

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. 4

Tuesday, January 13, 2004

Fourth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable President Pro Tempore, President of the Senate, at 4:07 o'clock P.M.

The roll is called and a quorum is declared present with 36 Senators present and 2 Senators absent as follows:

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

ABSENT – 2: Senators Irons, Raptakis

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Thursday, January 8, 2004 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Fogarty and by unanimous consent, the Honorable President Pro Tempore welcomes to the Chamber The 2003 Undefeated Champion Football Team in Rhode Island – The Burrillville High School “Broncos”. Andrew C. Duquette, Cpt. Dwayne Hedquist, Jesse V. Dubey, Steven Detonnancourt, Lee M. Sulham, Glenn B. Oakes, Nicholas F. Cook, Kraig K. Keegan, Taylor C. Cook, Cpt. David Giorgi, Thomas V. Smith, Jr., Marc Laurent, Joseph Makowski, Nicholas R. Silva, Ian R. Ross, Joseph Green, Francis A. Silva, Edward J. Blanchard, Cpt. Nicholas A. Sionni, Kevin M. Allard, Ryan R. Leclair, Benjamin Jenness, Robert E. Bonczek, Adam P. Bisson, Eric J. Mckellick, Jeffrey D. Baker, Jr., Steven C. Hauser, Brett M. Hereth, Mitchell E. Jenness, Christopher Schabowski, Christopher Estrada, Timothy Schabowski, and Matthew J. Lariviere. Head coach Michael Hauser, Assistant coaches Gennaro Ferraro, David Hebert, Steve Pichie, Gregory Sulham, and Cameraman Rich Trembley.

APPOINTMENTS BY THE GOVERNOR

The Honorable President Pro Tempore presents the following communications 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

January 7, 2004

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-6-3 of the Rhode Island General Laws, I have made the following appointment as Director of the Department of Administration:

Beverly Najarian of West Greenwich

VICE

Robert J. Higgins

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Oversight.

Also:

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

Donald L. Carcieri
Governor

January 7, 2004

TO THE HONORABLE, THE SENATE:

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

Joseph Kimball of East Greenwich

VICE
Bradley J. Waugh
(resigned)

for a term expiring April 1, 2005.

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

Sincerely,



Donald L. Carcieri

Governor

Read and referred to the Committee on Environment and Agriculture.

Also:

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

Donald L. Carcieri
Governor

January 7, 2004

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 39-18-1 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Public Transit Authority:

Robert Batting of Barrington

VICE
Anna Prager

for a term expiring April 1, 2006.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Finance.

Also:

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

Donald L. Carcieri
Governor

January 7, 2004

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following appointment to the State Building Codes Standards Committee:

Robert M. Stillings of Providence
(Representing architects)

VICE
Steve Durkee

for a term expiring May 1, 2006.

To this appointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

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

Also:

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

Donald L. Carcieri
Governor

January 7, 2004

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following appointment to the State Building Codes Standards Committee:

Leonard Gemma of Lincoln
(Representing Master Plumbers)

VICE
John Cronin, Jr.
(resigned)

for a term expiring May 1, 2006.

To this appointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

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.7004 as amended

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- LOW AND MODERATE INCOME HOUSING

Referred to the Senate Committee on Commerce, Housing and Municipal Government.

Also:

House Bill No.7007

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF AMERICAN-COLUMBIAN LIQUORS, INC.

Ordered to be placed on the Senate Consent Calendar.

Also:

House Bill No.7009

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF RAMAC ASSOC., INC.

Ordered to be placed on the Senate Consent Calendar.

NEW BUSINESS

Senate Bill No. 2038

BY Senator Blais

ENTITLED, AN ACT RELATING TO EDUCATION -- SCHOOL DEPARTMENT EMPLOYEES

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

Also:

Senate Bill No. 2039

BY Senators Polisena, Tassoni, Ciccone, Raptakis and Blais

ENTITLED, AN ACT RELATING TO HOUSING APPEALS BOARD

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

Also:

Senate Bill No. 2040

BY Senators Issa, Felag, Tassoni, Caprio F and Connors

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- REGISTRATION OF VEHICLES (veterans plates)

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

Also:

Senate Bill No. 2041

BY Senators Fogarty P, Walaska, Sosnowski, Breene and Sheehan

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- REGISTRATION OF VEHICLES (temporary plates)

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

Also:

Senate Bill No. 2042

BY Senators Tassoni, Issa, Goodwin, DaPonte and Ruggerio

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - - REGISTRATION OF VEHICLES (reserve forces plates)

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

Also:

Senate Bill No. 2043

BY Senators Blais, Gibbs and Parella

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY

Read and referred to the Senate Committee on Environment and Agriculture.

Also:

Senate Bill No. 2044

BY Senators Blais, Gibbs and Parella

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - MERCURY REDUCTION AND EDUCATION ACT

Read and referred to the Senate Committee on Environment and Agriculture.

Also:

Senate Bill No. 2045

BY Senator Walaska

ENTITLED, AN ACT RELATING TO EDUCATION -- PRIVATE SCHOOLS

Read and referred to the Senate Committee on Education.

Also:

Senate Bill No. 2046

BY Senators Polisena, Damiani, Blais and Lanzi

ENTITLED, AN ACT RELATING TO EDUCATION - CURRICULUM

Read and referred to the Senate Committee on Education.

Also:

Senate Bill No. 2047

BY Senators Tassoni, Connors, Lanzi and Roberts

ENTITLED, AN ACT RELATING TO INSURANCE -- NONPROFIT DENTAL SERVICE CORPORATIONS

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

Also:

Senate Bill No. 2048

BY Senators Roberts, Tassoni, Perry, Paiva-Weed and Alves
ENTITLED, AN ACT RELATING TO HEALTH CARE FOR FAMILIES

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

Also:

Senate Bill No. 2049

BY Senators Parella, Roberts, Perry, Paiva-Weed and Gibbs
ENTITLED, AN ACT RELATING TO HUMAN SERVICES -- ENCOURAGING VOLUNTEER EFFORTS OF PHYSICIANS AND DENTISTS AT FREE HEALTH CLINICS

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

Also:

Senate Bill No. 2050

BY Senator Blais
ENTITLED, AN ACT RELATING TO INDICTMENTS, INFORMATIONS AND COMPLAINTS

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2051

BY Senator Blais
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2052

BY Senators Tassoni, Polisena, Lanzi, Damiani and DaPonte
ENTITLED, AN ACT RELATING TO VICTIM'S RIGHTS

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2053

BY Senators Polisena, Damiani and Raptakis
ENTITLED, AN ACT RELATING TO MOTOR VEHICLE OFFENSES -- RECKLESS DRIVING

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2054

BY Senators Blais, Damiani and Polisena

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2055

BY Senators Raptakis, Polisena, Parella, Damiani and McCaffrey

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2056

BY Senators Polisena, Damiani, Sosnowski, Breene and Blais

ENTITLED, AN ACT RELATING TO WEAPONS

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2057

BY Senators Tassoni, Polisena, Lanzi and Ruggerio

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- INTERIOR DESIGNERS

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

Also:

Senate Bill No. 2058

BY Senators Polisena, Damiani, Tassoni, Felag and Blais

ENTITLED, AN ACT RELATING TO PUBLIC ACCESS DEFIBRILLATION

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2059

BY Senators Issa, Felag, Tassoni, Caprio F and Lenihan

ENTITLED, AN ACT RELATING TO LEVY AND SALE ON EXECUTION

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2060

BY Senators Polisena and Damiani

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- RHODE ISLAND RESOURCE RECOVERY CORPORATION

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2061

BY Senators Paiva-Weed and Gibbs

ENTITLED, AN ACT RELATING TO TAXATION -- SALES TAX

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2062

BY Senators Tassoni, Lanzi, Damiani and Ruggerio

ENTITLED, AN ACT RELATING TO FIRE FIGHTERS -- ANNUITIES TO DEPARTMENTS

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2063

BY Senators Tassoni, Lanzi and Ruggerio

ENTITLED, AN ACT RELATING TO POLICE AND FIRE FIGHTERS OPTIONAL RETIREMENT

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2064

BY Senators Felag, Issa, Sosnowski, Paiva-Weed and Walaska

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- HOMESTEAD ESTATE EXEMPTION

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2065

BY Senators Tassoni, Lanzi, Polisena and Damiani

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- CRIMINAL INJURIES
COMPENSATION

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2066

BY Senators Tassoni, Lanzi, Polisena and Damiani

ENTITLED, AN ACT RELATING TO CHILDREN WITH DISABILITIES

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2067

BY Senators Tassoni, Lanzi, Polisena, Damiani and Issa

ENTITLED, AN ACT RELATING TO THE NATIONAL GUARD

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2068

BY Senators Tassoni, Lanzi, Polisena, Damiani and Issa

ENTITLED, AN ACT RELATING TO THE NATIONAL GUARD

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2069

BY Senator Raptakis

ENTITLED, AN ACT MAKING ANNUAL APPROPRIATIONS TO THE STATION NIGHTCLUB
FIRE RELIEF FUND

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2070

BY Senators Felag, Parella, Paiva-Weed, Bates and Polisena

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2071**BY** Senators Blais, Damiani, Parella, Bates and Raptakis**ENTITLED**, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -- NATIONAL GUARD

Read and referred to the Senate Committee on Finance.

Also:

Senate Resolution **No.** 2072**BY** Felag**ENTITLED**, SENATE RESOLUTION CONGRATULATING PETE SEPE ON BEING NAMED RECREATION CHAIRMAN EMERITUS

Senator Felag requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Felag moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution **No.** 2073**BY** Felag**ENTITLED**, SENATE RESOLUTION CONGRATULATING RAYMOND J. AGUIAR POSTHUMOUSLY ON BEING NAMED ELECTRICAL INSPECTOR EMERITUS

Senator Felag requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Felag moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution **No.** 2074**BY** Alves, Raptakis**ENTITLED**, SENATE RESOLUTION COMMEMORATING THE 50TH ANNIVERSARY OF THE JUNIOR CHAMBER OF COMMERCE IN WEST WARWICK, RHODE ISLAND

Senator Alves requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Alves moves passage, seconded by the entire Senate.

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

CONSENT CALENDAR

In order for the day is taken up as follows:

Upon motion of President Montalbano, seconded by Senator Algieri, the following measure on today's Consent Calendar, by unanimous consent, is read and passed, upon a voice vote:

House Resolution No.7003

BY Murphy, Fox, Watson

ENTITLED, JOINT RESOLUTION OF ADJOURNMENT

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 DaPonte seconded by Senator Algieri, the Senate adjourns at 4:17 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

Senator William A. Walaska

Lord, with your guidance, may we be kind in our judgments, diligent in our wisdom, and humble in our power. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR WEDNESDAY, JANUARY 14, 2004:

1. 2004-H 7007

BY Faria

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF AMERICAN-COLUMBIAN LIQUORS, INC.

Ordered to be placed on the Consent Calendar

2. 2004-H 7009

BY McNamara

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF RAMAC ASSOC., INC.

Ordered to be placed on the Consent Calendar

RAYMOND T. HOYAS, JR.
Secretary of the Senate

