lines 11 through 28 and inserting in place thereof the following:

"(d) (Effective until April 15, 2006.) The commission shall promulgate and administer such rules and regulations as may be necessary to implement the purpose of this subsection and to provide for restoration of electric and/or gas service to Protected Status Customers who are terminated from utility service prior to August 15, 2005.

(1) Notwithstanding the provisions of part V section 4 (E)(1)(B) and (C) of the Public Utilities Commission Rules and Regulations Governing the Termination of Residential Electric, Gas, and Water Utility Service, a protected status customer who is terminated from utility service prior to August 15, 2005, shall be eligible to have electric and/or gas utility service restored providing the following conditions are met: (i) the customer pays twenty percent (20%) of the customer's unpaid balance; (ii) the customer agrees to one twenty-fourth (1/24) of the customer's remaining balance per month for twenty-four (24) months, (iii) the customer agrees to remain current with payments for current usage; and (iv) the customer has shown, to the satisfaction of the division, that the customer is reasonably capable of meeting the payment schedule provided for by provisions (i)-(iii) of this subsection 39-2-1(d)(1), and that the customer shall agree to waiver the right to a hearing for termination of service; provided that this waiver provision shall apply exclusively to the provisions of this subsection and shall have no precedential value for other proceedings before the commission or the division.. Once service is restored under the provisions of this subsection, such service may be terminated if payment is not made within thirty (30) days after the billing date; provided, however, that termination of service shall not take place during the moratorium on shut-offs.

(2) A customer terminated from service under the provisions of subsection 39-2-1(d)(1) shall be eligible for restoration of service in accordance with the applicable provisions of part V section 4 (E)(1)(B) and (C) of the Public Utilities Commission Rules and Regulations Governing the Termination of Residential Electric, Gas, and Water Service.

(3) The provisions of subsection 39-2-1(d)(1) shall be available if the initial payment for restoration of service is

made between April 15, 2005, and August 15, 2005, inclusive."

Respectfully submitted,
SENATOR WALASKA

The motion to amend prevails upon a roll call vote with 30 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 30: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Felag, Gallo, Gibbs, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Walaska moves passage of the act, as amended, seconded by Senators Levesque, Pichardo, Metts and many others.

The act is read and passed, as amended, upon a roll call vote with 29 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS- 29: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Felag, Gallo, Gibbs, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 1: Senator Raptakis

76 2005-S 269 SUB B

BY Breene

**ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
EQUIPMENT AND ACCESSORIES GENERALLY**

Ordered on the Calendar

Senator Bates moves passage, seconded by Senator Polisena.

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

YEAS- 30: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Felag, Gallo, Gibbs, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

77 2005-S 530 SUB B as amended**BY Gallo****ENTITLED, AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES
AND SUPERINTENDENTS**

Ordered on the Calendar

Senator Gallo moves passage, seconded by Senators Levesque, Walaska, Pichardo and Lanzi.

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

YEAS- 30: The Honorable President Montalbano and Senators Alves, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

78 2005-S 866 SUB A**BY Gallo****ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- REFUSE
DISPOSAL**

Ordered on the Calendar

Senator Gallo moves passage, seconded by Senator Levesque.

The bill marked Substitute "A" is read and passed, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 29 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 29: The Honorable President Montalbano and Senators Alves, Bates, Caprio, Cote, Damiani, DaPonte, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

79 2005-S 1192 SUB A**BY Alves****ENTITLED, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE
COMMISSION TO STUDY THE ENTIRE SALARY STRUCTURE AT
THE COMMUNITY COLLEGE OF RHODE ISLAND (CCRI)**

Ordered on the Calendar

Senator Alves moves passage, seconded by Senators Goodwin, Ruggerio and Walaska.

The resolution marked Substitute "A" is read and passed, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 29 Senators voting in the affirmative and 0 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS- 29: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ABSTAINED- 1: Senator Polisena.

80 2005-S 296 as amended

BY Levesque C

ENTITLED, AN ACT RELATING TO ANIMALS

Ordered on the Calendar

Senator Levesque moves passage, seconded by Senator Sosnowski

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

YEAS- 31: The Honorable President Montalbano and Senators Alves, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

81 2005-S 379 SUB B as amended

BY Tassoni

**ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY --
ANIMAL CARE**

Ordered on the Calendar

Senator Tassoni moves passage, seconded by Senators Lanzi, Perry, Sosnowski, Levesque, Doyle and others.

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

YEAS- 30: The Honorable President Montalbano and Senators Alves, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, 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 measure:

House Bill No. 5128 SUB A

BY Shanley, Lally, Carter, San Bento, Lewiss

ENTITLED, AN ACT RELATING TO EDUCATION -- PUBLIC HIGHER EDUCATION
ENDOWMENT INCENTIVE PROGRAM

Read and ordered to be placed on the Calendar.

CALENDAR

82 2005-S 833 SUB A as amended

BY Paiva-Weed

ENTITLED, AN ACT RELATING TO TAXATION

Ordered on the Calendar

Senator Paiva Weed moves passage, seconded by Senator Doyle.

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

YEAS- 30: The Honorable President Montalbano and Senators Alves, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

83 2005-S 1190 SUB A

BY Alves

ENTITLED, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE
COMMISSION TO STUDY ALL ASPECTS OF THE TAX EXEMPT
STATUS OF INSTITUTIONS OF HIGHER LEARNING IN THE
STATE OF RHODE ISLAND

Ordered on the Calendar

Senator Alves moves passage, seconded by Senator Sosnowski.

The bill marked Substitute "A" is read and passed, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a voice vote.

84 2005-H 5959 SUB A as amended

BY Lima

**ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY --
ANIMAL CARE**

Ordered on the Calendar

Senator Tassoni moves passage, seconded by Senators Levesque and Damiani.

The bill marked Substitute "A" is read and passed, as amended, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 28 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 28: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Perry, Pichardo, Polisen, Raptakis, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

86 2005-H 6512

BY Menard

**ENTITLED, AN ACT RELATING TO TAXATION - REAL PROPERTY
EXEMPTIONS IN CUMBERLAND**

Ordered on the Calendar

Senator Ruggerio moves passage, seconded by Senator Paiva Weed.

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

YEAS- 30: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Walaska.

NAYS- 0:

87 2005-H 6557 SUB A as amended

BY Costantino

ENTITLED, AN ACT RELATING TO TAXATION

Ordered on the Calendar

Senator Caprio moves passage, seconded by Senator Goodwin.

The bill marked Substitute "A" is read and passed, as amended, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 29 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 29: Senators Alves, Badeau, Bates, Blais, Caprio, Cote, Damiani, Doyle, Felag, Gallo, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

88 2005-H 6663

BY Melo

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION -- HARBOR
AND HARBOR LINES

Ordered on the Calendar

Senator Damiani moves passage, seconded by Senators Ruggerio, DaPonte and Sosnowski.

The act is read and passed, by unanimous consent, in concurrence, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Blais, Caprio, Ciccone, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

89 2005-S 1141 SUB A

BY Montalbano J

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

Ordered on the Calendar

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

The bill marked Substitute "A" is read and passed, in concurrence, and the original bill indefinitely postponed, upon a roll call vote with 30 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS- 30: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey,

Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 1: Senator Metts

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 5292

BY San Bento, Gemma, Flaherty, Anguilla, Malik

ENTITLED, AN ACT RELATING TO TAXATION -- TAX SALES (amend certain provisions relative to tax sales).

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 113 SUB B

BY Senators Revens, Sosnowski, Alves, Bates, Montalbano J

ENTITLED, AN ACT RELATING TO EDUCATION -- THE PUBLIC HIGHER EDUCATION ENDOWMENT INCENTIVE PROGRAM (establish the public higher education endowment incentive program)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 1225 as amended

BY Senators Caprio F, Goodwin, Perry, Ciccone, Metts

ENTITLED, AN ACT RELATING TO TAXATION.

Read and ordered to be placed on the Calendar

CALENDAR

90 2005-H 5128 SUB A

BY Shanley

ENTITLED, AN ACT RELATING TO EDUCATION -- PUBLIC HIGHER EDUCATION ENDOWMENT INCENTIVE PROGRAM

Ordered on the Calendar

Senator Revens moves passage, seconded by Senators Levesque, Issa and others.

Senator Alves offers an oral amendment.

Senator Blais objects.

The Chair rules that the amendment is not properly before the body.

Senator Alves requests that the item be moved to the bottom of the calendar.

The Chair rules that the item is properly before the body.

Senator Alves appeals the ruling of the chair.

The ruling of the Chair is sustained upon a roll call vote with 26 Senators voting in the affirmative and 3 Senators voting in the negative as follows:

YEAS- 26: The Honorable President Montalbano and Senators Badeau, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, Metts, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Walaska.

NAYS- 3: Senators Alves, McCaffrey and Sheehan.

The bill marked Substitute "A" is read and passed, in concurrence, and the original bill indefinitely postponed, upon a roll call vote with 28 Senators voting in the affirmative and 3 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS- 28: The Honorable President Montalbano and Senators Badeau, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, Metts, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 3: Senators Alves, McCaffrey and Walaska.

ABSTAINED- 1: Senator Polisena.

91 2005-H 5292

BY San Bento

ENTITLED, AN ACT RELATING TO TAXATION -- TAX SALES

Ordered on the Calendar

Senator Polisena moves passage, seconded by Senator Damiani.

The act is read and passed, by unanimous consent, in concurrence, upon a roll call vote with 29 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 29: The Honorable President Montalbano and Senators Badeau, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

92 2005-S 113 SUB B**BY Revens****ENTITLED, AN ACT RELATING TO EDUCATION -- THE PUBLIC HIGHER EDUCATION ENDOWMENT INCENTIVE PROGRAM**

Ordered on the Calendar

Senator Revens moves passage, seconded by Senators Issa, Sosnowski, Levesque and others.

The bill marked Substitute "B" is read and passed, in concurrence, and the original bill indefinitely postponed, upon a roll call vote with 27 Senators voting in the affirmative and 2 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS- 27: The Honorable President Montalbano and Senators Badeau, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, Metts, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 2: Senators McCaffrey and Walaska.

ABSTAINED- 1: Senator Polisena

93 2005-S 1225 as amended**BY Caprio F****ENTITLED, AN ACT RELATING TO TAXATION**

Ordered on the Calendar

Senator Caprio moves passage, seconded by Senators Polisena and Damiani.

The act is read and passed, by unanimous consent, as amended, in concurrence, upon a roll call vote with 28 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 28: The Honorable President Montalbano and Senators Badeau, Bates, Blais, Caprio, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

73 2005-H 6174**BY Gemma****ENTITLED, JOINT RESOLUTION RESPECTFULLY REQUESTING THE STATE TRAFFIC COMMISSION TO MOVE THE EXISTING TRAFFIC SIGNAL BETWEEN NORWOOD AVENUE AND WELFARE AVENUE IN THE CITY OF WARWICK**

Ordered on the Calendar

Senator Walaska moves passage, seconded by Senator Polisena.

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

74 2005-H 6205

BY Gemma

ENTITLED, AN ACT RELATING TO THE PAINTING OF TRAFFIC LINES ON GREENWICH AVENUE AND PONTIAC AVENUE IN THE CITY OF WARWICK

Ordered on the Calendar

Senator Ruggerio moves passage, seconded by Senator Polisenena.

The act is read and passed, in concurrence, upon a roll call vote with 24 Senators voting in the affirmative and 4 Senators voting in the negative as follows:

YEAS- 24: The Honorable President Montalbano and Senators Badeau, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Goodwin, Issa, Lanzi, Levesque, Metts, Paiva Weed, Perry, Pichardo, Polisenena, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 4: Senators Bates, Blais, Gibbs and Raptakis

75 2005-H 5985 SUB A as amended

BY Lima

ENTITLED, AN ACT RELATING TO DECEPTIVE TRADE PRACTICES
--MODEL FAIR CONSUMER CONTRACTS ACT

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

Senator Polisenena moves passage, seconded by Senators Levesque, Damiani, Sheehan, Lanzi, Tassoni and others.

Senators Walaska and Levesque discuss the act.

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, upon a roll call vote with 22 Senators voting in the affirmative and 6 Senators voting in the negative as follows:

YEAS- 22: Senators Badeau, Breene, Caprio, Damiani, Doyle, Felag, Gallo, Goodwin, Lanzi, Lenihan, Levesque, Metts, Paiva Weed, Perry, Pichardo, Polisenena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 6: Senators Bates, Blais, DaPonte, Gibbs, Issa and Walaska.

85 2005-H 6020 SUB A

BY Almeida

ENTITLED, AN ACT RELATING TO TAX SALES

Ordered on the Calendar

Senator Metts moves passage, seconded by Senators Levesque and Pichardo.

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

YEAS- 30: The Honorable President Montalbano and Senators Badeau, Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, Metts, Paiva Weed, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

3 2005-S 1184

BY Alves

ENTITLED, AN ACT RELATING TO PERSONAL INCOME TAX

Committee on Finance recommends passage.

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

NEW BUSINESS

Senate Resolution No. 1233

BY Senators Roberts, Lanzi, McCaffrey, Gallo

ENTITLED, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF MARINE LANCE CPL. HOLLY A. CHARETTE.

Senator Roberts requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Roberts moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution No. 1234

BY Senators Lenihan, Montalbano J, Paiva-Weed, McCaffrey

ENTITLED, SENATE RESOLUTION EXPRESSING OUR DEEPEST CONDOLENCES ON THE PASSING OF 2ND LIEUTENANT MATTHEW S. COUTU.

Senator Lenihan requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Lenihan moves passage, seconded by the entire Senate.

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

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 6662

BY Trillo

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

Upon suggestion of Senator Ciccone, received and ordered to be placed on the Desk

NEW BUSINESS

Senate Resolution No. 1235

BY Senators Montalbano J, Paiva-Weed, Ruggerio, Bates, DaPonte

ENTITLED, SENATE RESOLUTION THANKING THE SENATE STAFF FOR THEIR TIRELESS WORK, DEDICATED SERVICE AND DEVOTION TO THE SENATE AND THE CITIZENS OF RHODE ISLAND.

Senator Paiva Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

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

CALENDAR

54 2005-H 5649 SUB B

BY Moura

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS --
EMPLOYMENT OF WOMEN AND CHILDREN

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

Senator Ruggerio moves passage, seconded by Senators Polisena, Damiani, Tassoni, Levesque and others.

Senator Polisena discusses the act.

The bill marked Substitute "A" is read and passed, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 27 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 27: The Honorable President Montalbano and Senators Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, Levesque, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 0:

FROM THE HOUSE OF REPRESENTATIVES

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

Senate Bill No. 109 as amended

BY Senators Raptakis, Sheehan, Polisena

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- CHILDREN (increase the penalty for the use of tobacco by minors)

Senator Raptakis requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Raptakis moves passage, seconded by Senators Issa, Ruggerio, Damiani and Polisena.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 26 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 26: The Honorable President Montalbano and Senators Bates, Blais, Caprio, Cote, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, Metts, Paiva Weed, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 0:

NEW BUSINESS

Senate Resolution No. 1229

BY Senators Montalbano J, Paiva-Weed

ENTITLED, SENATE RESOLUTION HONORING LINDA J. CALISTA ON THE OCCASION OF HER RETIREMENT.

Senator Paiva Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

TRIBUTE TO LINDA J. CALISTA

Senators Paiva Weed, Montalbano, Ruggerio, Revens, Goodwin, Bates, Roberts, Ciccone and DaPonte express appreciation to Linda J. Calista.

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

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 6121

BY Moran, Kilmartin, Brien T

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- LICENSING OF MASSAGE THERAPY ESTABLISHMENTS.

Senator Issa requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Issa moves passage, seconded by Senators Damiani, Issa and Levesque.

The act is read and passed, in concurrence, upon a roll call vote with 22 Senators voting in the affirmative and 3 Senators voting in the negative as follows:

YEAS- 22: The Honorable President Montalbano and Senators Bates, Blais, Caprio, Damiani, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Paiva Weed, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 3: Senators Levesque, Metts and Pichardo.

TRANSMITTAL

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

APPRECIATION

Senate President Montalbano expresses his deepest appreciation to the members of the Senate for their

outstanding contributions to this years legislative session and wishes them much health and happiness in the coming months.

Also:

Senate President Montalbano expresses his grateful appreciation to the Senate staff for their tireless dedication and passion in ensuring that each individual Senator's needs are met and to guarantee that the people's business is done in an orderly, efficient and enlightened manner.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Paiva Weed, the Senate adjourns at 1:23 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

JOHN S. BAXTER
Reading Clerk

GABRIEL ANDRADE REI
Deputy Clerk

JEFFREY Q MORAN
Voting Machine Clerk

SETH E. MESSIER
NICHOLAS DI IORIO
ANDREW DI IORIO
Special Assistants to the Secretary of the Senate

Appendix

INVOCATION

SENATOR STEPHEN D. ALVES

Dear God, please bless us during our final days of adjournment. May we all enjoy the summer months ahead until we all meet again in this chamber to assist our fellow Rhode Islanders. Amen.