

State of Rhode Island and Providence Plantations

Journal of the Senate

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

Volume129, No.59 Wednesday, June 12, 2002 Fifty-ninth Day

The Senate meets pursuant to adjournment and is called to order by His Honor, the Lieutenant Governor, Charles J. Fogarty, at 4:10 o'clock P.M.

The roll is called and a quorum is declared present with 48 Senators present and 2 Senators absent as follows:

PRESENT - 48: Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walsh, Walton.

ABSENT - 2: Senators Montalbano, Walaska.

INVOCATION

His Honor, the Lieutenant Governor, by unanimous consent, presentsSenate Majority Leader Irons, to deliver the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG

His Honor, the Lieutenant Governor, by unanimous consent, presentsSenate Majority Leader Irons, to lead the Senate in the pledge of allegiance to the flag.

APPROVAL OF RECORD

The Senate Journals of Friday, May 31, 2002 and Tuesday, June 4, 2002 proceedings are read in part.

Upon suggestion of Senator Coderre, and by unanimous consent, further reading of the Journals is dispensed with and the Journals approved as recorded.

GUESTS

Upon suggestion of Senator Iglioizzi, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Michael DiRaimo of Providence.

Upon suggestion of Senator DaPonte, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Megan Connors, sister of Senator Daniel Connors.

BIRTHDAY WISHES

Senator Algieri extends congratulations and best wishes to Senator Gibbs, on the very special occasion of Her 80th Birthday.

NEW BUSINESS

Senator McBurney presents (02-S 3094) An Act to vacate the forfeiture or revocation of the charter of the West Bay Village Condominium Association, Inc.

Senator McBurney requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator McBurney, moves passage, seconded by Senator Coderre.

The act is read and passed, by unanimous consent, upon a roll call vote with 46 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 46: Senators Algieri, Alves, Badeau, Bates, Blais, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walsh, Walton.

NAYS - 0.

Senators Parella and Blais present (02-S 3095) Senate Resolution honoring Donna Sherman on her retirement as Executive Director of Literacy Volunteers of America.

Senator Parella requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Parella, seconded by the entire Senate, and by unanimous consent, read and passed, under suspension of the rules, upon a voice vote.

Senate Majority Leader Irons, Celona, Polisena, Ruggerio, Damiani and others present (02-S 3096) Senate Resolution expressing condolences on the passing of Ernest A. Robert.

Senate Majority Leader Irons requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senate Majority Leader Irons, seconded by the entire Senate, and by unanimous consent, read and passed, under suspension of the rules, upon a rising vote.

Senators Coderre, Irons, Montalbano, McBurney, Perry and others present (02-S 3097) Senate Resolution congratulating Edward Tenney-Lebron on attaining the rank of Eagle Scout.

Senator Coderre requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Coderre, seconded by the entire Senate, and by unanimous consent, read and passed, under suspension of the rules, upon a voice vote.

Senators Felag, Bates, Parella and Enos present (02-S 3098) Senate Resolution congratulating Bristol County Elks Lodge #1860 on the celebration of their 50th Anniversary.

Senator Felag requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Felag, seconded by the entire Senate, and by unanimous consent, read and passed, under suspension of the rules, upon a voice vote.

Senators McBurney, Irons, Celona, Coderre, Revens and others present (02-S 3099) Senate Resolution extending sympathy on the passing of Eleanor M. McMahon.

Senator McBurney requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator McBurney, seconded by the entire Senate, and by unanimous consent, read and passed, under suspension of the rules, upon a rising vote.

Senator Blais presents (02-S 3100) Senate Resolution congratulating David and Nancy Corvese on the occasion of their 25th Wedding Anniversary.

Senator Blais requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Blais, seconded by the entire Senate, and by unanimous consent, read and passed, under suspension of the rules, upon a voice vote.

Senator Blais presents (02-S 3101) An Act relating to motor vehicles - special registration plate - Coventry - police chief emeritus.

Senator Blais requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Blais, moves passage, seconded by Senators Raptakis, Alves and Algieri.

The act is read and passed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 37: Senators Algieri, Alves, Badeau, Bates, Blais, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Paiva Weed, Perry, Polisena, Raptakis, Sheehan, Sosnowski, Tassoni.

NAYS - 0.

COMMUNICATIONS FROM THE GOVERNOR

His Honor, the Lieutenant Governor, announces the receipt of the following acts from His Excellency the Governor, with his disapprovals recorded thereon:

(02-S 2383) (Substitute "A") An Act relating to Courts and Civil Procedure - Courts - District Court.

The veto message is ordered to be placed on file.

(For veto message, see Appendix, this Journal.)

Senator Igliazzi, requests unanimous consent for immediate consideration to override the Governor's veto, seconded by Senate Majority Leader Irons.

There is no objection.

Senator Igliazzi, moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Senate Majority Leader Irons and Senators Coderre, Connors, DaPonte, Alves, Felag and Celona.

The motion to override the veto of His Excellency the Governor prevails, needing a 3/5 vote to override, on a roll call vote with 42 Senators voting in the affirmative and 6 Senators voting in the negative as follows:

YEAS - 42: Senators Alves, Badeau, Bates, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walsh, Walton.

NAYS - 6: Senators Algieri, Blais, Breene, Garabedian, Gibbs, Parella.

Also:

(02-S 2522 as Amended) An Act relating to Taxation.

The veto message is ordered to be placed on file.

(For veto message, see Appendix, this Journal.)

Senator Alves, requests unanimous consent for immediate consideration to override the Governor's veto, seconded by Senate Majority Leader Irons.

There is no objection.

Senator Alves, moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Senate Majority Leader Irons and Senators Connors, Coderre, Caprio, Polisena, Goodwin, Graziano and Ruggerio.

Senators Algieri, Garabedian, Paiva Weed, Blais and Raptakis discuss the motion.

The motion to override the veto of His Excellency the Governor prevails, needing a 3/5 vote to override, on a roll call vote with 38 Senators voting in the affirmative and 8 Senators voting in the negative as follows:

YEAS - 38: Senators Alves, Badeau, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, McBurney, McCaffrey,

McDonald, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walton.

NAYS - 8: Senators Algiere, Bates, Blais, Breene, Garabedian, Gibbs, Parella, Walsh.

Also:

(02-S 2740) (Substitute "B") An Act relating to public property and works - Public-Private Redevelopment Initiative Act.

The veto message is ordered to be placed on file.

(For veto message, see Appendix, this Journal.)

Senator Ruggerio, requests unanimous consent for immediate consideration to override the Governor's veto, seconded by Senate Majority Leader Irons.

There is no objection.

Senator Ruggerio, moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Senate Majority Leader Irons and Senators Coderre, Caprio, Connors, Alves, DaPonte, Paiva Weed, Polisena, Damiani and many others.

Senator Algiere discusses the motion.

The motion to override the veto of His Excellency the Governor prevails, needing a 3/5 vote to override, on a roll call vote with 34 Senators voting in the affirmative and 12 Senators voting in the negative as follows:

YEAS - 34: Senators Alves, Badeau, Caprio, Celona, Cicilline, Coderre, Connors, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, McBurney, McCaffrey, McDonald, Paiva Weed, Polisena, Revens, Roney, Ruggerio, Sosnowski, Tassoni, Walton.

NAYS - 12: Senators Algiere, Blais, Breene, Cote, Gibbs, Kelly, Lenihan, Parella, Perry, Raptakis, Sheehan, Walsh.

FROM THE HOUSE OF REPRESENTATIVES

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

(02-H 7732) (Substitute "A" as Amended) An Act making appropriations for the support of the State for the fiscal year ending June 30, 2003.

Senator Caprio, moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Senate Majority Leader Irons.

Senators Algiere, Lenihan, Sheehan and Garabedian discuss the motion.

The bill marked Substitute "A" as Amended is read and passed, in concurrence, notwithstanding the veto of the Governor, on a roll call vote with 41 Senators voting in the affirmative and 6 Senators voting in the negative as follows:

YEAS - 41: Senators Alves, Badeau, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Goodwin, Graziano, Hunter, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney,

McCaffrey, McDonald, Paiva Weed, Parella, Perry, Polisena, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walsh, Walton.

NAYS - 6: Senators Algieri, Bates, Blais, Breene, Garabedian, Gibbs.

FROM THE DESK

Upon suggestion of Senate Majority Leader Irons, and without objection, the following act is removed from the Desk and acted upon as follows:

(02-H 8253) An Act relating to the Tobacco Settlement Financing Corporation Act.

Senate Majority Leader Irons, moves passage, seconded by Senator Coderre.

Senate Majority Leader Irons, seconded by Senator Coderre, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(02-H 8253)

Mr. President:

I hereby move to amend (02-H 8253), entitled "AN ACT RELATING TO THE TOBACCO SETTLEMENT FINANCING CORPORATION ACT", as follows:

- (1) On page 1, lines 7 through 8, delete the words "general treasurer, who shall serve ex-officio, the state director of the budget or designee, who shall serve ex-officio, and".
- (2) On page 1, line 9, insert the following language before the period "." : ", one (1) member appointed by the Speaker of the House of representatives and one (1) member appointed by the majority leader of the senate (effective until January 7, 2003) and one (1) member appointed by the president of the senate (effective January 7, 2003)".
- (3) On page 1, line 9, delete the words "appointed by the governor" following the words, "Each member".
- (4) On page 1, line 12, delete the words "appointed by the governor".
- (5) On page 1, line 13, delete the words "by the governor".

Respectfully submitted,

WILLIAM V. IRONS
Senator District 39

The motion to amend prevails, upon a roll call vote, with 46 Senators voting in the affirmative, and 0 Senators voting in the negative, as follows:

YEAS - 46: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliozi,

Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Walsh, Walton.

NAYS - 0.

Upon motion of Senate Majority Leader Irons, seconded by Senator Coderre, read and passed, as Amended, upon a roll call vote with 44 Senators voting in the affirmative and 2 Senators voting in the negative as follows:

YEAS - 44: Senators Algiere, Alves, Badeau, Bates, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walsh, Walton.

NAYS - 2: Senators Blais, Cote.

**FROM THE
HOUSE OF REPRESENTATIVES**

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

(02-H 7701) (Substitute "A") An Act relating to public property and works - Public-Private Redevelopment Initiative Act.

Senator Ruggerio, moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Senators Polisena and Damiani.

The bill marked Substitute "A" is read and passed, in concurrence, notwithstanding the veto of the Governor, on a roll call vote with 34 Senators voting in the affirmative and 11 Senators voting in the negative as follows:

YEAS - 34: Senators Alves, Badeau, Caprio, Celona, Cicilline, Coderre, Connors, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, McBurney, McCaffrey, McDonald, Paiva Weed, Polisena, Revens, Roney, Ruggerio, Sosnowski, Tassoni, Walton.

NAYS - 11: Senators Algiere, Blais, Breene, Cote, Gibbs, Lenihan, Parella, Perry, Raptakis, Sheehan, Walsh.

Also:

(02-H 8207) An Act relating to parking surcharges in the Warwick Airport Parking District.

Senator Revens, moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Senators Roberts, McCaffrey, Alves and Donelan.

The act is read and passed, in concurrence, notwithstanding the veto of the Governor, on a roll call vote with 39 Senators voting in the affirmative and 6 Senators voting in the negative as follows:

YEAS - 39: Senators Alves, Badeau, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Goodwin, Graziano, Hunter, Igliazzi, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walsh, Walton.

NAYS - 6: Senators Algiere, Bates, Blais, Breene, Gibbs, Parella.

Also:

(02-H 8179) (Substitute "A") An Act relating to the Convention Center Authority.

Senator Celona, moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Senate Majority Leader Irons and Senators Coderre, Roney and Badeau.

Senators Algieri, Garabedian, Lenihan and Senate Majority Leader Irons discuss the motion.

The bill marked Substitute "A" is read and passed, in concurrence, notwithstanding the veto of the Governor, on a roll call vote with 33 Senators voting in the affirmative and 12 Senators voting in the negative as follows:

YEAS - 33: Senators Alves, Badeau, Caprio, Celona, Cicilline, Coderre, Damiani, DaPonte, Donelan, Felag, Fogarty, Gallo, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, McBurney, McCaffrey, McDonald, Paiva Weed, Perry, Polisena, Revens, Roberts, Roney, Ruggerio, Sosnowski, Tassoni, Walton.

NAYS - 12: Senators Algieri, Bates, Blais, Breene, Cote, Enos, Garabedian, Gibbs, Lenihan, Raptakis, Sheehan, Walsh.

FROM THE DESK

Upon suggestion of Senate Majority Leader Irons, and without objection, the following act is removed from the Desk and acted upon as follows:

(02-H 8245) An Act relating to motor and other vehicles - registration of vehicles.

Senate Majority Leader Irons, moves passage, seconded by Senators Celona, Alves, Cicilline and others.

Senator Donelan discusses the act.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 45 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 45: Senators Algieri, Alves, Badeau, Bates, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walsh, Walton.

NAYS - 0.

FROM THE HOUSE OF REPRESENTATIVES

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

(02-H 7704 as amended) An Act relating to towns and cities - emergency police power.

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

The act is read and passed, as amended, in concurrence, by unanimous consent, upon a roll call vote with 46 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 46: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walsh, Walton.

NAYS - 0.

Also:

(02-H 6968) (Substitute "A") An Act relating to courts and civil procedure - courts - District Court.

Senator Igliazzi, moves passage of the act, notwithstanding the veto of His Excellency, the Governor, seconded by Senator Coderre.

The bill marked Substitute "A" is read and passed, in concurrence, notwithstanding the veto of the Governor, on a roll call vote with 41 Senators voting in the affirmative and 5 Senators voting in the negative as follows:

YEAS - 41: Senators Alves, Badeau, Bates, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walsh, Walton.

NAYS - 5: Senators Algieri, Blais, Breene, Garabedian, Gibbs.

Also:

(02-H 8257) An Act relating to appropriation for the support of the State for the fiscal year ending June 30, 2003.

Senator Caprio, moves passage, seconded by Senators Alves, Coderre and Ruggerio.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 46 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 46: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Connors, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Hunter, Igliazzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, McDonald, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walsh, Walton.

NAYS - 0.

Also:

(02-H 6718) An Act relating to the General Assembly.

Read and ordered to be placed on the Desk.

TRANSMITTAL

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

ADJOURNMENT

Upon motion of Senate Whip Coderre, seconded by Senator Algieri, and upon suggestion of Senators McBurney, Tassoni and Senate Majority Leader Irons, the Senate adjourns at 6:45 o'clock P.M., on a unanimous rising vote, as a further mark of respect to the memory of Dr. Eleanor M. McMahon, Ernest A. Robert and the deceased employees of the Providence Journal.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

VETOES BY THE GOVERNOR

(02-S 2383) (Substitute "A") An Act relating to courts and civil procedure - courts - District Court.

The act is accompanied by the following message of disapproval.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS EXECUTIVE CHAMBER, PROVIDENCE

Lincoln C. Almond
Governor

June 11, 2002

To the Honorable, the Senate:

In accordance with the provisions of Rhode Island General Laws Section 43-1-4, I am transmitting herewith with my disapproval, (02-S 2383) (Substitute "A") An Act relating to courts and civil procedure - courts - District Court.

Section 1 of this bill would allow the Chief Judge of the District Court to appoint any member of the Rhode Island bar, not just deputy clerks, as district court clerks/magistrates. Section 2, which was later added to the bill, would divest the Governor of the right to appoint the clerk of the Rhode Island Supreme Court every five years with the advice and consent of the Senate. It would instead confer that authority on the Chief Justice of the Supreme Court with the advice and consent of the Senate.

On June 6, 2002, I vetoed House bill (02-H 6968) (Substitute "A"), for the same reasons I veto this bill - its Senate twin. I have no difficulty with the original version of the bill. My problem is with the Substitute "A", which is little more than another power grab by the Senate. For over 60 years, the Governor of this State has appointed the chief clerk with the advice and consent of the Senate.

I have sympathy for the view of the Supreme Court Chief Justice (who I proudly appointed) that he should be able to make his own selection of clerk without interference from the other branches of government. As such, I would not disapprove of a bill that actually accomplished that. This bill, however, does not. While the Senate sees fit to exclude the Governor completely, it steadfastly refuses to relinquish its power to have a say in who the next chief clerk is. This is not fair to future Governors. This bill is therefore just another tragic example of institutional disrespect by the legislature of the Office of the Governor - a disrespect that would not occur in a constitutional government with properly

separated powers between the legislature and the executive.

For the foregoing reasons, I disapprove of this legislation and respectfully urge your support of this veto.

Sincerely,

LINCOLN C. ALMOND
Governor

Also:

(02-S 2522 as amended) An Act relating to taxation

The act is accompanied by the following message of disapproval.

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

Lincoln C. Almond
Governor

June 11, 2002

To the Honorable, the Senate:

In accordance with the provisions of Rhode Island General Laws Section 43-1-4, I am transmitting herewith with my disapproval, (02-S 2522 as amended) "An Act relating to taxation."

This bill would allow certain financially distressed communities to establish municipal economic development zones (MEDs) to obtain exemptions for businesses in those zones from collecting half of Rhode Island's 7% sales and use tax, effectively charging the consumer a 3.5% sales tax rate. Excluded from the sales tax exemption are sales of motor vehicles; furniture; home furnishings, including mattresses and oriental rugs; tobacco products and packaged alcoholic beverages. The other half of the sales tax actually collected and turned over to the State would be returned to the municipality for use solely in the MED. As such, the State would keep no sales tax generated in the MED. Existing Rhode Island businesses could open a branch in the MED, but could only relocate and benefit from the exemption by increasing total employment by 50%. The bill authorizes a defined MED district in West Warwick.

I vetoed a substantially similar bill last year. For the same reasons I disapprove of this one. If allowed to become law, this bill would open up a can of worms. Presently, Rhode Island's sales and use tax (with respect to all goods subject to it) applies uniformly throughout the State, regardless of where the goods are sold. This bill, for the first time, would eliminate that uniformity. Undesirable consequences would result. If one or more communities are allowed to welcome businesses that charge consumers a discounted sales tax, it would put all other Rhode Island municipalities and businesses without a branch in the MED at a competitive disadvantage.

The incentive for businesses to open a branch in the MED would be irresistible, especially as its competitors did so. Indeed, this is the very purpose of the legislation. The extensive catalog of goods exempted by the bill are in part a result of objections raised by those businesses who learned of the bill and did not want to be put at a 2002-S competitive disadvantage. The bill also penalizes businesses already in the MED by denying them the lower sales tax unless they undertake "new construction," assuming they even have land available to do so.

This bill has the further potential to wreak havoc with Rhode Island's sales tax collections. Businesses located in the MED would be able to sell their products for 3.5% less than the same product purchased anywhere else in the State. For

moderate to high-ticket items such as jewelry, furs, computers and appliances, this price difference to the consumer could be substantial, in the hundreds of dollars. As consumers flock to purchase goods at the discounted tax rate in the MED, other communities will seek the same reduced tax MED to spur economic growth in blighted areas. As more communities obtain MED status, a significant drain on Rhode Island's sales tax coffers would occur, potentially imperiling that vital source of State revenue.

The preface of the bill claims that the Providence Place Mall legislation and the Fidelity project, among others, serve as precedent for this bill. They do not. Unlike the proposal in this bill, no goods and services in the mall subject to the State sales tax are exempt from any part of the tax, nor is any of the multi-million dollar annual sales tax revenue to the State returned directly to the City. The mall has no competitive sales tax advantage over any other Rhode Island business. Likewise, no employee at Fidelity is exempt from the State income tax, so no other business is at a competitive disadvantage with respect to income taxes paid by its employees. Only this bill cuts the State sales tax in half and returns the other half to the selected municipality.

The principal goal of my Administration has been economic development for Rhode Island. We have had tremendous success in this area, and much of it is owed to the State's policy of using tax incentives as investments to spur business development statewide. We have reduced the State's personal income tax rate by 10%, we have the nation's highest research and development tax credit, we have reduced the inventory tax, and we have attractive investment tax credits. These tax structure changes have benefited the State as a whole, and therefore each and every one of our communities.

I have and will continue to work with elected officials from the cities and towns to help spur economic development opportunities for our communities. This bill, however, represents an unsound public policy of playing favorites both as to municipalities and the businesses affected.

For the foregoing reasons, I disapprove of this legislation and respectfully urge your support of this veto.

Sincerely,

LINCOLN C. ALMOND
Governor

Also:

(02-S 2740) (Substitute "B") An Act relating to public property and works - Public-Private Redevelopment Initiative Act.

The act is accompanied by the following message of disapproval.

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

Lincoln C. Almond
Governor

June 11, 2002

To the Honorable, the Senate:

In accordance with the provisions of Rhode Island General Laws Section 43-1-4, I am transmitting herewith with my disapproval, (02-S 2740) (Substitute "B") "An Act relating to public property and works - Private-Public Redevelopment Initiative Act."

This bill would create an I-195 Redevelopment Board which would be responsible for supervising the replanning, replatting, redevelopment and improvement of certain State-owned properties that will become available by the relocation of Interstate Route 195 and its on and off ramps. The Board is empowered to sell or lease the subject State-owned property and "execute, administer and enforce comprehensive agreements" with private entities for the redevelopment of the project area through "qualifying projects."

All land transactions entered into by the Board are exempt from the State Purchasing act, the Management and Disposal of Property Act and the Municipal Award Act. The Board would be composed of nine (9) members: two public members to be appointed by the Speaker of the House ; two public members to be appointed by the Majority Leader of the Senate; two members to be appointed by the Governor; two public members to be appointed by the Mayor of Providence; and one member to be appointed by the Providence Foundation.

I veto this bill on separation of powers grounds. The power to affect the disposition, whether by lease or sale, of State-owned property paid for by the taxpayers, is rightfully the province of the executive branch of government. Legislators make the law. Neither they nor their appointees should be executing the law by sitting on boards and commissions that do so, never mind mandating four legislative appointments with only two gubernatorial appointments.

This bill would allow the Board to mandate that all applicable state and local agencies permit a "qualifying project" on an accelerated basis. In this way, the Board would have the power to alter and control the timing and tracking of the permit process for all executive agencies. This Board is another unwarranted intrusion into functions of the executive.

Tellingly, at the same time the General Assembly creates this special board to control certain State-owned property and staffs it with its own appointees, it also removes many of the safeguards already in place for the disposition of State property - safeguards that ensure that valuable state assets are not being transferred in special deals. The disposition of State property is currently governed by rules and regulations that promote the best and highest use of valuable assets as well as integrity and accountability in the disposition process. This Board would be given the power to decide, unilaterally, to whom and under what terms the subject State-owned property shall be sold, leased or subject to a "comprehensive agreement" - completely sidestepping competitive bidding pursuant to the State Purchases Act. It removes the requirements under the present system that any suspected collusion be reported to the Attorney General. This legislation further eliminates the approval of the Department of Administration as to the substance of any transaction, and diminishes the present Attorney General role by replacing it with a nonbinding Attorney General advisory opinion requirement.

This Administration has continued to demonstrate its support for economic and civic development and the improvement of public education, public services and infrastructure. These ends are not met by a special board heavily weighted with legislators lacking sufficient controls to prevent abuse.

For the foregoing reasons, I disapprove of this legislation and respectfully urge your support of this veto.

Sincerely,

LINCOLN C. ALMOND
Governor

As always, your [comments](#) concerning this page are welcomed and appreciated.

Thank you for stopping by!

