

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. 7

Tuesday, January 20, 2004

Seventh Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:08 o'clock P.M.

The roll is called and a quorum is declared present with 34 Senators present and 4 Senators absent as follows:

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

ABSENT – 4: Senators Blais, Damiani, Irons, Ruggerio.

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, January 15, 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 Goodwin and by unanimous consent, the Honorable President welcomes to the chamber Mark S. Weed, the husband of Senate Majority Leader Paiva-Weed, and from the City of Newport, Kathy Silvia, City Clerk and Bruce Bartlett, Director of Economic Development.

COMMUNICATION

The Honorable President presents the following communication:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
SENATE CHAMBER**

January 8, 2004

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

Dear Mr. President:

Please be advised and let the record reflect that I will be absent from the chamber on Tuesday, January 20, 2004 thru Thursday, January 22, 2004, as I will be out of the State on business.

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

Thank you for your attention to this matter.

Warmest personal regards, I remain,

Sincerely,

Dominick J. Ruggiero
Senator – District 6

Also:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
SENATE CHAMBER**

January 20, 2004

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

Dear President Montalbano:

This is to inform you that the Democratic Senators met on January 15, 2004 for the purpose of electing a new Majority Leader to fill the vacancy by your election as President of the Senate.

The thirty-one Democratic members of the caucus, both present and those voting by proxy, unanimously elected the Honorable M. Teresa Paiva-Weed, of the 13th Senatorial District, as the Senate Majority Leader for the remainder of the 2004 term.

Sincerely,

ELIZABETH H. ROBERTS
Senator, District 28
Secretary, Democratic Caucus

NEW BUSINESS

Senate Bill No. 2110

BY Senators Walaska, Cote, Polisena, McCaffrey, Bates

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - SMALL CLAIMS
AND CONSUMER CLAIMS

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2111

BY Senators Fogarty P, Gallo, Walaska, Connors, Alves

ENTITLED, AN ACT RELATING TO THE GENERAL ASSEMBLY -- LOBBYING

Read and referred to the Senate Committee on Rules.

Also:

Senate Bill No. 2112

BY Senators Walaska, Cote, Polisena, McCaffrey, Bates
ENTITLED, AN ACT RELATING TO CHILDREN AND THEIR FAMILIES -- PARENT RESPONSIBILITY

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2113

BY Senators Walaska, Cote, Polisena, McCaffrey, Bates
ENTITLED, AN ACT RELATING TO COASTAL RESOURCES MANAGEMENT COUNCIL -- ADMINISTRATIVE PENALTIES

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

Also:

Senate Bill No. 2114

BY Senators Walaska, Fogarty P, Cote, Polisena, McCaffrey
ENTITLED, AN ACT RELATING TO STATE BUDGET -- PUBLIC FINANCE

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2115

BY Senators Walaska, McCaffrey, Bates, Cote, Polisena
ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- SANITATION STANDARDS FOR BATHING BEACHES

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

Also:

Senate Bill No. 2116

BY Senators Fogarty P, Goodwin, Caprio F, Sheehan, Walaska
ENTITLED, AN ACT RELATING TO GENERAL ASSEMBLY

Read and referred to the Senate Committee on Government Oversight.

Also:

Senate Bill No. 2117

BY Senators Fogarty P, Tassoni, Connors, Cote, Gibbs
ENTITLED, AN ACT RELATING TO EDUCATION -- THE RHODE ISLAND STUDENT INVESTMENT INITIATIVE

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2118

BY Senators Fogarty P, Connors, Tassoni
ENTITLED, AN ACT RELATING TO EDUCATION

Read and referred to the Senate Committee on Finance.

Also:

Senate Resolution No. 2119

BY Senators Bates, Cote, Lenihan, DaPonte, Connors
ENTITLED, SENATE RESOLUTION AMENDING THE RULES OF THE SENATE

Read and referred to the Senate Committee on Rules.

Also:

Senate Bill No. 2120

BY Senator Celona
ENTITLED, AN ACT RELATING TO EDUCATION -- THE RHODE ISLAND STUDENT INVESTMENT INITIATIVE

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2121

BY Senators Walaska, Bates, Fogarty P
ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Resolution No. 2122

BY Senators Cote, Bates, Lenihan, Polisena, Connors

ENTITLED, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE

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

Also:

Senate Bill No. 2123

BY Senators Felag, Fogarty P, Polisena, Bates, Connors

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES

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

Also:

Senate Bill No. 2124

BY Senator Ruggerio

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF G. PAOLINO, INC.

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 2125

BY Senators Felag, Fogarty P, McCaffrey, Polisena, Bates

ENTITLED, AN ACT RELATING TO PHARMACEUTICAL ASSISTANCE TO THE ELDERLY

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2126

BY Senators Polisena, Damiani, Tassoni

ENTITLED, AN ACT RELATING TO EDUCATION -- COLLEGE AND UNIVERSITY DORMITORIES SAFETY

Read and referred to the Senate Committee on Education.

Also:

Senate Bill No. 2127**BY** Senators Walaska, Cote, Bates, Raptakis**ENTITLED**, AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2128 (Attorney General)**BY** Senators Polisena, Damiani, Sosnowski, Algieri, Breene**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2129 (Attorney General)**BY** Senators Polisena, Damiani, Sosnowski, Algieri, Breene**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- CRIMINALLY NEGLIGENT BATTERY

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Resolution No. 2130**BY** Senator Montalbano**ENTITLED**, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF OUR COLLEAGUE, REPRESENTATIVE PAUL V. SHERLOCK

Senator Revens requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Revens moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution No. 2131

BY Senators Perry, Caprio F, Alves, McCaffrey, Tassoni
ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING FEDERAL REGULATORS
TO REQUIRE BANK OF AMERICA TO REACH COMMUNITY INVESTMENT AGREEMENTS
WITH 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 Senate Paiva-Weed.

The resolution is read and passed, with Senator Algieri abstaining, upon a voice vote.

STATEMENT OF POTENTIAL CONFLICT

TO THE HONORABLE SENATE:

I, Dennis L. Algieri, under oath depose and say:

1. I am a duly elected member of the Rhode Island Senate.
2. This statement is made in accord with Rhode Island General Law section 36-14-6.
3. In my official capacity, I may be expected or required to vote or participate in the deliberations of bill 2004- 2131 now pending before the Senate or a committee thereof.
4. I request that I be excused from voting, deliberating or taking action on the matter.
5. I do not desire to vote or deliberate because I have a potential conflict of interest as follows:

I am an employee of The Washington Trust Company.

6. This statement is true to the best of my knowledge.

Dennis L. Algieri

Signed and sworn to before me this 20 day of January, 2004.

RAYMOND T. HOYAS, JR.
Notary Public

ANNOUNCEMENTS

Senator Issa announces that the Committee on Education will meet Wednesday, January 21, 2004 at 4:30 o'clock P.M. in the Senate Lounge of the State House.

Senator Felag announces that the Committee on Finance will meet on Thursday, January 22, 2004 at 5:00 o'clock P.M. in room 211 of the State House.

Senator Lenihan announces that the Committee on Oversight will meet today at the rise of the Senate in Room 313 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 DaPonte, seconded by Senator Algieri, and upon suggestion of Senator Revens, the Senate adjourns at 4:26 o'clock P.M. in memory of the Honorable Paul V. Sherlock, the Dean of the House of Representatives. His memory will live on in the lives of the many he served, in many different ways.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix**INVOCATION****SENATOR WALTER S. FELAG JR.**

Almighty God, may we pursue our tasks with a sense of Your presence. Give us the wisdom not to squander energy on things that do not matter nor put off until tomorrow that which can be done today. Amen.

Appendix

CONSENT CALENDAR

In order for Wednesday, January 21, 2004:

1. Senate Bill No. 2124

BY Senator Ruggiero

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF G. PAOLINO, INC.

Read and ordered to be placed on the Consent Calendar.

Appendix

CALENDAR

In order for Wednesday, January 21, 2004:

1. Senate Bill No. 2012 SUB A

BY Senators Tassoni, Polisena, Connors, Felag, Fogarty P

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

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

RAYMOND T. HOYAS, JR.
Secretary of the Senate