

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. 62

Friday, July 23, 2004

Sixty-second Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:04 o'clock P.M.

The roll is called and a quorum is declared present with 36 Senators present and 0 Senators absent as follows:

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

ABSENT – 0:

INVOCATION

The Honorable President, by unanimous consent, presents Senate Majority Leader Paiva-Weed, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

The Honorable President, by unanimous consent, presents Senate Majority Leader Paiva-Weed, to lead the Senate in the pledge of allegiance to the flag.

APPROVAL OF RECORD

The Senate Journals of Wednesday, June 23, and Thursday, June 24, 2004 proceedings are read in part.

Upon suggestion of Senate Majority Leader Paiva-Weed, and by unanimous consent, further reading of the Journals are dispensed with and the Journals approved as recorded.

NEW BUSINESS

The following acts were introduced and referred to committee on July 21, 2004 as follows:

Senate Resolution No. 3237

BY Senator Alves

ENTITLED, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (ALLOWING CASINO GAMBLING).

Read and referred to the Committee on Constitutional Gaming Issues

Also:

Senate Bill No. 3238

BY Senator Alves

ENTITLED, AN ACT RELATING TO SPORTS, RACING AND ATHLETICS -- AND EXTENSION OF GAMBLING ACTIVITIES AND OTHER FACILITIES.

Read and referred to the Committee on Constitutional Gaming Issues

REPORTS OF COMMITTEES

COMMITTEE ON FINANCIAL SERVICES, TECHNOLOGY AND REGULATORY ISSUES

Senator Walaska, from the Committee on Financial Services, Technology and Regulatory Issues, reports back, with recommendation that advice and consent of the Senate be given to the following:

Appointment of Jose V. Monteiro, Jr. of Providence to the Rhode Island Housing and Mortgage Corporation.

Senator Walaska requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Walaska, seconded by Senators Gallo, Caprio, Paiva-Weed, Pichardo, Bates, Sosnowski, Breene and Algieri.

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

NAYS- 0:

GUEST

Upon suggestion of Senator Walaska, and by unanimous consent the Honorable President welcomes to the Chamber Jose V. Monteiro, Jr. of Providence.

COMMITTEE ON EDUCATION

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

Appointment of Paula Arruda of Coventry (Student Representative) to the Board of Governors for Higher Education.

Senator Issa requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Issa, seconded by Senators Gallo, Blais, Raptakis, Parella and Algieri.

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

NAYS- 0:

GUEST

Upon suggestion of Senator Issa, and by unanimous consent the Honorable President welcomes to the Chamber Paula Arruda of Coventry.

GUESTS

Upon suggestion of Senators Fogarty and Tassoni and by unanimous consent, the Honorable President welcomes to the Chamber the North Smithfield Senior League All-Stars 2004 District IV Champions: Brian Barry, Manager, Phil Paul, Coach, Lenny Giuliano, Coach, Team: Adam Priestly, Ian Gregory, Chris Carney, Phil Paul, Tom Gorman-Smith, Mike Giuliano, Ralph Sullivan.

DISAPPROVAL BY THE GOVERNOR

The Honorable President, presents a disapproval by the Governor on the following measure:

Senate Bill No. 2338 SUB A as amended

BY Senators Alves, Ruggerio

ENTITLED, AN ACT RELATING TO SPORTS, RACING AND ATHLETICS -- AND EXTENSION OF GAMBLING ACTIVITIES AND OTHER FACILITIES

Upon suggestion of Senator Ruggerio, and without objection, the reading of all veto messages is dispensed with as copies have been provided to each Senator.

Without objection, so ordered.

Senator Alves moves passage notwithstanding the disapproval of the Governor, seconded by Senators Ciccone, Goodwin, Badeau and Ruggerio.

Senator Algiere discusses the act.

The bill marked Substitute "A" is read and passed notwithstanding the disapproval of the Governor, as amended, and the original bill indefinitely postponed, by unanimous consent, upon roll call vote with 21 Senators voting in the affirmative and 13 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS- 21: The Honorable President Montalbano and Senators Alves, Badeau, Ciccone, Connors, Cote, Damiani, DaPonte, Fogarty, Gallo, Goodwin, Issa, Lanzi, McBurney, McCaffrey, Pichardo, Polisena, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 13: Senators Algiere, Bates, Blais, Breene, Caprio, Gibbs, Lenihan, Parella, Perry, Raptakis, Revens, Roberts, Sheehan.

ABSTAIN- 1: Senator Paiva-Weed.

FROM THE HOUSE OF REPRESENTATIVES

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

Senate Bill No. 2032 SUB A as amended

BY Senator Blais

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

Senator Blais moves passage, seconded by Senator Breene.

The bill marked Substitute "A" is read and passed, as amended, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon roll call vote with 31 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 31: The Honorable President Montalbano and Senators Algieri, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Damiani, DaPonte, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

Senate Bill No. 2081 SUB B (by request)

BY Senator Sosnowski

ENTITLED, AN ACT RELATING TO REAL ESTATE SALES DISCLOSURES

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

The bill marked Substitute "B" is read and passed, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ABSTAINED- 1: Senator Lenihan

Also:

Senate Bill No. 2140 SUB B

BY Senators Polisena, Roberts, Gallo, Paiva-Weed, Raptakis

ENTITLED, AN ACT RELATING TO INSURANCE -- PHARMACY FREEDOM OF CHOICE -- FAIR COMPETITION AND PRACTICES

Senator Polisena moves passage, seconded by Senators Damiani, Paiva-Weed, Ruggerio, Tassoni, Sosnowski, Raptakis and others.

The bill marked Substitute "B" is read and passed, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Bates, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney,

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

NAYS- 0:

ABSTAINED- 1: Senator Blais

Also:

Senate Bill No. 2798 as amended

BY Senator Blais

ENTITLED, AN ACT RELATING TO DEPARTMENT OF ADMINISTRATION - ORGAN TRANSPLANT FUND

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

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

YEAS- 30: The Honorable President Montalbano and Senators Algieri, Badeau, Bates, Blais, Breene, Connors, Cote, Damiani, DaPonte, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

NEW BUSINESS

Senate Resolution No. 3239

BY Senator Perry

ENTITLED, SENATE RESOLUTION CELEBRATING SEPTEMBER OF 2004 AS NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH IN THE STATE OF RHODE ISLAND.

Senator Perry requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Perry moves passage, seconded by the entire Senate.

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

Also:

Senate Bill No. 3240**BY** Senator Polisena**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF UNITED FENCE CO., INC..

Received and ordered to be placed on the Calendar

Senator Polisena requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Polisena moves passage, seconded by Senator Damiani.

The act is read and passed, 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 Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

Senate Bill No. 3241**BY** Senators Connors**ENTITLED**, AN ACT RELATING TO ELECTIONS -- STATEWIDE REFERENDA ELECTIONS.

Senator Connors requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

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, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

Senate Bill No. 3242**BY** Senators Paiva-Weed**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF JAMESTOWN TO FINANCE THE CONSTRUCTION OF A PUBLIC WORKS HIGHWAY FACILITY AND TO ISSUE NOT MORE THAN \$2,400,000 BONDS AND NOTES THEREFOR.

Received and ordered to be placed on the Calendar

Senator Paiva-Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Paiva-Weed moves passage, seconded by Senators Blais and Breene.

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

NAYS- 0:

COMMITTEE ON FINANCE

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

House Bill No. 8669 SUB A**BY** Naughton, Slater, Giannini, Handy, Coderre E**ENTITLED**, AN ACT RELATING TO HEALTH INSURANCE - - EARLY INTERVENTION SERVICES

Senator Paiva-Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Paiva-Weed moves passage, seconded by Senators Alves, Roberts and Pichardo.

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 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, DaPonte, Fogarty, Gallo, Gibbs, Goodwin, Issa,

Lanzi, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

NEW BUSINESS

Senate Bill No. 3243

BY Senators Revens, McCaffrey, Walaska

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

Senator Revens requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Revens moves passage, seconded by Senators McCaffrey, Lenihan and Roberts.

Senator McCaffrey seconded by Senators Revens, Walaska, Roberts, Damiani, Raptakis and Blais, offers an oral motion to amend.

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

YEAS- 31: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Gibbs, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Revens moves passage of the act as amended, seconded by Senators McCaffrey, Roberts, Lenihan and Walaska.

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

YEAS- 31: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Gallo, Gibbs, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

RECESS

Upon suggestion of Senator Ruggerio and by unanimous consent the Senate Stands at recess at 5:01 o'clock P.M. until the call of the chair.

CALLED TO ORDER

The Senate is called to order at 4:14 o'clock P.M. on Friday, July 30, 2004.

NEW BUSINESS**Senate Resolution No. 3245**

BY Senator Sosnowski

ENTITLED, SENATE RESOLUTION CONGRATULATING LEE A. WILLIAMS ON ATTAINING THE RANK OF EAGLE SCOUT.

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sosnowski moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution No. 3246

BY Senator Sosnowski

ENTITLED, SENATE RESOLUTION CONGRATULATING CHRISTOPHER T. GILROY ON ATTAINING THE RANK OF EAGLE SCOUT.

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sosnowski moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution No. 3247

BY Senator Sosnowski

ENTITLED, SENATE RESOLUTION CONGRATULATING EVAN J. CROUSE ON ATTAINING THE RANK OF EAGLE SCOUT.

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sosnowski moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution No. 3248

BY Senator Sosnowski

ENTITLED, SENATE RESOLUTION CONGRATULATING JUSTIN L. KANDLER ON ATTAINING THE RANK OF EAGLE SCOUT.

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sosnowski moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution No. 3249

BY Senator Sosnowski

ENTITLED, SENATE RESOLUTION CONGRATULATING CHRISTOPHER J. SIMPSON ON ATTAINING THE RANK OF EAGLE SCOUT.

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sosnowski moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution No. 3250

BY Senators Parella, Bates, Felag

ENTITLED, SENATE RESOLUTION CONGRATULATING ST. ELIZABETH SCHOOL ON THEIR 50TH ANNIVERSARY.

Senator Parella requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Parella moves passage, seconded by the entire Senate.

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

DISAPPROVAL BY THE GOVERNOR

The Honorable President, presents a disapproval by the Governor on the following measure:

Senate Bill No. 2193 SUB A as amended

BY Ciccone

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS -- APPOINTMENTS

Senator Ciccone moves passage, notwithstanding seconded by Senators Paiva-Weed, McCaffrey, Ruggerio, Felag, Damiani, Polisena, Lenihan, Lanzi, Connors and Badeau.

Senator Algiere discusses the act.

The bill marked Substitute "A" is read and passed, notwithstanding the Veto of the Governor, as amended, and the original bill indefinitely postponed, upon roll call vote with 25 Senators voting in the affirmative and 5 Senators voting in the negative as follows:

YEAS- 25: The Honorable President Montalbano and Senators Alves, Badeau, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 5: Senator Algiere, Bates, Breene, Gibbs, Parella

DISAPPROVAL BY THE GOVERNOR

The Honorable President, presents a disapproval by the Governor on the following measure:

Senate Bill No. 2447 SUB A as amended

BY Ruggerio

ENTITLED, AN ACT RELATING TO SAFETY AWARENESS

Senator Ruggerio moves passage, notwithstanding the Veto of the Governor, seconded by Senators Damiani, Polisena.

Senator Algiere discusses the act.

The bill marked Substitute "A" is read and passed, notwithstanding the Veto of the Governor, as amended, and the original bill indefinitely postponed, upon roll call vote with 25 Senators voting in the affirmative and 5 Senators voting in the negative as follows:

YEAS- 25: The Honorable President Montalbano and Senators Alves, Badeau, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 5: Senators Algiere, Bates, Breene, Gibbs, Parella.

DISAPPROVAL BY THE GOVERNOR

The Honorable President, presents a disapproval by the Governor on the following measure:

Senate Bill No. 2825 SUB A as amended

BY Polisena

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

Senator Polisena moves passage, notwithstanding the Veto of the Governor, seconded by Senators Damiani, Paiva-Weed, Ruggerio, Gallo, McCaffrey, Goodwin, Tassoni, Perry, McBurney, Alves, Badeau, Lanzi, and Ciccone.

Senator Bates discusses the act.

The bill marked Substitute "A" is read and passed, notwithstanding the Veto of the Governor, as amended, and the original bill indefinitely postponed, upon roll call vote with 23 Senators voting in the affirmative and 6 Senators voting in the negative as follows:

YEAS- 23: The Honorable President Montalbano and Senators Alves, Badeau, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Perry, Pichardo, Polisena, Roberts, Ruggerio, Sosnowski, Tassoni.

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

DISAPPROVAL BY THE GOVERNOR

The Honorable President, presents a disapproval by the Governor on the following measure:

Senate Bill No. 3208

BY Felag

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE --RHODE ISLAND VETERANS' HOME

Senator Felag moves passage, notwithstanding the Veto of the Governor, seconded by Senators Alves, Gallo, Damiani, Paiva-Weed, Badeau, Ciccone, Ruggerio, McBurney, Goodwin, Sosnowski, Pichardo, Lanzi, and many others.

Senator Algiere discusses the act.

The act is read and passed, notwithstanding the Veto of the Governor, upon a roll call vote with 25 Senators voting in the affirmative and 3 Senators voting in the negative as follows:

YEAS- 25: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Roberts, Ruggerio, Sosnowski, Tassoni.

NAYS- 3: Senators Algiere, Breene, Gibbs.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 7085 SUB A as amended

BY Corvese

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

Senator Polisena moves passage, notwithstanding the Veto of the Governor, seconded by Senators Tassoni, Damiani, Ciccone, Badeau, Gallo, Paiva-Weed, McBurney, McCaffrey and Ruggerio.

Senators Bates and Sheehan discuss the act.

The bill marked Substitute "A" is read and passed, notwithstanding the Veto of the Governor, as amended, in concurrence, and the original bill indefinitely postponed, upon roll call vote with 24 Senators voting in the affirmative and 6 Senators voting in the negative as follows:

YEAS- 24: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Breene, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Perry, Pichardo, Polisena, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

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

Also:

House Bill No. 7914 as amended

BY Ginaitt

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION -MAINTENANCE OF MARINE WATERWAYS AND BOATING FACILITIES

Senator Sosnowski moves passage, notwithstanding the Veto of the Governor, seconded by Senators Polisena, Damiani, Paiva-Weed, Ciccone, Badeau, McCaffrey, Goodwin, Roberts and Felag.

The act is read and passed, notwithstanding the Veto of the Governor, as amended, in concurrence, upon a roll call vote with 27 Senators voting in the affirmative and 3 Senators voting in the negative as follows:

YEAS- 27: The Honorable President Montalbano and Senators Algiere, Alves, Badeau, Bates, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sosnowski, Tassoni.

NAYS- 3: Senators Breene, Parella, Sheehan.

Also:

House Bill No. 8542 as amended

BY Carter

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE --RHODE ISLAND VETERANS' HOME

Senator Felag moves passage, notwithstanding the Veto of the Governor, seconded by Senators Ciccone, Paiva-Weed, Perry, McBurney, Pichardo and others.

The act is read and passed, notwithstanding the Veto of the Governor, as amended, in concurrence, upon a roll call vote with 25 Senators voting in the affirmative and 3 Senators voting in the negative as follows:

YEAS- 25: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisen, Roberts, Ruggerio, Sosnowski, Tassoni.

NAYS- 3: Senators Algieri, Breene, Gibbs.

Also:

House Bill No. 8708

BY Flaherty

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

Senator Revens moves passage, seconded by Senator McCaffrey.

Senator McCaffrey seconded by Senators Revens and Damiani, offers the following written motion to amend.

FLOOR AMENDMENT

TO

2004 -- H 8708

AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION

Mr. President:

I hereby move to amend 2004 -- H 8708, entitled "AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION", as follows:

1. On page 2, lines 31 and 32 by deleting the words and figure "two hundred and fifty thousand dollars

(\$250,000)” and inserting in place thereof the words and figure “four hundred thousand dollars (\$400,000)”.

Respectfully submitted,
SENATOR MCCAFFREY

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

YEAS- 30: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Breene, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 0:

Senator Revens, moves passage of the act as amended, seconded by Senator McCaffrey.

The act is read and passed, by unanimous consent, as amended, 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 Algieri, Alves, Badeau, Bates, Breene, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 0:

Also:

House Bill No. 8709

BY Fox

ENTITLED, JOINT RESOLUTION EXTENDING THE REPORTING DATE OF THE 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

Senator Cote moves passage, seconded by Senators Damiani, Breene and others.

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

COMMUNICATION

The Honorable President presents the following communication:

June 30, 2004

The Honorable Joseph A. Montalbano
Senate President
Room 318, State House
Providence, RI 02903

Dear President Montalbano:

Please be advised that because of a long scheduled vacation I will be absent from the Senate session today, July 30, 2004.

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

Respectfully Submitted,
Leo R. Blais
Deputy President Pro Tempore – Minority

Read and ordered to be placed on file.

CONGRATULATIONS

Senator Polisena extends congratulations to Nicholas Di Iorio, this year's recipient of the Providence Journal's Dick Reynolds Correspondents Scholarship, that is given to a student-athlete who works in accordance with the Providence Journal to report high school scores from around the state. Nick has served as an assistant to the Secretary of the Senate for the last two years and will enter college in the fall. The entire Senate joins in congratulating Nick on receiving this special recognition.

RECESS

Upon suggestion of Senator Paiva-Weed and by unanimous consent the Senate stands at recess at 4:41 o'clock P.M. until the call of the chair.

CALLED TO ORDER

The Senate is called to order at 6:45 o'clock P.M. on Friday, July 30, 2004.

**REPORTS OF COMMITTEES
COMMITTEE ON JUDICIARY**

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

Appointment of Luis A. Torrado, of Providence to the East Providence Waterfront District Commission for a term expiring March 31, 2008.

Senator Damiani, seconded by Senators McCaffrey, Polisena, Algieri, Bates and Breene 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 29 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 29: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Breene, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 0:

**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 William P. Robinson, III of East Greenwich VICE Associate Justice Robert G. Flanders, Jr., as Associate Justice of the Rhode Island Supreme Court.

Senator McCaffrey, seconded by Senators Polisena, Damiani, McBurney, Lenihan, Badeau, Cote, Revens, Parella, Gibbs, Bates, Breene, Algieri, Paiva-Weed, Ruggerio, Alves, Goodwin, Felag, Sheehan and many others.

Senators Damiani, Algieri, Lenihan, Sheehan and Paiva-Weed 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 30 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 30: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Breene, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 0:

GUEST

Upon suggestion of Senator Lenihan, and by unanimous consent the Honorable President welcomes to the Chamber the Honorable William P. Robinson, III, newly confirmed Associate Justice of the Rhode Island Supreme Court, along with his wife, Marlene Robinson, son Kevin Robinson, and daughter Courtney Robinson.

GUEST

Upon suggestion of Senator Fogarty, and by unanimous consent the Honorable President welcomes to the Chamber Cheryl Wright and Courtney Wright.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 7308 SUB B

BY Moura, Montanaro

ENTITLED, AN ACT RELATING TO LABOR AND PAYMENT OF DEBTS BY CONTRACTORS

Senator Badeau moves passage, notwithstanding the Veto of the Governor, seconded by Senators Ciccone, Polisena, Damiani, Ruggerio and others.

The bill marked Substitute "B" is read and passed, notwithstanding the Veto of the Governor, in concurrence, and the original bill indefinitely postponed, upon roll call vote with 25 Senators voting in the affirmative and 5 Senators voting in the negative as follows:

YEAS- 25: The Honorable President Montalbano and Senators Alves, Badeau, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 5: Senators Algiere, Bates, Breene, Gibbs, Parella.

Also:

House Bill No. 8653

BY Scott

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

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

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

YEAS- 29: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Breene, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 0:

Also:

House Bill No. 8713

BY Kennedy, Gallison, Winfield, Brien T, Aubin

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS -- UNFAIR SALES PRACTICES.

Senator Paiva-Weed moves passage, seconded by Senators McCaffrey and Badeau.

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

YEAS- 28: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Breene, Ciccone, Connors, Damiani, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 0:

Also:

House Bill No. 8714

BY Fox

ENTITLED, AN ACT RELATING TO THE COMPOSITION OF THE HOUSE OF REPRESENTATIVES.

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

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

YEAS- 29: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Breene, Ciccone, Connors, Damiani, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 0:

Also:

House Bill No. 8219 SUB A as amended (Governor)

BY Watson, Callahan, Story, Long, Scott

ENTITLED, AN ACT RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2005

Senator Alves moves passage, notwithstanding the Veto of the Governor, seconded by Senators Paiva-Weed, Roberts, Goodwin, McCaffrey, Gallo, Felag, Sosnowski, Damiani, Ciccone, Badeau and Perry.

Senator Algieri discusses the act.

The bill marked Substitute "A" is read and passed, notwithstanding the Veto of the Governor, as amended, in concurrence, and the original bill indefinitely postponed, upon roll call vote with 24 Senators voting in the affirmative and 6 Senators voting in the negative as follows:

YEAS- 24: The Honorable President Montalbano and Senators Alves, Badeau, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sosnowski, Tassoni.

NAYS- 6: Senators Algieri, Bates, Breene, Gibbs, Parella, Sheehan.

Also:

House Bill No. 8205 SUB A

BY Naughton, Slater, Giannini, Lima, Handy

ENTITLED, AN ACT RELATING TO HUMAN SERVICES -- FAMILY INDEPENDENCE ACT

Senator Alves moves passage, notwithstanding the Veto of the Governor, seconded by Senators Ruggerio, Perry, Roberts, Paiva-Weed, Felag, Ciccone, Goodwin, McCaffrey, McBurney, Sosnowski, Badeau, Damiani, Pichardo, Connors.

Senators Algieri, Pichardo, Sheehan and Alves discuss the act.

The bill marked Substitute "A" is read and passed, notwithstanding the Veto of the Governor, 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: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Breene, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 0:

NEW BUSINESS**Senate Resolution No. 3244****BY** Senators Paiva-Weed, Algieri**ENTITLED**, SENATE RESOLUTION THANKING THE SENATE STAFF FOR THEIR TIRELESS WORK, DEDICATED SERVICE AND DEVOTION TO THE SENATE AND THE CITIZENS OF RHODE ISLAND.

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

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

Senate Resolution No. 3251**BY** Senators Algieri, Montalbano J, Perry, Paiva-Weed, Felag**ENTITLED**, SENATE RESOLUTION THANKING SENATOR MARY A. PARELLA FOR HER 12 YEARS OF OUTSTANDING AND DEDICATED SERVICE TO THE CITIZENS OF BRISTOL AND PORTSMOUTH, TO THE RHODE ISLAND STATE SENATE, AND TO THE STATE OF RHODE ISLAND.

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

Senators Algieri, Paiva-Weed, Roberts, Sheehan, Gibbs, Felag, Perry, Alves, Lenihan, Ruggerio and Bates pay tribute to Senator Parella.

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

Senator Parella addresses the members of the Senate.

BEST WISHES

Senator Paiva-Weed extends congratulations and best wishes to Senator Algieri on the very special occasion of his Birthday.

ADJOURNMENT

Upon motion of Senator Ruggerio seconded by Senator Algieri and upon suggestion of Senator Goodwin, the Senate adjourns at 7:45 o'clock P.M. in memory of Norman Fitton, Jr.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR M. TERESA PAIVA-WEED

Lord, grant us Your higher wisdom to our leaders and our people. By Your grace, enable us to dwell together with unity of spirit and bonds of peace. Amen.