

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 seventh day of January in the year of Our Lord two thousand and three.

Volume 130, No. 64 Tuesday, June 24, 2003 Sixty-fourth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable William V. Irons, President of the Senate, at 4:10 o'clock P.M.

The roll is called and a quorum is declared present with 37 Senators present and 1 Senator absent as follows:

PRESENT — 37: The Honorable President Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT — 1: Senator Polisena.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Thursday, June 19, 2003 proceedings is read in part.

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

APPOINTMENTS BY THE GOVERNOR

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

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

EXECUTIVE CHAMBER, PROVIDENCE

Donald L. Carcieri

Governor

June 18, 2003

To the Honorable, the Senate:

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

Richard M. Oster of Barrington

VICE

Dennis Langley

for a term expiring April 1, 2004.

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

Sincerely,

DONALD L. CARCIERI

Governor

Read and referred to the Committee on Environment and Agriculture.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

EXECUTIVE CHAMBER, PROVIDENCE

Donald L. Carcieri

Governor

June 5, 2003

To the Honorable, the Senate:

I have the honor to inform you that in accordance with the provisions of Section 46-23-2 of the Rhode Island General Laws, I have made the following appointment to the Coastal Resources Management Council:

Laurence W. Ehrhardt of North Kingstown

Public Member

VICE

Pamela Pogue

for a term expiring January 31, 2006.

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

Sincerely,

DONALD L. CARCIERI

Governor

Read and referred to the Committee on Environment and Agriculture.

FROM THE
HOUSE OF REPRESENTATIVES

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

(03-H 6474) An Act relating to taxation.

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

Also:

(03-H 6475) An Act relating to cities and towns — exempting from taxation property of the Newport, Rhode Island Young Men’s Christian Association.

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

Also:

(03-H 6525) An Act relating to taxation — levy and assessment of local taxes.

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

Also:

(03-H 6526) An Act relating to taxation — property subject to taxation.

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

Also:

(03-H 6527) An Act relating to taxation — elderly real property exemption.

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

Also:

(03-H 6391 as amended) An Act relating to education — Civic Education Commission.

Read and referred to the Committee on Education.

Also:

(03-H 5611) (Substitute "A") An Act relating to taxation.

Read and referred to the Committee on Finance.

Also:

(03-H 6033) An Act relating to towns and cities — relief of injured and deceased firefighters and police officers.

Read and referred to the Committee on Finance.

Also:

(03-H 6535) An Act authorizing the town of Middletown to finance the construction, furnishing and equipping of an elementary school through the issuance of not more than \$8,400,000 bonds and/or notes.

Read and referred to the Committee on Finance.

Also:

(03-H 5890) An Act relating to children, youth and families — children’s bill of rights.

Read and referred to the Committee on Health and Human Services.

Also:

(03-H 6512) An Act relating to solemnization of marriages.

Read and referred to the Committee on Judiciary.

Also:

(03-H 6534) An Act relating to Family Court.

Read and referred to the Committee on Judiciary.

REPORTS OF COMMITTEES

TRANSFER OF BILL

Senator McCaffrey, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Judiciary to the Committee on Commerce, Housing and Municipal Government:

(03-H 5043) An Act relating to towns and cities — general powers.

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

COMMITTEE ON COMMERCE, HOUSING

AND MUNICIPAL GOVERNMENT

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

(03-S 681) (Substitute "A") An Act creating the Quonset Point/Davisville Management Corporation.

Read and ordered to be placed on the Calendar.

(03-S 931) (Substitute "A") An Act relating to towns and cities — Chopmist Water District.

Read and ordered to be placed on the Calendar.

(03-S 1092) (Substitute "A") An Act authorizing the town of North Smithfield to acquire the property, assets and personnel of the North Smithfield Fire and Rescue Service, Inc. in order to establish a new municipal fire department.

Read and ordered to be placed on the Calendar.

(03-S 1126) An Act relating to towns and cities — creating the West Greenwich Water District.

Read and ordered to be placed on the Calendar.

(03-H 5191) (Substitute "A") An Act relating to property subject to taxation.

Read and ordered to be placed on the Calendar.

(03-H 5753 as amended) An Act authorizing the city of Providence to convey certain property dedicated for park purposes.

Read and ordered to be placed on the Calendar.

(03-H 5909) (Substitute "B") An Act relating to insurance — small employer health insurance availability act.

Read and ordered to be placed on the Calendar.

(03-H 6066) An Act relating to motor vehicle insurance — motor vehicle body replacement parts.

Read and ordered to be placed on the Calendar.

(03-H 6181) (Substitute "B") An Act relating to insurance — small employer health insurance.

Read and ordered to be placed on the Calendar.

(03-H 6354) An Act in amendment of an act passed at the January session, 1937, entitled "An Act to incorporate the Shelter Harbor Fire District," approved April 27, 1937, as amended at the January session, 1950, approved April 25, 1950.

Read and ordered to be placed on the Calendar.

(03-H 6453) (Substitute "A") An Act authorizing the town of North Smithfield to acquire the property, assets and personnel of the North Smithfield Fire and Rescue Service, Inc. in order to establish a new municipal fire department.

Read and ordered to be placed on the Calendar.

COMMITTEE ON CONSTITUTIONAL
AND GAMING ISSUES

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

(03-S 1128) An Act relating to naming a building, bridge, edifice and other state construction.

Read and ordered to be placed on the Desk.

(03-S 1144) An Act relating to alcoholic beverages — retail licenses.

Read and ordered to be placed on the Calendar.

(03-H 5595) Joint Resolution memorializing Congress to take action to stabilize the Medicare program.

Read and ordered to be placed on the Calendar.

(03-H 6217) An Act relating to motor vehicles — special registration plate — Coventry — police chief emeritus.

Read and ordered to be placed on the Calendar.

COMMITTEE ON FINANCE

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

(03-S 458) An Act relating to state affairs and government — the Rhode Island Law Enforcement Accreditation Commission.

Read and ordered to be placed on the Calendar.

(03-S 776) (Substitute "A") An Act relating to taxation — sales and use taxes — liability and computation.

Read and ordered to be placed on the Calendar.

(03-S 1049 as amended) An Act relating to real property — recording of instruments.

Read and ordered to be placed on the Calendar.

(03-S 1054) An Act relating to parking surcharges in the Providence parking district.

Read and ordered to be placed on the Calendar.

(03-S 1056 as amended) An Act relating to taxation — sales and use taxes — liability and computation.

Read and ordered to be placed on the Calendar.

(03-S 1058) An Act relating to alcoholic beverages — retail licenses.

Read and ordered to be placed on the Calendar.

(03-S 1127 as amended) An Act relating to taxation.

Read and ordered to be placed on the Calendar.

(03-S 1130) An Act authorizing the town of Middletown to finance the construction, furnishing and equipping of an elementary school through the issuance of not more than \$8,400,000 bonds and/or notes.

Read and ordered to be placed on the Calendar.

(03-S 1141) An Act authorizing the town of Portsmouth to issue general obligation bonds and/or notes in an amount not to exceed \$3,800,000 to construct a field house facility, including a gymnasium for Portsmouth High School.

Read and ordered to be placed on the Calendar.

(03-H 5069) (Substitute "A" as amended) An Act making revised appropriations for the support of the state for fiscal year ending June 30, 2003.

Read and ordered to be placed on the Calendar.

(03-H 5459) An Act relating to education — the Rhode Island Student Investment Initiative.

Read and ordered to be placed on the Calendar.

(03-H 6489) An Act authorizing the town of Portsmouth to issue general obligation bonds and/or notes in an amount not to exceed \$3,800,000 to construct a field house facility, including a gymnasium for Portsmouth High School.

Read and ordered to be placed on the Calendar.

NEW BUSINESS

The following items are received and referred to committee pending any objection of the body on the next legislative day.

Senator Tassoni presents (03-S 1160) Joint Resolution making an appropriation to pay certain veterans’ bonuses.

Read and referred to the Committee on Finance.

Senator Gibbs presents (03-S 1161) An Act authorizing the town of Middletown to borrow up to \$2,500,000 for the purpose of financing the construction of sewers and sewerage systems through the issuance of its general obligation bonds or notes including but not limited to, any bonds or notes issued pursuant to financing agreements with the Rhode Island Clean Water Finance Agency.

Read and referred to the Committee on Finance.

Senators Paiva Weed, Sosnowski, Perry, Felag and Sheehan present (03-S 1162) Joint Resolution extending the reporting date of the special legislative commission to develop a strategic plan for Narragansett Bay.

Read and referred to the Committee on Constitutional and Gaming Issues.

Senator Lenihan presents (03-S 1163) An Act to vacate the forfeiture or revocation of the charter of the Potowomut Investment Company.

Read and ordered to be placed on the Consent Calendar.

Senator Sosnowski presents (03-S 1164) Senate Resolution honoring Caitlin Floskis for her dedicated community service.

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senators Perry, Ciccone, Pichardo, Goodwin and Ruggerio present (03-S 1165) Senate Resolution expressing condolences to Irene Gerber on the passing of Isidore Gerber.

Senator Perry requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

Senators Irons, Ruggerio, Montalbano, Ciccone and Lanzi present (03-S 1166) Senate Resolution congratulating the Laborers’ International Union of North America on their 100th Anniversary.

Senator Ruggerio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

CALENDAR

In order for the day is taken up as follows:

1. Appointment of Miriam Coleman of East Greenwich VICE Frank Flaherty (resigned) to the Board of Governors for Higher Education for a term expiring January 31, 2004.

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

Senator Lenihan, seconded by Senators Issa, Algiere, Parella and many others, moves that Advice and Consent of the Senate be given this appointment.

The Advice and Consent of the Senate is given this appointment, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS — 0.

2. (03-S 553 as amended) An Act relating to health and safety — health care accessibility and quality assurance act.

Committee on Commerce, Housing and Municipal Government recommends passage as amended.

Senator Tassoni moves passage, seconded by Senators Roberts and Celona.

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

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

NAYS — 0.

5. (03-S 1114) An Act relating to taxation — town of Lincoln.

Committee on Commerce, Housing and Municipal Government recommends passage.

Senator Connors moves passage, seconded by Senators Celona and Montalbano.

Senator Connors, seconded by Senators Celona and Montalbano, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(03-S 1114)

Mr. President:

I hereby move to amend (03-S 1114) entitled "AN ACT RELATING TO TAXATION — TOWN OF LINCOLN", as follows:

(1) On page 1, line 3, by deleting the words and figure "one million four hundred thousand dollars (\$1,400,000)" and inserting in place thereof the words and figure "five hundred thousand dollars (\$500,000)".

Respectfully submitted,

DANIEL P. CONNORS

Senator, District 19

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 Irons and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS — 0.

Upon motion of Senator Connors, seconded by Senators Celona and Montalbano, the act is read and passed, as amended, 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 Irons and Senators Algieri, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS — 0.

6. (03-H 5234) Joint Resolution making an appropriation to pay certain veterans’ bonuses.

Committee on Finance recommends passage in concurrence.

Senator Ruggerio moves passage, seconded by Senators Tassoni, Felag and others.

The resolution is read and passed, in concurrence, 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 Irons and Senators Algieri, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Tassoni.

NAYS — 0.

7. (03-H 5232) Joint Resolution making an appropriation to pay certain veterans’ bonuses.

Committee on Finance recommends passage in concurrence.

Senator Felag moves passage, seconded by Senator Ruggerio.

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

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

NAYS — 0.

8. (03-H 5085 as amended) An Act relating to property.

Committee on Environment and Agriculture recommends passage as amended.

Senator Sosnowski moves passage, seconded by Senators Breene and Tassoni.

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

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

NAYS — 0.

9. (03-S 714) (Substitute "A" as amended) An Act relating to motor and other vehicles — responsibility of owners of rental vehicles.

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

Senator DaPonte moves passage, seconded by Senator McCaffrey.

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

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

NAYS — 0.

10. (03-S 1078) (Substitute "A" as amended) An Act relating to public property and works.

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

Senator DaPonte moves passage, seconded by Senator McCaffrey.

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, upon a roll call vote with 35 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

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

NAYS — 1: Senator Connors.

11. (03-H 5252) (Substitute "A") An Act relating to the National Guard.

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

Senator McCaffrey moves passage, seconded by Senators Celona, Tassoni, Issa, Felag and others.

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

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

NAYS — 0.

12. (03-H 5342) (Substitute "A" as amended) An Act relating to criminal procedure — warrants for arrest.

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

Senator McCaffrey moves passage, seconded by Senator Montalbano.

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

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

NAYS — 0.

13. (03-S 843) (Substitute "A" as amended) An Act relating to public utilities and carriers.

Committee on Financial Services, Technology and Regulatory Issues recommends indefinite postponement of the original bill and passage of Substitute "A" as amended.

Upon suggestion of Senator Gallo, and without objection, ordered to be placed on the Calendar for Thursday, June 26, 2003.

14. (03-S 1122) (Substitute "A" as amended) An Act relating to securities.

Committee on Financial Services, Technology and Regulatory Issues recommends indefinite postponement of the original bill and passage of Substitute "A" as amended.

Senator Felag moves passage, seconded by Senator Walaska.

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

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

NAYS — 0.

15. (03-H 5409) (Substitute "A") An Act relating to banking law — dishonored checks.

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

Upon suggestion of Senator Ruggerio, and without objection, ordered to be placed on the Calendar for Wednesday, June 25, 2003.

16. (03-H 5897) (Substitute "B") An Act relating to securities.

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

Senator Felag moves passage, seconded by Senator Walaska.

The bill marked Substitute "B" is read and passed, and the original bill and the bill marked Substitute "A" indefinitely postponed, by unanimous

consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS — 0.

17. (03-S 388) (Substitute "A") An Act relating to businesses and professions — patient safety act.

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

Senator Roberts moves passage, seconded by Senators Ruggerio, Sheehan and Parella.

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

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

NAYS — 0.

18. (03-S 442) (Substitute "A") An Act relating to anatomical gifts by motor vehicle operators.

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

Senator Blais moves passage, seconded by Senators Roberts, Goodwin, Perry, Breene and many others.

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

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

NAYS — 0.

3. (03-S 499) An Act relating to towns and cities — relief of firefighters and police officers.

Committee on Finance recommends passage.

Senator Alves moves passage, seconded by Senators Paiva Weed, Tassoni, Ruggerio, Celona, DaPonte, Felag and Lanzi.

Senator Paiva Weed, seconded by Senator Alves, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(03-S 499)

Mr. President:

I hereby move to amend (03-S 499) entitled "AN ACT RELATING TO TOWNS AND CITIES — RELIEF OF FIREFIGHTERS AND POLICE OFFICERS", as follows:

(1) On page 2, line 3, by inserting the following language after the stricken word "occupation.":

"No police officer so disabled and receiving benefits shall engage in similar employment with any other law enforcement agency. No police officer so disabled shall qualify for benefits under this section if that officer is engaged in alternative employment at a compensation equal to or greater than three (3) times the amount of the pension benefits to which he or she is entitled to under this chapter."

(2) On page 2, lines 4 through 6, by deleting all language thereon.

Respectfully submitted,

M. TERESA PAIVA WEED

Senator, District 13

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

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

NAYS — 0.

Upon motion of Senator Alves, seconded by Senator Paiva Weed, the act is read and passed, as amended, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS — 34: The Honorable President Irons and Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

4. (03-H 5701) An Act relating to towns and cities — relief of firefighters and police officers.

Committee on Finance recommends passage in concurrence.

Senator Alves moves passage, seconded by Senators Paiva Weed and Ruggerio.

Senator Paiva Weed, seconded by Senators Alves and Ruggerio, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(03-H 5701)

Mr. President:

I hereby move to amend (03-H 5701) entitled "AN ACT RELATING TO TOWNS AND CITIES — RELIEF OF FIREFIGHTERS AND POLICE OFFICERS", as follows:

(1) On page 2, delete lines 6 and 7, and insert in lieu thereof the following language:

"that officer is engaged in alternative employment at a compensation equal to or greater than three (3) times the amount of the pension benefits to which he or she is entitled to under this chapter."

Respectfully submitted,

M. TERESA PAIVA WEED

Senator, District 13

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

YEAS — 35: The Honorable President Irons and Senators Algiere, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Pichardo,

Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS — 0.

Upon motion of Senator Alves, seconded by Senators Paiva Weed and Ruggerio, the act is read and passed, as amended, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS — 0.

REPORT OF COMMITTEE

TRANSFER OF BILLS

Senator Sosnowski, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Environment and Agriculture to the Committee on Constitutional and Gaming Issues:

(03-S 1158) An Act relating to the General Assembly.

Read and referred to the Committee on Constitutional and Gaming Issues.

FROM THE

HOUSE OF REPRESENTATIVES

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

(03-H 6545) An Act relating to taxation — levy and assessment of local taxes.

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

Also:

(03-H 6547) An Act authorizing the town of Middletown to borrow up to \$2,500,000 for the purpose of financing the construction of sewers and sewerage systems through the issuance of its general obligation bonds or notes including but not limited to, any bonds or notes issued pursuant to financing agreements with the Rhode Island Clean Water Finance Agency.

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

Also:

(03-H 6519) An Act relating to education — the Rhode Island Student Investment Initiative.

Read and referred to the Committee on Education.

Also:

(03-H 6501) An Act relating to alcoholic beverages — retail licenses.

Read and referred to the Committee on Constitutional and Gaming Issues.

ANNOUNCEMENTS

Senator Fogarty announces that the Committee on Commerce, Housing and Municipal Government will meet today at the rise of the Senate in Room 212 of the State House.

Also:

Senator Goodwin announces that the Committee on Constitutional and Gaming Issues will meet on Wednesday, June 25, 2003, at the rise of the Senate in Room 211 of the State House.

Also:

Senator Issa announces that the Committee on Education will meet today at the rise of the Senate in the Senate Lounge of the State House.

Also:

Senator Connors announces that the Committee on Environment and Agriculture will meet on Wednesday, June 25, 2003, at 2:30 o'clock P.M. in the Senate Lounge of the State House.

Also:

Senator Raptakis announces that the Committee on Judiciary will meet today at the rise of the Senate in Room 313 of the State House.

Also:

Senator Ciccone announces that the Committee on Labor will meet on Wednesday, June 25, 2003, at 3:00 o'clock P.M. in Room 212 of the State House.

CONTINUOUS CALENDAR

Upon suggestion of Senate Majority Leader Montalbano, seconded by Senator Connors, and without objection, the Senate will operate on a continuous calendar, under suspension of the rules.

DESK TO REMAIN OPEN

Without objection, the Honorable President announces that the Secretary's Desk will remain open to receive Committee Reports.

TRANSMITTAL

By unanimous consent, all Senate matters and 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 and all House matters, passed in concurrence, are ordered placed on the desk.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns at 4:42 o'clock P.M.

RAYMOND T. HOYAS, JR.

Secretary of the Senate

Appendix

INVOCATION

SENATOR J. MICHAEL LENIHAN

Dear Lord, when the day is long and wearisome, the hours tense and tiring, keep the minds and spirits of Thy servants here alert, strong, forgiving and patient. Amen.

Appendix

CONSENT CALENDAR

In order for Wednesday, June 25, 2003:

- 1. (03-S 1163) An Act to vacate the forfeiture or revocation of the charter of the Potowomut Investment Company.

Ordered on the Consent Calendar.

RAYMOND T. HOYAS, JR.

Secretary of the Senate

Tuesday, June 24, 2003

Appendix

CALENDAR

In order for Wednesday, June 25, 2003:

- 1. (03-S 923) An Act relating to the town of Exeter — Juvenile Hearing Board.

Committee on Judiciary recommends passage.

- 2. (03-S 829) (Substitute "A") An Act relating to businesses and professions — physical therapists.

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

- 3. (03-S 843) (Substitute "A" as amended) An Act relating to public utilities and carriers.

Committee on Financial Services, Technology and Regulatory Issues recommends indefinite postponement of the original bill and passage of Substitute "A" as amended.

- 4. (03-H 5409) (Substitute "A") An Act relating to banking law — dishonored checks.

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

- 5. (03-S 681) (Substitute "A") An Act creating the Quonset Point/Davisville Management Corporation.

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

6. (03-S 931) (Substitute "A") An Act relating to towns and cities — Chopmist Water District.

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

7. (03-S 1092) (Substitute "A") An Act authorizing the town of North Smithfield to acquire the property, assets and personnel of the North Smithfield Fire and Rescue Service, Inc. in order to establish a new municipal fire department.

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

8. (03-S 1126) An Act relating to towns and cities — creating the West Greenwich Water District.

Committee on Commerce, Housing and Municipal Government recommends passage.

9. (03-H 5191) (Substitute "A") An Act relating to property subject to taxation.

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

10. (03-H 5753 as amended) An Act authorizing the city of Providence to convey certain property dedicated for park purposes.

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

11. (03-H 5909) (Substitute "B") An Act relating to insurance — small employer health insurance availability act.

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

12. (03-H 6066) An Act relating to motor vehicle insurance — motor vehicle body replacement parts.

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

13. (03-H 6181) (Substitute "B") An Act relating to insurance — small employer health insurance.

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

14. (03-H 6354) An Act in amendment of an act passed at the January session, 1937, entitled "An Act to incorporate the Shelter Harbor Fire District," approved April 27, 1937, as amended at the January session, 1950, approved April 25, 1950.

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

15. (03-H 6453) (Substitute "A") An Act authorizing the town of North Smithfield to acquire the property, assets and personnel of the North Smithfield Fire and Rescue Service, Inc. in order to establish a new municipal fire department.

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

16. (03-S 458) An Act relating to state affairs and government — the Rhode Island Law Enforcement Accreditation Commission.

Committee on Finance recommends passage.

17. (03-S 776) (Substitute "A") An Act relating to taxation — sales and use taxes — liability and computation.

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

18. (03-S 1049 as amended) An Act relating to real property — recording of instruments.

Committee on Finance recommends passage as amended.

19. (03-S 1054) An Act relating to parking surcharges in the Providence parking district.

Committee on Finance recommends passage.

20. (03-S 1056 as amended) An Act relating to taxation — sales and use taxes — liability and computation.

Committee on Finance recommends passage as amended.

21. (03-S 1058) An Act relating to alcoholic beverages — retail licenses.

Committee on Finance recommends passage.

22. (03-S 1127 as amended) An Act relating to taxation.

Committee on Finance recommends passage as amended.

23. (03-S 1130) An Act authorizing the town of Middletown to finance the construction, furnishing and equipping of an elementary school through the issuance of not more than \$8,400,000 bonds and/or notes.

Committee on Finance recommends passage.

24. (03-S 1141) An Act authorizing the town of Portsmouth to issue general obligation bonds and/or notes in an amount not to exceed \$3,800,000 to construct a field house facility, including a gymnasium for Portsmouth High School.

Committee on Finance recommends passage.

25. (03-H 5069) (Substitute "A" as amended) An Act making revised appropriations for the support of the state for fiscal year ending June 30, 2003.

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

26. (03-H 5459) An Act relating to education — the Rhode Island Student Investment Initiative.

Committee on Finance recommends passage in concurrence.

27. (03-H 6489) An Act authorizing the town of Portsmouth to issue general obligation bonds and/or notes in an amount not to exceed \$3,800,000 to construct a field house facility, including a gymnasium for Portsmouth High School.

Committee on Finance recommends passage in concurrence.

28. (03-S 1144) An Act relating to alcoholic beverages — retail licenses.

Committee on Constitutional and Gaming Issues recommends passage.

29. (03-H 5595) Joint Resolution memorializing Congress to take action to stabilize the Medicare program.

Committee on Constitutional and Gaming Issues recommends passage in concurrence.

30. (03-H 6217) An Act relating to motor vehicles — special registration plate — Coventry — police chief emeritus.

Committee on Constitutional and Gaming Issues recommends passage in concurrence.

RAYMOND T. HOYAS, JR.

Secretary of the Senate

Tuesday, June 24, 2003