

**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. 10

Tuesday, January 27, 2004

Tenth Day

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

The roll is called and a quorum is declared present with 35 Senators present and 3 Senators absent as follows:

**PRESENT** – 35: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

**ABSENT** – 3: Senators Damiani, Irons, Polisena.

**INVOCATION**

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

(See Appendix for Invocation)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**APPROVAL OF RECORD**

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

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

**GUESTS**

Upon suggestion of Senator Perry and by unanimous consent, the Honorable President welcomes to the Chamber Gayle Goldin, Director of Community Partnerships for Memorial Hospital.

**COMMUNICATION**

The Honorable President presents the following communication:

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

January 27, 2004

The Honorable Senate  
State House  
Providence, RI 02903

Dear Colleagues:

Pursuant to Section 5.2 of the Senate Rules, I am making the following appointments to the Senate Standing Committees:

*Committee on Commerce, Housing and Municipal Government*

**Senator Frank T. Caprio, Chairperson**

*Committee on Finance*

**Senator Walter S. Felag, Jr., First Vice Chairperson**  
**Senator Beatrice A. Lanzi, Second Vice Chairperson**  
**Senator Hanna M. Gallo, Secretary**

*Committee on Government Oversight*

**Senator Daniel P. Connors, Vice Chairperson**

Sincerely,  
JOSEPH A. MONTALBANO  
President of the Senate

**FROM THE HOUSE OF REPRESENTATIVES**

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

**House Bill No.7006 SUB A**  
**ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES**

Read and referred to the Senate Committee on Finance.

Also:

**House Bill No.7011**  
**ENTITLED, AN ACT RELATING TO THE INCORPORATION OF THE ALBION FIRE DISTRICT**

Read and ordered to be placed on the Senate Consent Calendar.

Also:

**House Bill No.7254**  
**ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF AGN CONSULTING INC.**

Read and ordered to be placed on the Senate Consent Calendar.

Also:

**House Resolution No.7255**  
**ENTITLED, JOINT RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF SISTER MARTHA M. SERBST**

Read and ordered to be placed on the Senate Consent Calendar.

**NEW BUSINESS**

**Senate Bill No. 2141**  
**BY Senator Celona**  
**ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- BEDDING AND UPHOLSTERED FURNITURE**

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

Also:

**Senate Bill No. 2142**

**BY** Senator Tassoni

**ENTITLED**, AN ACT RELATING TO COUNCILS AND GOVERNING BODIES -- TOWNS AND CITIES

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

Also:

**Senate Bill No. 2143**

**BY** Senator Sosnowski

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

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

Also:

**Senate Bill No. 2144**

**BY** Senators Blais, Breene, Raptakis

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

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

Also:

**Senate Bill No. 2145**

**BY** Senators Tassoni, Fogarty P, Polisena, Sosnowski

**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS

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

Also:

**Senate Bill No. 2146**

**BY** Senators Algieri, Polisena, Breene

**ENTITLED**, AN ACT RELATING TO PAROLE

Read and referred to the Senate Committee on Judiciary.

Also:

**Senate Bill No. 2147**

**BY** Senators Blais, Alves, Fogarty P, Badeau, Breene

**ENTITLED**, AN ACT RELATING TO PUBLIC FINANCE -- PROHIBITING THE USE OF PUBLIC FUNDS FOR ABORTIONS

Read and referred to the Senate Committee on Judiciary.

Also:

**Senate Bill No. 2148**

**BY** Senator Blais

**ENTITLED**, AN ACT RELATING TO CERTIFICATION OF CHILD CARE PERSONNEL

Read and referred to the Senate Committee on Judiciary.

Also:

**Senate Bill No. 2149**

**BY** Senators Sosnowski, Polisena

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES

Read and referred to the Senate Committee on Judiciary.

Also:

**Senate Bill No. 2150**

**BY** Senators Tassoni, DaPonte, Lanzi, Polisena

**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- TRESPASS AND VANDALISM  
{LC1079/1}

Read and referred to the Senate Committee on Judiciary.

Also:

**Senate Bill No. 2151**

**BY** Senators McBurney, Issa, Montalbano J

**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY - DOGS - CITY OF PAWTUCKET

Read and referred to the Senate Committee on Judiciary.

Also:

**Senate Bill No. 2152**

**BY** Senators Lanzi, Polisen, Badeau, Ciccone, Tassoni

**ENTITLED**, AN ACT RELATING TO EDUCATION -- KINDERGARTEN PLUS INCENTIVE FUND

Read and referred to the Senate Committee on Finance.

Also:

**Senate Bill No. 2153**

**BY** Senators Lanzi, Polisen, Ciccone, Badeau, Tassoni

**ENTITLED**, AN ACT RELATING TO DISABLED AMERICAN VETERANS -- EDUCATIONAL BENEFITS

Read and referred to the Senate Committee on Finance.

Also:

**Senate Bill No. 2154**

**BY** Senators Walaska, Bates, McBurney

**ENTITLED**, AN ACT RELATING TO INSURANCE

Read and referred to the Senate Committee on Finance.

Also:

**Senate Bill No. 2155**

**BY** Senator Algieri

**ENTITLED**, AN ACT RELATING TO LIBRARIES - STATE AID

Read and referred to the Senate Committee on Finance.

Also:

**Senate Bill No. 2156**

**BY** Senators Raptakis, Cote, Lenihan, Damiani, DaPonte

**ENTITLED**, AN ACT RELATING TO TAXATION -- SALES TAX

Read and referred to the Senate Committee on Finance.

Also:

**Senate Bill No. 2157**

**BY** Senators Raptakis, Damiani, Cote, Lenihan, DaPonte

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

Read and referred to the Senate Committee on Finance.

Also:

**Senate Bill No. 2158**

**BY** Senators Blais, Breene

**ENTITLED**, AN ACT RELATING TO FIRE SAFETY

Read and referred to the Senate Committee on Finance.

Also:

**Senate Bill No. 2159**

**BY** Senators Sosnowski, Tassoni, Issa, Connors, Breene

**ENTITLED**, AN ACT RELATING TO TAXATION - SALES AND USE TAXES - LIABILITY AND COMPUTATION

Read and referred to the Senate Committee on Finance.

Also:

**Senate Bill No. 2160**

**BY** Senators Badeau, Perry, Ruggiero, Walaska, Ciccone

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

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

Also:

**Senate Bill No. 2161**

**BY** Senators Issa, Gallo, Lanzi

**ENTITLED**, AN ACT RELATING TO EDUCATION -- SCHOOL FOR THE DEAF

Read and referred to the Senate Committee on Education.

Also:

**Senate Bill No. 2162**

**BY** Senators Issa, Tassoni, Walaska

**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES - OPERATORS' AND CHAUFFEURS' LICENSES

Read and referred to the Senate Committee on Education.

Also:

**Senate Bill No. 2163**

**BY** Senators Walaska, McBurney, McCaffrey

**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS

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

Also:

**Senate Bill No. 2164**

**BY** Senator Blais

**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS - INTEREST AND USURY

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

Also:

**Senate Bill No. 2165**

**BY** Senators Raptakis, Lenihan, Cote, Parella

**ENTITLED**, AN ACT RELATING TO PUBLIC RECORDS -- EXCLUSIONS

Read and referred to the Senate Committee on Government Oversight.

Also:

**Senate Bill No. 2166**

**BY** Senators Sosnowski, Blais, Breene, Connors, Felag

**ENTITLED**, AN ACT RELATING TO AGRICULTURE AND FORESTRY -- RIGHT TO FARM

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

Also:

**Senate Resolution No. 2167**

**BY** Senators DaPonte, Bates

**ENTITLED**, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$100,000 TO PAY THE CLAIM OF DONNA J. SLATER OF 25 HOUSTON DRIVE, WARWICK, RHODE ISLAND 02888

Introduced, referred to the Joint Committee on Accounts & Claims.

Also:



**Senate Bill No. 2168****BY** Senators Tassoni, Roberts, DaPonte, Lanzi, Polisena**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- TRAFFIC CONTROL DEVICES

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

Also:

**Senate Bill No.2169****BY** McCaffrey**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF WARWICK NATIONAL LITTLE LEAGUE, INC.

Read and ordered to be placed on the Senate Consent Calendar.

Also:

**Senate Resolution No.2170****BY** Issa**ENTITLED**, SENATE RESOLUTION PROCLAIMING JANUARY 27, 2004 AS CCRI WOMEN'S SOCCER DAY IN RHODE ISLAND

Senator Issa requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Issa moves passage, seconded by the entire Senate.

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

**GUESTS**

Upon suggestion of Senators Alves, Bates, Breene, Celona, Connors, Felag, Issa, Lanzi, Lenihan, McCaffrey, Ruggerio, Raptakis, Tassoni and Walaska and by unanimous consent, the Honorable President welcomes to the Chamber from the CCRI Women's Soccer Team, which finished second nationally in the NJCAA Tournament; Amie Adams, Patrice Amaral, Kate Antonellis, Alana Bouley, Orlagh Cullen, Catherine Cusson, Melissa Dellay, Abby Hummel, Kara Hurston, Jessica Insana, Ruth Kennedy, Katie Leahy, Jenny McCormack, Carrie Nadro, Erika Prairie, Erica Rico, Alex Rothemich, Heather Salapa, Rachel Salois, Monica Santos, Jessica St. Angelo, Pasha Stanzione, Aubrie Wilson, Head Coach Dennis Grassini, Assistant Coach Kathy Bannan, Athletic Director Lou Pullano and Joe DiMaria, Vice President of Academic Affairs.

**NEW BUSINESS****Senate Resolution No.2171****BY** Lenihan, Sheehan**ENTITLED**, SENATE RESOLUTION EXPRESSING OUR DEEPEST SYMPATHIES ON THE PASSING OF STEVEN A. GAULT

Senator Lenihan requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Lenihan moves passage, seconded by the entire Senate.

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

Also:

**Senate Resolution No.2172****BY** McCaffrey**ENTITLED**, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF CHESTER J. WELCH

Senator McCaffrey requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator McCaffrey moves passage, seconded by the entire Senate.

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

Also:

**Senate Bill No.2173****BY** Montalbano J, Lenihan, Paiva-Weed, Revens, Sheehan**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- CODE OF ETHICS

Read and referred to Senate Committee on Government Oversight.

**ANNOUNCEMENTS**

Senator Sheehan announces that the Committee on Health and Human Services will meet on Thursday, January 29, at the rise of the Senate, in Room 313 of the State House.

Also:

Senator Fogarty announces that the Committee on Commerce, Housing and Municipal Government will meet today at the rise of the Senate, in Room 212 of the State House.

### TRANSMITTAL

By unanimous consent, all matters on the Clerk's desk are ordered to be transmitted to His Excellency, the Governor or to the Honorable House of Representatives forthwith.

### DESK TO REMAIN OPEN

Without objection, the desk will remain open to receive committee reports.

### REPORTS OF COMMITTEES

#### COMMITTEE ON COMMERCE

Senator Caprio, from the Committee on Commerce, reports back, with recommendation of passage of the following measure:

#### **House Bill No.7004 SUB A**

**BY** Menard, Petrarca, Winfield, Gallison, Malik

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

Read and ordered to be placed on the Calendar.

### ADJOURNMENT

Upon motion of Senator Ruggerio, seconded by Senator Algieri, and upon suggestion of Senator Lenihan, the Senate adjourns at 4:56 o'clock P.M. in memory Steven A. Gault.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate

### Appendix

#### INVOCATION

#### SENATOR HANNA M. GALLO

Heavenly Father, please bestow your wisdom on everyone here today. As we begin this lively experiment, help us remember that in Your eyes we are all non-partisan. With Your wisdom and in Your light, may we progress through the hectic days ahead. Amen.

**Appendix**

**CONSENT CALENDAR**

**IN ORDER FOR WEDNESDAY, JANUARY 28, 2004:**

**1. 2004-H 7011**

**BY** Menard

**ENTITLED**, AN ACT RELATING TO THE INCORPORATION OF THE ALBION FIRE DISTRICT

Ordered to be placed on the Consent Calendar

**2. 2004-H 7254**

**BY** Menard

**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF AGN CONSULTING INC.

Ordered to be placed on the Consent Calendar

**3. 2004-H 7255**

**BY** San Bento

**ENTITLED**, JOINT RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF SISTER MARTHA M. SERBST

Ordered to be placed on the Consent Calendar

**4. 2004-S 2169**

**BY** McCaffrey

**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF WARWICK NATIONAL LITTLE LEAGUE, INC.

Ordered to be placed on the Consent Calendar

**Appendix**

**CALENDAR**

**IN ORDER FOR THURSDAY, JANUARY 29, 2004:**

**1. 2004-H 7004 SUB A**

**BY** Menard

**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