

**State of Rhode Island and Providence Plantations**

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**Journal of the Senate**

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**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.**

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Volume 131, No. 45

Wednesday, May 19, 2004

Forty-fifth Day

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The Senate meets pursuant to adjournment and is called to order by the Honorable John C. Revens, Jr., President Pro Tempore of the Senate, at 4:15 o'clock P.M.

The roll is called and a quorum is declared present with 32 Senators present and 4 Senators absent as follows:

**PRESENT** – 32: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisen, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

**ABSENT** – 4: Senators Damiani, DaPonte, Montalbano, Raptakis.

**INVOCATION**

The Honorable President Pro Tempore, by unanimous consent, presents Senator Blais, to deliver the invocation.

(See Appendix for Invocation)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**APPROVAL OF RECORD**

The Senate Journal of Tuesday, May 18, 2004 proceedings is read in part.

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

**GUESTS**

Upon suggestion of Senator McBurney and by unanimous consent, the Honorable President Pro Tempore welcomes to the Chamber his son Joseph J. McBurney, who recently graduated from The Catholic University of America in Washington D.C., where he finished fifth in his class of 650 students.

**COMMUNICATION**

The Honorable President Pro Tempore presents the following communication:

May 19, 2004

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

Dear Mr. President:

Please be advised that I will be absent from the Senate Session on Tuesday May 18, and Wednesday May 19 2004.

Due to a serious family medical injury I was also unable to be at the Senate Session on Tuesday May 11, and Wednesday May 12, 2004.

Sincerely,  
Michael J. Damiani  
State Senator District 18

**REPORTS OF COMMITTEES**

**COMMITTEE ON JUDICIARY**

Senator McCaffrey, from the Committee on Judiciary, reports back, with recommendation that advice and consent of the Senate be given to the following:

Appointment of Jerry L. McIntyre, Esquire of Jamestown VICE Alan S. Flink to the Commission on Judicial Tenure and Discipline for a term expiring April 1, 2006.

Read and ordered to be placed on tomorrows calendar.

Also:

**Senate Bill No. 2921**

**BY** Senators Damiani, Polisena, Sosnowski, DaPonte, Blais  
**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- DNA DETECTION OF FELONY OFFENDERS.

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. 3003**

**BY** Senators Pichardo, Connors, Paiva-Weed, Ruggiero  
**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- TRANSPORTATION OF WORKERS.

Read and ordered to be placed on the Calendar

Also:

**House Bill No. 7083 SUB A**

**BY** Corvese, Laroche, Brien T, San Bento, Almeida  
**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- CONTRACTORS' BONDS

Read and ordered to be placed on the Calendar

Also:

**House Bill No. 7084 SUB A**

**BY** Corvese, Laroche, Brien T, San Bento, Almeida  
**ENTITLED**, AN ACT RELATING TO SAFETY AWARENESS

Read and ordered to be placed on the Calendar

Also:

**House Bill No. 7863**

**BY** Williams, Almeida, Slater, Ajello, Tejada  
**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS - TRANSPORTATION OF WORKERS.

Read and ordered to be placed on the Calendar

Also:

**House Bill No. 7875** SUB A as amended

**BY** Winfield

**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- SUNDAY BUSINESS

Read and ordered to be placed on the Calendar

Also:

**House Bill No. 7910** SUB A

**BY** Moura

**ENTITLED**, AN ACT RELATING TO LABOR -- PAYMENT OF WAGES

Read and ordered to be placed on the Calendar

Also:

**House Bill No. 7994**

**BY** Carter, Malik, Rose, Gallison, Brien T

**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- MECHANICAL TRADES.

Read and ordered to be placed on the Calendar

Also:

**House Bill No. 8150** SUB A (Dept. Labor & Training)

**BY** Trillo, Long

**ENTITLED**, AN ACT RELATING TO MECHANICAL TRADES

Read and ordered to be placed on the Calendar

#### **FROM THE HOUSE OF REPRESENTATIVES**

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

**House Bill No. 8404**

**BY** Malik

**ENTITLED**, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION

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

Also:

**House Bill No. 8467**

**BY** Anguilla

**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF EAGLE ENTERPRISES INC.

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

Also:

**House Bill No. 8433**

**BY** Anguilla, Gallison

**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF PEDY CASH PROPERTIES, INC.

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

Also:

**House Bill No. 8417**

**BY** Anguilla, Gallison

**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF BRISTOL TO FINANCE ROAD AND SIDEWALK IMPROVEMENT PROJECTS BY ISSUANCE OF NOT MORE THAN \$5,000,000 BONDS THEREFOR

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

Also:

**House Bill No. 8359** SUB A as amended

**BY** Naughton, Ginaitt, Giannini, Crowley, Carter

**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION -- THE RHODE ISLAND BAYS, RIVERS, AND WATERSHEDS COORDINATION TEAM

Received and referred to the Senate Committee on Environment and Agriculture

Also:

**House Bill No. 7799** SUB A as amended

**BY** Kennedy, Anguilla, Lally, Gallison, Watson

**ENTITLED**, AN ACT RELATING TO FINANCIAL INSTITUTIONS - - COMMUNITY OBLIGATIONS AND BANKING OFFENSES

Received and referred to the Senate Committee on Senate Financial, Technology and Regulatory Issues

Also:

**House Bill No. 8411**

**BY** Lewiss

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Received and referred to the Senate Committee on Judiciary

Also:

**House Bill No. 8444**

**BY** Lally

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Received and referred to the Senate Committee on Judiciary

Also:

**House Bill No. 8448**

**BY** San Bento, Shanley

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Received and referred to the Senate Committee on Judiciary

Also:

**House Resolution No. 8540**

**BY** Murphy, Fox, Naughton, Crowley, Ginaitt

**ENTITLED**, JOINT RESOLUTION STRONGLY ENDORSING THE RECOMMENDATIONS OF THE PRELIMINARY REPORT OF THE UNITED STATES OCEAN COMMISSION ON OCEAN POLICY.

Senator Paiva-Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Paiva-Weed moves passage, seconded by Senator Algieri.

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

## CALENDAR

## IN ORDER FOR WEDNESDAY, MAY 19, 2004:

**1. 2004-S 2825 SUB A as amended****BY Polisena****ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS - -  
CORRECTIONAL OFFICERS -- ARBITRATORS**

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

Upon suggestion of Senator Polisena, and without objection, ordered to be placed on the Calendar for Thursday, May 20, 2004.

**2. 2004-S 2684 SUB A****BY Bates****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT**

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

Senator Bates moves passage, seconded by Senators Gibbs, Gallo, Felag and others.

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

YEAS- 28: Senators Algieri, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Cote, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Polisena, Revens, Roberts, Ruggerio, Tassoni, Walaska.

NAYS- 0:

**3. 2004-S 2019 SUB A as amended****BY Blais****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT**

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

Senator Blais moves passage, seconded by Senator Breene.

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

YEAS- 26: Senators Algieri, Alves, Bates, Blais, Breene, Caprio, Ciccone, Cote, Felag, Fogarty, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Polisena, Revens, Roberts, Ruggerio, Sheehan, Tassoni, Walaska.

NAYS- 0:

**4. 2004-S 2294 SUB A as amended**

**BY Lanzi**

**ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS –  
GOVERNMENT OVERSIGHT AND FISCAL ACCOUNTABILITY  
REVIEW ACT

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

Upon suggestion of Senator Lanzi, and without objection, ordered to be placed on the Calendar for Wednesday, May 26, 2004.

**5. 2004-S 2320 SUB A**

**BY Tassoni**

**ENTITLED,** AN ACT RELATING TO THE RHODE ISLAND JUSTICE  
COMMISSION

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

Senator Tassoni moves passage, seconded by Senator Perry.

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

YEAS- 29: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Cote, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Polisena, Revens, Roberts, Ruggerio, Sheehan, Tassoni, Walaska.

NAYS- 0:

**6. 2004-S 2917 SUB A as amended**

**BY Paiva-Weed**

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

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

Senator Paiva-Weed moves passage, seconded by Senators Lenihan, Felag and Sheehan.



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

## FLOOR AMENDMENT

TO

2004 -- S 2917 SUBSTITUTE A, As Amended

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

Mr. President:

I hereby move to amend 2004 -- S 2917 SUBSTITUTE A, As Amended entitled "AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- CODE OF ETHICS", as follows:

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

"SECTION 1. Section 36-14-8 of the General Laws in Chapter 36-14 entitled "Code of Ethics" is hereby amended to read as follows:

**36-14-8. Rhode Island ethics commission -- Establishment -- Members -- Vacancies -- Quorum -- Compensation and quarters.** - - (a) There is hereby established an independent and nonpartisan Rhode Island ethics commission composed of nine (9) members appointed by the governor with the advice and consent of the senate. The president of the senate, the minority leader of the senate, the speaker of the house of representatives, the majority leader of the house of representatives, and the minority leader of the house of representatives shall, within twenty (20) days of July 21, 1992, each submit to the governor a list of names of not fewer than three (3) but not more than at least five (5) individuals. The governor shall, within forty (40) days of July 21, 1992, appoint one individual from each of the lists so submitted and four (4) individuals without regard to the lists submitted by the legislative leaders.

(b) Members of the commission shall serve for terms of five (5) years, except that, of the members first appointed:

(1) The individual appointed from the list submitted by the majority leader of the house of representatives shall serve for one year;

(2) ~~The individuals~~ individual appointed from the ~~lists~~ list submitted by the minority leader of the senate and one of the individuals appointed by the governor without regard to the lists submitted by the legislative leaders shall serve for two (2) years; (3) The individual appointed from the list submitted by the minority leader of the house of representatives and one of the individuals appointed by the governor without regard to the lists submitted by the legislative leaders shall serve for three (3) years;

(4) The individual appointed from the list submitted by the president of the senate ~~and one of the individuals appointed from the list submitted by the minority leader of the house of representatives, and one of the individuals appointed by the governor without regard to the lists submitted by the legislative leaders~~ shall serve for four (4) years; and

(5) The individual appointed from the list submitted by the speaker of the house of representatives and one of the individuals appointed by the governor without regard to the lists submitted by the legislative leaders ~~from the list submitted by the minority leader of the senate~~ shall serve for five (5) years. Each legislative leader who provides a list of nominees shall provide a statement of their qualifications to serve on the commission.

(c) No member shall be reappointed to the commission ~~appointed for more than one full five (5) year term~~; provided, however, that a person initially appointed to serve two (2) years or less of a full five (5) year term, may, upon expiration of that term be appointed to serve one full term; provided further that each member shall continue to serve until his or her successor is appointed and qualified; and, provided further, that if, at the time of the expiration of any member's term, that member is actively engaged in the adjudication of a complaint, he or she

shall continue to serve in that capacity until the commission has completed its responsibilities with respect to that complaint.

(d) The governor shall, at the time of the initial appointments to the commission, designate one member to act as chairperson of the commission for a period of one year and another to act as vice chairperson of the commission for a period of one year. Thereafter, the commission shall elect a chairperson and a vice chairperson. The vice chairperson shall act as chairperson in the absence of the chairperson or in the event of a vacancy in that position.

(e) Notwithstanding the provisions of subsections (b) and (c) of this section, the expiration date of each five (5) year term shall be March 1<sup>st</sup>. The term for each commissioner appointed before August 1<sup>st</sup>, 2004 is extended to the March 1<sup>st</sup> next following the original expiration date of his or her term.

(f) For appointment to the ethics commission, authorities shall nominate individuals who have demonstrated the highest level of ethical standards in connection with their business, professional, occupational, financial or community commitments, and who possess the following qualifications: integrity, familiarity with governmental ethics issues, objectivity, common sense and compassion.

(g) To fill an expired term, the nominating authority shall submit a list of names to the governor by January 15. The governor shall post all such nominations for a period of at least fifteen (15) days in a prominent place in the state house as well as electronically on any electronic site maintained by the state and in a newspaper of statewide circulation. The governor shall, by February 1<sup>st</sup>, forward to the senate the name of any nominee chosen from the lists of the legislative nominating authorities, as well as the name of any nominee chosen directly by the governor.

(h) Any member of the ethics commission who shall resign prior to the end of the member's term shall give notice to the nominating authority who originally nominated that member, to the secretary of state and to the governor.

~~(e)~~(i) Any vacancy on the commission, occurring for any reason prior to the expiration of the term, shall be filled for the unexpired term by the appointing authority in the same manner as the original appointment within thirty (30) days of the vacancy occurring. ; provided, however, that the appropriate nominating authority shall submit a list of names to the governor within fifteen (15) days of the vacancy occurring. The governor shall post all such nominations for a period of at least fifteen (15) days in a prominent place in the state house as well as electronically on any electronic site maintained by the state and in a newspaper of statewide circulation. The governor shall, within thirty (30) days of the vacancy occurring, forward to the senate the name of any nominee chosen from the lists of the legislative nominating authorities, as well as the name of any nominee chosen directly by the governor. If a vacancy occurs when the senate is not in session, the date of vacancy shall be considered to be the following January 1, and the procedure in this paragraph shall be followed.

~~(f)~~(j) No individual, while a member or employee of the commission, including any legal counsel engaged by the commission, shall:

(1) Hold or campaign for any other public office;

(2) Hold office in any political party or political committee;

(3) Participate in or contribute to any political campaign;

(4) Directly or indirectly attempt to influence any decision by a governmental body, other than as the duly authorized representative of the commission on a matter within the jurisdiction of the commission or be the business associate of a registered lobbyist as defined in section 22-10-2;

(5) Have held elective public office or have been a candidate for elective public office for a one year period prior to appointment.

~~(g)~~(k) The governor shall declare vacant the position on the commission of any member who takes part in activities prohibited by subsection ~~(f)~~(j) of this section. An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed for the unexpired term of the member he or she succeeds, and is eligible for appointment to one full five-year term thereafter if the unexpired term was two (2) years or less. Any vacancy occurring on the commission shall be filled within thirty (30) days in the manner in which that position was originally filled in the manner set forth in subsection 36-14-8 (i).

(l) In the event that the legislative nominating authority shall fail to act within the times prescribed herein, any such right hereunder shall be forfeited and the governor shall make such nominations as is required by this section within thirty (30) days of the nonfiling occurring.

(m) In the event that the governor shall fail to act within the times prescribed herein, any such right hereunder shall be forfeited and the lieutenant governor shall make such nominations as is required by this section within forty-five (45) days of the vacancy occurring.

(n) Upon receiving the name of the nominee from the governor or the lieutenant governor, the senate shall publish within seven (7) days the name of the nominee in a newspaper of statewide circulation and shall post the name of the nominee in a prominent place in the state house as well as electronically on any electronic site maintained by the state, inviting public comment and designating a depository for written and oral comment to be received within fifteen (15) days from the date of publication of the nominee's name.

(o) The senate shall hold public hearings on the nomination and vote on the question of approving the nominee to serve on the ethics commission subject to the general laws. If the senate rejects or if it fails to approve the nominee within thirty (30) days after the governor or the lieutenant governor submits the name, the governor or the lieutenant governor shall nominate some other person to fill the vacancy in accordance with this chapter within fifteen (15) days of the rejection or failure to approve the nominee.

(p) During the time for consideration of any nominee by the senate, the senate judiciary committee shall conduct an investigation and public hearing on the qualifications of such nominee. At the public hearing, the testimony of every witness shall be taken under oath and stenographic records shall be taken and maintained. Further, the senate judiciary committee shall during the course of its investigation and hearing have the power upon the majority vote of the committee members present to issue witness subpoenas, subpoenas duces tecum, and orders for the production of books, accounts, papers, records, and documents which shall be signed and issued by the chairperson of the committee, or the person serving in his or her capacity. All such subpoenas and orders shall be served in the same manner as subpoenas in civil cases in the superior court are served, and witnesses so subpoenaed shall be entitled to the same fees for attendance and travel as provided for witnesses in civil cases in the superior court. If the person subpoenaed to attend before the committee fails to obey the command of the subpoena without reasonable cause, refuses to be sworn, or to be examined, or to answer a legal and pertinent question, or if any person shall refuse to produce books, accounts, papers, records, and documents material to the issue, set forth in an order duly served on him or her, without privilege or immunity, the committee by majority vote of the committee members present may cite such person and refer the record of such citation to the attorney general for prosecution.

(q) The superior court may, upon petition of the chairperson of the senate judiciary committee, compel compliance with any lawfully issued subpoena or order issued hereunder.

(r) The committee shall, for the purpose of investigating the qualifications of the nominee, be furnished with a report compiled by the state police in conjunction with the attorney general's office indicating the factual findings of the state police and attorney general's office concerning the background of the nominee, and the report shall include, but not limited to, the following:

(1) Whether the nominee has ever been convicted of or pleaded guilty or nolo contendere to a misdemeanor or felony in this or any other state or foreign country;

(2) Whether the nominee has ever had a civil or administrative judgment rendered against him or her arising out of an allegation of fraud, misrepresentation, libel, slander, professional negligence, breach of ethical or other duty, or any intentional tort in this state or any other state or foreign country.

(3) A list of all political, elective, and appointive offices held or sought by candidacy by the nominee during the past five (5) years, and a list of all of the reported political contributions made by the nominee during the past five (5) years to any state or municipal official or any candidate for state or municipal office.

(s) The state police in conjunction with the attorney general's department shall provide in their report the names and addresses of each and every source of their information. The reports set forth in this section shall be delivered only to the chairperson and members of the senate judiciary committee in addition to the nominee or nominees prior to the commencement of the public hearing. Provided, however, that if the nominee withdraws or declines the appointment prior to the public hearing then the report or reports shall be returned to the chairperson of the judiciary committee and destroyed.

(t) Prior to the public hearing, the nominee shall file with the senate judiciary committee and the ethics commission a financial statement complying with the requirements of this chapter.

(u) By consenting to nomination, the nominee does, as a matter of law, release and hold harmless any person who shall make any statement to the state police in any inquiry authorized hereunder from any claim of

defamation. Any such statement shall be taken under the pains and penalty of perjury.

(v) Concurrent with the conduct of the inquiry required herein, the nominee shall supply to the senate judiciary committee, under oath, the information sought in subsection 36-14-8 (r).

~~(h)(w)~~ For any action to be taken under the terms of this chapter by the full commission, five (5) members of the commission shall constitute a quorum.

~~(i)(x)~~ Commission members shall receive ~~one two~~ two hundred dollars ~~(\$100)~~ (\$200) per day as compensation for attendance at meetings of the commission ~~or of any investigating committee or adjudicative panel of the commission~~, but not to exceed the sum of ~~six ten~~ ten thousand dollars ~~(\$6,000)~~ (\$10,000) annually as compensation of each member.

~~(j)(y)~~ All departments and agencies of the state or of any city or town or political subdivision within this state shall furnish such advice or information documentary or otherwise, to the commission and its agents as is deemed necessary or desirable by the commission to facilitate the purposes of this chapter.

~~(k)(z)~~ The director of administration is hereby authorized and directed to provide suitable quarters for the commission.

~~(l)(aa)~~ When commission members act in good faith within the scope of their authority and in their official capacities they shall be afforded protection against civil liability as provided in section 9-1-31.1.

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

Respectfully submitted,  
SENATOR LENIHAN

The motion to amend prevails upon a roll call vote with 29 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 29: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Cote, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Polisen, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Paiva-Weed moves passage of the act as amended, seconded by Senators Lenihan, Sheehan and Felag.

Senator Lenihan discusses the act.

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

YEAS- 29: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Polisen, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0

**7. 2004-H 8129 SUB A****BY Caprio D****ENTITLED, AN ACT RELATING TO FISH AND WILDLIFE**

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

Senator Sosnowski moves passage, seconded by Senators Sheehan and Caprio.

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

YEAS- 30: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Cote, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**GUESTS**

Upon suggestion of Senator Paiva-Weed and by unanimous consent, the Honorable President Pro Tempore welcomes to the Chamber Gemma Guinguing, Miss Deaf Rhode Island

**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 Blais, the Senate adjourns at 4:32 o'clock P.M. in memory of Howard Brightman

RAYMOND T. HOYAS, JR.  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SENATOR LEO R. BLAIS**

Dear God, keep alive our faith in You as we endeavor to perform our duties in order to ensure a better state of Rhode Island. Amen.

## Appendix

## CALENDAR

## IN ORDER FOR THURSDAY, MAY 20, 2004:

1. Appointment of Jerry L. McIntyre, Esquire of Jamestown VICE Alan S. Flink to the Commission on Judicial Tenure and Discipline for a term expiring April 1, 2006.

Committee on Judiciary recommends that the Senate give its Advice and Consent to this appointment.

2. **2004-S 2825 SUB A as amended**

**BY Polisena**

**ENTITLED,** AN ACT RELATING TO LABOR AND LABOR RELATIONS - -  
CORRECTIONAL OFFICERS -- ARBITRATORS

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

3. **2004-S 2527**

**BY Connors**

**ENTITLED,** AN ACT RELATING TO HOMESTEAD EXEMPTIONS IN THE  
TOWN OF LINCOLN

Committee on Commerce, Housing & Municipal Government recommends passage.

4. **2004-S 2990**

**BY Parella**

**ENTITLED,** AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO  
TAXATION

Committee on Commerce, Housing & Municipal Government recommends passage.

5. **2004-S 2991**

**BY Parella**

**ENTITLED,** AN ACT AMENDING AN ACT EXEMPTING FROM TAXATION AND  
AUTHORIZING THE HERRESHOFF MARINE MUSEUM TO  
INCREASE ITS HOLDINGS FROM AN AMOUNT NOT EXCEEDING  
ONE MILLION SIX HUNDRED THOUSAND DOLLARS  
(\$1,600,000) TO AN AMOUNT NOT EXCEEDING FOUR MILLION  
SIX HUNDRED THOUSAND DOLLARS (\$4,600,000)

Committee on Commerce, Housing & Municipal Government recommends passage.

**6. 2004-S 3030****BY Felag****ENTITLED,** AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION

Committee on Commerce, Housing &amp; Municipal Government recommends passage.

**7. 2004-S 3031****BY Revens****ENTITLED,** AN ACT RELATING TO PROPERTY SUBJECT TO TAXATION

Committee on Commerce, Housing &amp; Municipal Government recommends passage.

**8. 2004-S 3043****BY Connors****ENTITLED,** AN ACT RELATING TO ANIMALS - DOGS

Committee on Commerce, Housing &amp; Municipal Government recommends passage.

**9. 2004-S 3059****BY Revens****ENTITLED,** AN ACT RELATING TO TAX CREDIT IN THE CITY OF WARWICK

Committee on Commerce, Housing &amp; Municipal Government recommends passage.

**10. 2004-S 3060****BY Fogarty P****ENTITLED,** AN ACT EXEMPTING FROM TAXATION PROPERTY OF HARMONY HILL SCHOOL, INC. TO AN AMOUNT NOT EXCEEDING TEN MILLION DOLLARS (\$10,000,000)

Committee on Commerce, Housing &amp; Municipal Government recommends passage.

**11. 2004-S 3065****BY Sheehan****ENTITLED,** AN ACT NAMING THE LONG TERM CARE PROGRAM, AND ASSOCIATED HOSPITAL WARDS, LOCATED AT THE R.I. INSTITUTE OF MENTAL HEALTH AFTER DR. ANDO SUVARI

Committee on Commerce, Housing &amp; Municipal Government recommends passage.

**12. 2004-S 3071****BY Issa****ENTITLED,** AN ACT AUTHORIZING THE CITY OF CENTRAL FALLS TO ISSUE BONDS AND NOTES IN AN AMOUNT NOT TO EXCEED \$10,000,000 FOR CAPITAL IMPROVEMENTS TO VARIOUS CITY BUILDINGS IN ORDER TO COMPLY WITH THE



RECENTLY REVISED STATE MANDATED BUILDING CODE  
REGULATIONS

Committee on Commerce, Housing & Municipal Government recommends passage.

13. **2004-S 3083**

**BY Sosnowski**

**ENTITLED, AN ACT RELATING TO THE BLOCK ISLAND HOUSING BOARD**

Committee on Commerce, Housing & Municipal Government recommends passage.

14. **2004-S 3084**

**BY Felag**

**ENTITLED, AN ACT RELATING TO CITIES AND TOWNS - WARREN**

Committee on Commerce, Housing & Municipal Government recommends passage.

15. **2004-S 2351**

**BY McBurney**

**ENTITLED, AN ACT RELATING TO VICTIMS ECONOMIC SECURITY AND SAFETY**

Committee on Judiciary recommends passage.

**IN ORDER FOR TUESDAY, MAY 25, 2004:**

1. **2004-S 2725 as amended**

**BY Ciccone**

**ENTITLED, AN ACT RELATING TO MOTOR VEHICLES - ABANDONED CARS**

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

2. **2004-S 2791**

**BY Goodwin**

**ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- TOWING STORAGE ACT**

Committee on Commerce, Housing & Municipal Government recommends passage.

3. **2004-S 2032 SUB A**

**BY Blais**

**ENTITLED, AN ACT RELATING TO HUMAN SERVICES - ABUSED AND NEGLECTED CHILDREN**

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

**4. 2004-S 2051****BY Blais****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT**

Committee on Judiciary recommends passage.

**5. 2004-S 2921****BY Damiani****ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- DNA  
DETECTION OF FELONY OFFENDERS**

Committee on Judiciary recommends passage.

**6. 2004-S 3003****BY Pichardo****ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS --  
TRANSPORTATION OF WORKERS**

Committee on Labor recommends passage.

**7. 2004-H 7083 SUB A****BY Corvese****ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --  
CONTRACTORS' BONDS**

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

**8. 2004-H 7084 SUB A****BY Corvese****ENTITLED, AN ACT RELATING TO SAFETY AWARENESS**

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

**9. 2004-H 7863****BY Williams****ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -  
TRANSPORTATION OF WORKERS**

Committee on Labor recommends passage in concurrence.

**10. 2004-H 7875 SUB A as amended****BY Winfield****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 in concurrence.

**11. 2004-H 7910 SUB A**

**BY Moura**

**ENTITLED, AN ACT RELATING TO LABOR -- PAYMENT OF WAGES**

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

**12. 2004-H 7994**

**BY Carter**

**ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS --  
MECHANICAL TRADES**

Committee on Labor recommends passage in concurrence.

**13. 2004-H 8150 SUB A**

**BY Trillo**

**ENTITLED, AN ACT RELATING TO MECHANICAL TRADES**

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

**IN ORDER FOR WEDNESDAY, MAY 26, 2004:**

**1. 2004-S 2294 SUB A as amended**

**BY Lanzi**

**ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --  
GOVERNMENT OVERSIGHT AND FISCAL ACCOUNTABILITY  
REVIEW ACT**

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

**IN ORDER FOR THURSDAY, MAY 27, 2004:**

**1. 2004-S 3089**

**BY Fogarty P**

**ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -  
MILL BUILDING AND ECONOMIC REVITALIZATION ACT**

Committee on Finance recommends passage.

**Raymond T. Hoyas, Jr.**  
**Secretary of the Senate**