

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 sixth day of January in the year of Our Lord two thousand and four.

Volume 131, No. 35

Tuesday, April 27, 2004

Thirty-fifth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:12 o'clock P.M.

The roll is called and a quorum is declared present with 34 Senators present and 2 Senators absent as follows:

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

ABSENT – 2: Senators DaPonte, Gallo.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Thursday, April 22, 2004 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Issa and by unanimous consent, the Honorable President welcomes to the Chamber Kate Killory, Senior Manager, Government Affairs for MCI and Jay Goodman.

Upon suggestion of Senator Alves and by unanimous consent, the Honorable President welcomes to the Chamber Jeff Pare and Lynn Gaychuck who are here attending the Mental Health Rally.

Upon suggestion of Senators Perry and Sheehan and by unanimous consent, the Honorable President welcomes to the Chamber Dr. Xu Wenli of Providence.

Upon suggestion of Senators Walaska and Polisena and by unanimous consent, the Honorable President welcomes to the Chamber the Bishop Hendricken High School Basketball Team, Rhode Island State Basketball Champions, Division 1AA, Mark A. Marcello, Henry J. Rose, Rodney J. Maxie, Christopher P. Fantasia, James E. Baron, Joseph A. Mazzula, Donald J. Carcieri, Robert F. Vanner, David I. Rufful, William G. McNamara, Kenneth D. Walker, Brandon J. Gailliard, Stefan P. Nicotra, David G. Wilson.

COMMUNICATION

The Honorable President presents the following communication:

The Honorable Joseph A. Montalbano
President of the Senate
317 State House
Providence, RI 02903

Dear Mr. President:

Please be advised and let the record reflect that I will be absent from the Senate chamber on Tuesday April 27, 2004.

I would appreciate your recording my letter in the appropriate Senate Journal.

Thanks you for your attention to this matter.

Sincerely,
Hanna M. Gallo
Senator—District 27

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

March 22, 2004

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Public Law 2003 Chapter 344, I have made the following appointment to the East Providence Waterfront District Commission:

John R. Gowell, Jr. of Providence
(expertise in the field of finance)

for a term expiring March 31, 2008.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

Also:

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

Donald L. Carcieri
Governor

March 22, 2004

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Public Law 2003 Chapter 344, I have made the following appointment to the East Providence Waterfront District Commission:

Jacob Harpootian of East Providence

For a term expiring March 31, 2008.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

Also:

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

Donald L. Carcieri
Governor

April 8, 2004

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Public Law 2003 Chapter 344, that provides the appointment of the Chairperson jointly by the Governor and the Mayor of East Providence to the East Providence Waterfront District Commission, we do hereby appoint:

Patrick Rogers of East Providence

For a term expiring March 31, 2008.

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

Sincerely,



Donald L. Carcieri
Governor

Sincerely,

Rolland R. Grant
Mayor of East Providence

Read and referred to the Committee on Judiciary.

REPORTS OF COMMITTEES

COMMITTEE ON HEALTH AND HUMAN SERVICES

Senator Roberts, from the Committee on Health and Human Services, reports back, with recommendation of passage of the following measures:

Senate Bill No. 2029 SUB A

BY Senators Sosnowski, Roberts, Lenihan, Polisena, Sheehan

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- RHODE ISLAND WORKERS' SAFETY ACT OF 2004

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2160

BY Senators Badeau, Perry, Ruggiero, Walaska, Ciccone

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- PHARMACIES.

Read and ordered to be placed on the Calendar

Also:

Senate Resolution No. 2195 SUB A

BY Senators Gibbs, Bates, Parella, Perry, Roberts

ENTITLED, SENATE RESOLUTION REQUESTING THE DEPARTMENT OF MENTAL HEALTH, RETARDATION AND HOSPITALS TO STUDY THE GUARDIANSHIP NEEDS OF GROUP HOME RESIDENT STATE WARDS

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2317 SUB A

BY Senators Perry, Goodwin, Caprio F, DaPonte, Pichardo

ENTITLED, AN ACT RELATING TO DETERMINATION OF NEED FOR NEW HEALTH CARE EQUIPMENT AND NEW INSTITUTIONAL SERVICES

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2367 SUB A

BY Senators Alves, Perry, Roberts, Goodwin, McCaffrey

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

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2413

BY Senators Roberts, Polisena, Ruggerio, Sheehan

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH CARE QUALITY PROGRAM.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2416 SUB A

BY Senators Sheehan, Perry, Paiva-Weed, Roberts, Gibbs

ENTITLED, AN ACT RELATING TO INSURANCE - HEALTH MAINTENANCE ORGANIZATIONS

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2637 SUB A

BY Senators Polisena, Damiani, McCaffrey

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH CARE FACILITIES

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 3002 SUB A

BY Senator Alves

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- LICENSING OF NURSING FACILITIES

Read and ordered to be placed on the Calendar

COMMITTEE ON JUDICIARY

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

Senate Bill No. 2129 SUB A (Attorney General)

BY Senators Polisena, Damiani, Sosnowski, Algieri, Breene

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- CRIMINALLY NEGLIGENT BATTERY

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2168

BY Senators Tassoni, Roberts, DaPonte, Lanzi, Polisena

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- TRAFFIC CONTROL DEVICES.

Received and referred to the Committee on Corporations

Also:

Senate Bill No. 2237

BY Senators Revens, McCaffrey, Walaska

ENTITLED, AN ACT RELATING TO AERONAUTICS -- UNIFORM AERONAUTICAL REGULATORY ACT.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2401 (by request)

BY Senators McCaffrey, Connors, Caprio F

ENTITLED, AN ACT RELATING TO PUBLIC BUILDINGS.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2666 SUB A (State Police)

BY Senator Algieri

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- ACCIDENTS AND ACCIDENT REPORTS

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2667 SUB A

BY Senators Paiva-Weed, Goodwin, McCaffrey, Gallo, Perry

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- CODE OF ETHICS

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2853 SUB A (Attorney General)

BY Senators Montalbano J, Paiva-Weed, Algieri, McCaffrey, Polisena

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- SEARCH WARRANTS {LC2749/2/A}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2856

BY Senator Lenihan

ENTITLED, AN ACT RELATING TO ELECTIONS -- VOTING DISTRICTS AND OFFICIALS AND PRIMARY ELECTIONS.

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 measures:

Senate Bill No. 2378 SUB A

BY Senators Badeau, Connors

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2774 SUB A

BY Senators Ruggerio, Ciccone, Felag, Goodwin

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2926 SUB A**BY** Senators DaPonte, Damiani, Caprio F**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- SUNDAY BUSINESS

Read and ordered to be placed on the Calendar

REPORTS OF COMMITTEES**TRANSFER OF BILLS**

Senator Caprio, for the Committee on Commerce Housing and Municipal Government, reports back the following measure, with recommendation of transfer to the Committee on Financial Services, Technology and Regulatory Issues:

Senate Bill No. 3057**BY** Senators Polisena, Walaska**ENTITLED**, AN ACT RELATING TO INSURANCE - COMMERCIAL SPECIAL RISKS.

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

REPORTS OF COMMITTEES**TRANSFER OF BILLS**

Senator McCaffrey, for the Committee on Judiciary, reports back the following measure, with recommendation of transfer to the Committee on Finance:

Senate Bill No. 2707 (by request)**BY** Senator McCaffrey**ENTITLED**, AN ACT RELATING TO LEGAL SERVICES FOR INDIGENT CRIMINAL DEFENDANTS

Read and referred to the Committee on Finance

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 8451**BY** Williamson, Landroche, Murphy**ENTITLED**, AN ACT RELATING TO TAXATION - LEVY AND ASSESSMENT OF LOCAL TAXES.

Received and referred to the Senate Committee on Finance

Also:

House Bill No. 8452

BY Williamson, Landroche, Murphy

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

Received and referred to the Senate Committee on Finance

House Bill No. 8434

BY Flaherty

ENTITLED, AN ACT RELATING TO THE SOLEMNIZATION OF MARRIAGES.

Received and referred to the Senate Committee on Judiciary

Also:

House Bill No. 8450

BY Harwood

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

Received and referred to the Senate Committee on Judiciary

NEW BUSINESS

Senate Bill No. 3058

BY Senators Felag, Gibbs

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

Senator Felag requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Felag moves passage, seconded by Senator Gibbs.

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, Breene, Caprio, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

Senate Bill No. 3059

BY Senators Revens, Walaska, McCaffrey, Roberts, Lenihan

ENTITLED, AN ACT RELATING TO TAX CREDIT IN THE CITY OF WARWICK.

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

Also:

Senate Bill No. 3060

BY Senators Fogarty P, Tassoni, Felag, Goodwin, Gallo

ENTITLED, AN ACT EXEMPTING FROM TAXATION PROPERTY OF HARMONY HILL SCHOOL, INC. TO AN AMOUNT NOT EXCEEDING TEN MILLION DOLLARS (\$10,000,000).

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

Also:

Senate Bill No. 3061

BY Senators Alves, McCaffrey

ENTITLED, AN ACT RELATING TO PUBLIC FINANCE - PUBLIC CORPORATION DEBT MANAGEMENT.

Read and referred to the Senate Committee on Finance

Also:

Senate Resolution No. 3062

BY Senators Walaska, McCaffrey, Roberts, Raptakis, Revens

ENTITLED, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF DONNA M. FLAHERTY.

Senator Walaska requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Walaska moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution No. 3063**BY** Senators Polisena, Paiva-Weed, Gibbs**ENTITLED**, SENATE RESOLUTION CONGRATULATING ELIZABETH ANN HOFFMAN MURPHY, R.N. ON HER RETIREMENT AFTER OVER FORTY YEARS OF DEVOTED AND COMPASSIONATE SERVICE TO HER PATIENTS AND STUDENTS.

Senator Polisena requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Polisena moves passage, seconded by the entire Senate.

The resolution is read and passed, 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. 8436**BY** Amaral, Enos**ENTITLED**, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION -- TIVERTON.

Senator Felag requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Felag moves passage, seconded by Senator Gibbs.

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

NAYS- 0:

CALENDAR

In order for the day is taken up as follows:

IN ORDER FOR TUESDAY, APRIL 27, 2004:**1 2004-S 2861 as amended****BY Felag****ENTITLED,** AN ACT RELATING TO ELECTIONS -- LOCAL CANVASSING
AUTHORITY

Committee on Judiciary recommends passage as amended.

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

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

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

TO

2004 -- S 2861 As Amended

AN ACT RELATING TO ELECTIONS -- LOCAL CANVASSING AUTHORITY

Mr. President:

I hereby move to amend 2004 -- S 2861 As Amended, entitled "AN ACT RELATING TO ELECTIONS -
- LOCAL CANVASSING AUTHORITY", as follows:

(1) On page 1, line 8, by deleting the word "another" and inserting in place thereof the words "the
authority's".

Respectfully submitted,
SENATOR FELAG

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 Algieri, Alves, Badeau, Bates, Blais,
Breene, Caprio, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gibbs, Goodwin, Issa, Lanzi,
Lenihan, McBurney, McCaffrey, Paiva-Weed, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio,
Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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

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

NAYS- 0:

2 2004-S 2040

BY Issa

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
REGISTRATION OF VEHICLES

Committee on Constitutional & Gaming Issues recommends passage.

Senator Issa, moves passage, seconded by Senators Tassoni, Goodwin, Blais, Sosnowski, Connors, Walaska, Felag, Algieri, Fogarty, Damiani, Polisena and many others.

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

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

NAYS- 0:

3 2004-S 2042

BY Tassoni

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - -
REGISTRATION OF VEHICLES

Committee on Constitutional & Gaming Issues recommends passage.

Senator Tassoni, moves passage, seconded by Senators Goodwin, Sosnowski, Polisena, Blais and many others.

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

NAYS- 0:

4 2004-S 2101

BY Cote

ENTITLED, JOINT RESOLUTION TO SUBMIT THE FOLLOWING QUESTION TO THE QUALIFIED ELECTORS OF THE STATE AT THE NEXT GENERAL ELECTION IN 2004: "SHALL THERE BE A CONVENTION TO AMEND OR REVISE THE CONSTITUTION?"

Committee on Constitutional & Gaming Issues recommends passage.

Senator Cote, moves passage, seconded by Senators Lenihan, Goodwin, Gibbs, Paiva-Weed, Roberts, Sheehan, Algieri, Raptakis and many others.

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

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

NAYS- 0:

5 2004-S 2102 SUB A

BY Cote

ENTITLED, JOINT RESOLUTION PROVIDING FOR BI-PARTISAN PREPARATORY COMMISSION TO ASSEMBLE INFORMATION ON CONSTITUTIONAL QUESTIONS IN PREPARATION FOR A VOTE BY THE QUALIFIED ELECTORS ON THE HOLDING OF A CONSTITUTIONAL CONVENTION IN ACCORDANCE WITH ARTICLE XIV SECTION 2 OF THE RHODE ISLAND CONSTITUTION

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

Senator Cote, moves passage, seconded by Senators Raptakis, Badeau, Breene, Parella, Sheehan and Paiva-Weed.

Senator Cote, seconded by

Senators Raptakis, Lenihan, Gibbs, Paiva-Weed, Roberts, Sheehan and others, offers the following written motion to amend.

FLOOR AMENDMENT

TO

2004 -- S 2102 SUBSTITUTE A

JOINT RESOLUTION PROVIDING FOR BI-PARTISAN PREPARATORY COMMISSION TO ASSEMBLE INFORMATION ON CONSTITUTIONAL QUESTIONS IN PREPARATION FOR A VOTE BY THE QUALIFIED ELECTORS ON THE HOLDING OF A CONSTITUTIONAL CONVENTION IN ACCORDANCE WITH ARTICLE XIV SECTION 2 OF THE RHODE ISLAND CONSTITUTION

Mr. President:

I hereby move to amend 2004 -- S 2102 SUBSTITUTE A, entitled "JOINT RESOLUTION PROVIDING FOR BI-PARTISAN PREPARATORY COMMISSION TO ASSEMBLE INFORMATION ON CONSTITUTIONAL QUESTIONS IN PREPARATION FOR A VOTE BY THE QUALIFIED ELECTORS ON THE HOLDING OF A CONSTITUTIONAL CONVENTION IN ACCORDANCE WITH ARTICLE XIV SECTION 2 OF THE RHODE ISLAND CONSTITUTION", as follows:

By deleting all of the language beginning with line 1, page 1 through and including line 17, page 2 and inserting in place thereof the following:

“WHEREAS, Under the terms of Section 2 of Article XIV of Amendments and Revisions to the Rhode Island Constitution the question “Shall there be a convention to amend or revise the constitution?” must appear on the ballot at the general election, to be held on November 2, 2004; and

WHEREAS, Section 2 of Article XIV further provides that “prior to a vote by the qualified electors on the holding of a convention, the general assembly...shall provide for a bi-partisan preparatory commission to assemble information on constitutional questions for the electors...”; now, therefore be it

RESOLVED, That such Preparatory Commission shall consist of twelve (12) members, appointed as herein provided, to serve until the submission of their final report; and be it further

RESOLVED, That the Speaker of the House of Representatives shall appoint three (3) members of the House of Representatives; the House Minority Leader shall appoint one (1) member of the House of

Representatives; the President of the Senate shall appoint three (3) members of the Senate; the Senate Minority Leader shall appoint one (1) member of the Senate; and four (4) of whom shall be members of the public, none of whom shall be a holder of any elective public office and shall be appointed as follows; one (1) by the Speaker of the House, one (1) by the House Minority Leader, one (1) by the President of the Senate, and one (1) by the Senate Minority Leader; and be it further

RESOLVED, That the Preparatory Commission shall report its findings to the Governor, the Speaker of the House of Representatives, the President of the Senate, the minority leaders of the House and Senate, and to the public, through the news media, no later than July 30, 2004.

Forthwith upon the passage of this resolution, the members of the commission shall meet at the call of the Speaker of the House and organize and shall select from among themselves two (2) co-chairpersons, one of whom shall be a member of the House of Representatives and one of whom shall be a member of the Senate. Vacancies in said commission shall be filled in like manner as the original appointment.

The membership of said commission shall receive no compensation for their services but shall be allowed their travel and necessary expenses. The commission may engage such clerical, technical and other assistance as it may deem necessary to accomplish this purpose.

The commission may make use of such sources and means of gathering information pertinent to the fulfillment of its charge as it may deem appropriate.

All departments and agencies of the state shall furnish such advice and information, documentary and otherwise, to said commission and its agents as is deemed necessary or desirable by the commission to facilitate the purposes of this resolution.

The Speaker of the House is hereby authorized and requested to provide suitable quarters for said commission.”

Respectfully submitted,
SENATOR MARC A. COTE

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

NAYS- 0:

Senator Cote, moves passage of the act as amended, seconded by Senators Lenihan, Badeau, Breene, Sheehan and Roberts.

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

NAYS- 0:

6 2004-S 3026 as amended

BY Sosnowski

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION

Committee on Environment & Agriculture recommends passage as amended.

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

7 2004-S 3027 as amended

BY Lenihan

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION

Committee on Environment & Agriculture recommends passage as amended.

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

8 2004-S 3028

BY Sosnowski

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

Committee on Environment & Agriculture recommends passage.

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

9 2004-S 3039**BY Sosnowski****ENTITLED,** AN ACT RELATING TO FISH AND WILDLIFE

Committee on Environment & Agriculture recommends passage.

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

10 2004-S 3040**BY Roberts****ENTITLED,** AN ACT RELATING TO WATERS AND NAVIGATION -- WATER POLLUTION

Committee on Environment & Agriculture recommends passage.

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

11 2004-S 2059**BY Issa****ENTITLED,** AN ACT RELATING TO LEVY AND SALE ON EXECUTION

Committee on Finance recommends passage.

Senator Issa, moves passage, seconded by Senators Tassoni, Felag, Perry and Pichardo.

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

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

NAYS- 0:

12 2004-S 2709**BY Issa****ENTITLED,** AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES - RETIREMENT SYSTEM - CONTRIBUTIONS AND BENEFITS

Committee on Finance recommends passage.

Upon suggestion of Senator Issa, and without objection ordered to be placed on the Calendar for

Thursday, April 29, 2004.

13 2004-S 2619**BY Connors****ENTITLED,** AN ACT RELATING TO INSURANCE

Committee on Financial, Technology, Regulatory recommends passage.
Senator Connors, moves passage, seconded by Senators Walaska.

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

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

NAYS- 0:

ANNOUNCEMENTS

Senator Raptakis announces that the Committee on Judiciary will meet today, at the rise of the Senate, in Room 318 of the State House.

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

Senator Sheehan announces that the Committee on Health and Human Services will meet on Wednesday, April 28, 2004, at the rise of the Senate in Room 212 of the State House.

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 Senator Ruggerio, seconded by Senator Algieri, and upon suggestion of Senator Walaska, the Senate adjourns at 4:44 o'clock P.M. in memory of Donna M. Flaherty, former First Lady of the City of Warwick and wife of the Honorable Francis X. Flaherty, Associate Justice of the Rhode Island Supreme Court. She will be greatly missed.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR WALTER S. FELAG JR.

Dear God, we thank Thee for the gift of this new day with its opportunities for growth in nobility of character and in service to others. Amen.

Appendix**CALENDAR****IN ORDER FOR WEDNESDAY, APRIL 28, 2004:****1 2004-S 2934****BY DaPonte****ENTITLED,** AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
PROCEDURE GENERALLY

Committee on Judiciary recommends passage.

2 2004-S 2081 SUB A**BY Sosnowski****ENTITLED,** AN ACT RELATING TO REAL ESTATE SALES DISCLOSURESCommittee on Commerce, Housing & Municipal Government recommends indefinite
postponement of the original bill and passage of Substitute A.**3 2004-S 2526****BY Connors****ENTITLED,** AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -
EMERGENCY MANAGEMENT

Committee on Commerce, Housing & Municipal Government recommends passage.

4 2004-S 2616**BY Polisena****ENTITLED,** AN ACT RELATING TO INSURANCE -- UNFAIR CLAIMS
SETTLEMENT PRACTICES ACT

Committee on Commerce, Housing & Municipal Government recommends passage.

5 2004-S 2676**BY Gibbs****ENTITLED,** AN ACT RELATING TO ZONING ORDINANCES

Committee on Commerce, Housing & Municipal Government recommends passage.

6 2004-S 2997 as amended**BY Polisena****ENTITLED,** AN ACT RELATING TO MOTOR VEHICLES -- CAMPING
RECREATIONAL VEHICLECommittee on Commerce, Housing & Municipal Government recommends passage as
amended.

7 2004-S 2998**BY Breene****ENTITLED,** AN ACT RELATING TO THE TOWN OF EXETER -- TOWN MEETINGS

Committee on Commerce, Housing & Municipal Government recommends passage.

8 2004-S 2999**BY Connors****ENTITLED,** AN ACT RELATING TO HOMESTEAD EXEMPTIONS IN THE TOWN OF LINCOLN

Committee on Commerce, Housing & Municipal Government recommends passage.

IN ORDER FOR THURSDAY, APRIL 29, 2004:**1 2004-S 2709****BY Issa****ENTITLED,** AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES - RETIREMENT SYSTEM - CONTRIBUTIONS AND BENEFITS

Committee on Finance recommends passage.

2 2004-S 2029 SUB A**BY Sosnowski****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- RHODE ISLAND WORKERS' SAFETY ACT OF 2004

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

3 2004-S 2160**BY Badeau****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- PHARMACIES

Committee on Health & Human Services recommends passage.

4 2004-S 2195 SUB A**BY Gibbs****ENTITLED,** SENATE RESOLUTION REQUESTING THE DEPARTMENT OF MENTAL HEALTH, RETARDATION AND HOSPITALS TO STUDY THE GUARDIANSHIP NEEDS OF GROUP HOME RESIDENT STATE WARDS

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

5 2004-S 2317 SUB A**BY Perry****ENTITLED,** AN ACT RELATING TO DETERMINATION OF NEED FOR NEW HEALTH CARE EQUIPMENT AND NEW INSTITUTIONAL SERVICES

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

6 2004-S 2367 SUB A**BY Alves****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- SOCIAL WORKERS

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

7 2004-S 2413**BY Roberts****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH CARE QUALITY PROGRAM

Committee on Health & Human Services recommends passage.

8 2004-S 2416 SUB A**BY Sheehan****ENTITLED,** AN ACT RELATING TO INSURANCE - HEALTH MAINTENANCE ORGANIZATIONS

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

9 2004-S 2637 SUB A**BY Polisena****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH CARE FACILITIES

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

10 2004-S 2681 SUB A**BY Blais****ENTITLED,** AN ACT RELATING TO PHYSICAL THERAPISTS

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

11 2004-S 3002 SUB A**BY Alves****ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- LICENSING OF NURSING FACILITIES**

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

12 2004-S 2129 SUB A**BY Polisena****ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- CRIMINALLY NEGLIGENT BATTERY**

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

13 2004-S 2186**BY Bates****ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS -- CHILD SUPPORT ENFORCEMENT**

Committee on Judiciary recommends passage.

14 2004-S 2237**BY Revens****ENTITLED, AN ACT RELATING TO AERONAUTICS -- UNIFORM AERONAUTICAL REGULATORY ACT**

Committee on Judiciary recommends passage.

15 2004-S 2401**BY McCaffrey****ENTITLED, AN ACT RELATING TO PUBLIC BUILDINGS**

Committee on Judiciary recommends passage.

16 2004-S 2666 SUB A**BY Algieri****ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- ACCIDENTS AND ACCIDENT REPORTS**

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

17 2004-S 2667 SUB A**BY Paiva-Weed****ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES --
CODE OF ETHICS**

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

18 2004-S 2853 SUB A**BY Montalbano J****ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- SEARCH
WARRANTS**

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

19 2004-S 2856**BY Lenihan****ENTITLED, AN ACT RELATING TO ELECTIONS -- VOTING DISTRICTS AND
OFFICIALS AND PRIMARY ELECTIONS**

Committee on Judiciary recommends passage.

20 2004-S 2378 SUB A**BY Badeau****ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS**

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

21 2004-S 2774 SUB A**BY Ruggerio****ENTITLED, AN ACT RELATING TO TOWNS AND CITIES**

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

22 2004-S 2926 SUB A**BY DaPonte****ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
SUNDAY BUSINESS**

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

Raymond T. Hoyas, Jr.
Secretary of the Senate