

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. 11

Thursday, January 29, 2004

Eleventh Day

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, Celona, Ciccone, Connors, Cote, 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 – 3: Senators Caprio, Damiani, Irons.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Tuesday, January 27, 2004 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Polisenia and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable Catherine Graziano, former State Senator from Providence.

NEW BUSINESS**Senate Bill No. 2174**

BY Senators Raptakis, Polisenia, McCaffrey, Connors, Sosnowski

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- RHODE ISLAND DEVELOPMENT IMPACT FEES

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

Also:

Senate Bill No. 2175

BY Senators Tassoni, Cote, Fogarty P

ENTITLED, AN ACT RELATING TO TAXATION -- MUNICIPAL LIEN CERTIFICATES (North Smithfield)

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

Also:

Senate Bill No. 2176

BY Senators Tassoni, Fogarty P

ENTITLED, AN ACT RELATING TO TAXATION -- MUNICIPAL LIEN CERTIFICATES

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

Also:

Senate Bill No. 2177

BY Senators Lanzi, Ciccone, Badeau, DaPonte, Gallo

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- BENEFITS FOR FIRE FIGHTERS (benefits for various forms of cancer and respiratory diseases)

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

Also:

Senate Bill No. 2178

BY Senators Lanzi, Ciccone, Badeau, DaPonte, Gallo

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - SAFETY AND HEALTH PROGRAMS FOR FIRE DEPARTMENTS

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

Also:

Senate Bill No. 2179

BY Senators Raptakis, Cote, Sheehan, Caprio F

ENTITLED, AN ACT RELATING TO SALES TAXES (repeal 1% sales tax on food/beverage)

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2180

BY Senators Raptakis, Polisena, Walaska, McCaffrey, Ciccone

ENTITLED, AN ACT RELATING TO STATE POLICE TRAINING ACADEMY

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2181

BY Senators Lanzi, Roberts, Gallo

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY- STATE BUILDING CODE

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2182

BY Senators Raptakis, McCaffrey, Polisena, Fogarty P

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- STATE AID -- RHODE ISLAND DEVELOPMENT IMPACT FEES

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2183

BY Senators Lenihan, Raptakis

ENTITLED, AN ACT REGARDING THE AUTHORITY OF THE TOWN OF EAST GREENWICH TO ISSUE BONDS AND NOTES PURSUANT TO SECTION 45-12-2 OF THE RHODE ISLAND GENERAL LAWS AND CERTAIN FINANCIAL TOWN MEETING RESOLUTIONS.

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2184

BY Senators Raptakis, Walaska, Fogarty P, Polisena, McCaffrey

ENTITLED, AN ACT RELATING TO EDUCATION -- MANDATES

Read and referred to the Senate Committee on Finance.

Also:

Senate Resolution No. 2185

BY Senators Raptakis, Cote, Lenihan, Parella

ENTITLED, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE -- SPECIAL ELECTIONS TO FILL VACANCY IN OFFICE OF THE SECRETARY OF STATE, ATTORNEY GENERAL OR GENERAL TREASURER

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

Also:

Senate Bill No. 2186

BY Senators Bates, Gibbs, McCaffrey

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS -- CHILD SUPPORT ENFORCEMENT

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2187

BY Senators Raptakis, Walaska, Fogarty P, Caprio F, Tassoni

ENTITLED, AN ACT RELATING TO MOTOR VEHICLE OFFENSES

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2188 (Secretary of State)

BY Senators Raptakis, Cote, Lenihan, Sheehan, Caprio F

ENTITLED, AN ACT RELATING TO ELECTIONS -- REGISTRATION OF VOTERS

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2189 (by request)

BY Senator Felag

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS -- DIVORCE AND SEPARATION

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2190

BY Senators Raptakis, Polisena, Walaska, McCaffrey, Cote

ENTITLED, AN ACT RELATING TO MOTOR VEHICLE OFFENSES

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2191

BY Senator Raptakis

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2192

BY Senators Raptakis, Lenihan, Walaska, Cote

ENTITLED, AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS.

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2193

BY Senators Ciccone, Connors, DaPonte, Lanzi, Lenihan

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS -- APPOINTMENTS.

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2194

BY Senators Raptakis, Polisena, Walaska, Gallo, Sosnowski

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- CHILDREN

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

Also:

Senate Resolution No. 2195

BY Senators Gibbs, Bates, Parella, Perry, Roberts

ENTITLED, SENATE RESOLUTION REQUESTING THE DEPARTMENT OF MENTAL HEALTH, RETARDATION AND HOSPITALS TO STUDY THE GUARDIANSHIP NEEDS OF GROUP HOME RESIDENT STATE WARDS.

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

Also:

Senate Bill No. 2196

BY Senators Raptakis, Lenihan, Alves, Paiva-Weed, Cote

ENTITLED, AN ACT RELATING TO MINIMUM REIMBURSEMENT FOR PROFESSIONAL SERVICES.

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

Also:

Senate Bill No. 2197

BY Senators Alves, Goodwin, Walaska, Blais, Paiva-Weed

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- WOMEN'S RIGHT TO KNOW ACT.

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

Also:

Senate Bill No. 2198

BY Senators Gibbs, Bates, Blais, Breene, Raptakis

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS-LITTER CONTROL AND RECYCLING (includes cigarette and cigar butts as unlawful litter)

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

Also:

Senate Bill No. 2199

BY Senators Tassoni, Fogarty P, Gibbs

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION -- WITHDRAWAL AND USE OF WATERS (exempt farmers from regulations).

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

Also:

Senate Bill No. 2200

BY Senator McBurney

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- LABOR RELATIONS ACT.

Read and referred to the Senate Committee on Labor.

Also:

Senate Bill No. 2201

BY Senator McBurney

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- ARBITRATION OF LABOR CONTROVERSIES.

Read and referred to the Senate Committee on Labor.

Also:

Senate Bill No. 2202

BY Senator McBurney

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- LABOR RELATIONS ACT.

Read and referred to the Senate Committee on Labor.

Also:

Senate Bill No. 2203

BY Senator Raptakis

ENTITLED, AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES.

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

Also:

Senate Bill No. 2204**BY** Senators Pichardo, Paiva-Weed**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF DAN SLEBODA EXCAVATING, INC..

Senator Pichardo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Pichardo moves passage, seconded by Senators DaPonte, Gallo, Ruggerio and others.

The resolution is read and passed, by unanimous consent, upon a 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, Badeau, Bates, Blais, Breene, Celona, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0

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Also:

Senate Resolution No. 2205**BY** Senators Pichardo, DaPonte, Gallo, Ruggerio, Cote**ENTITLED**, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY PREDATORY MORTGAGE LENDING PRACTICES.

Senator Pichardo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Pichardo moves passage, seconded by Senators Ruggerio, Paiva-Weed, Walaska and Connors.

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

Also:

Senate Resolution No. 2206**BY** Senators Algieri, Blais, Gibbs, Breene, Parella**ENTITLED**, SENATE RESOLUTION RECOGNIZING FEBRUARY 6TH AS "RONALD REAGAN DAY" IN THE STATE OF RHODE ISLAND.

Senator Algieri requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Algieri moves passage, seconded by Senator Blais and others.

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

Also:

Senate Resolution No. 2207**BY** Parella, Felag, Bates**ENTITLED**, SENATE RESOLUTION CONGRATULATING CUB SCOUT PACK 6 OF BRISTOL, RHODE ISLAND ON THE OCCASION OF THE CLUB'S 50TH ANNIVERSARY

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

CONSENT CALENDAR

In order for the day is taken up as follows:

Upon motion of Senate Majority Leader Paiva-Weed, seconded by Senator Algieri, the following measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a voice vote:

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

Also:

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

Also:

House Resolution No. 7255**BY** San Bento, Coderre E, Rose, Fox, Watson**ENTITLED**, JOINT RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF SISTER MARTHA M. SERBST.

Also:

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

In order for the day is taken up as follows:

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

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

Senator Polisena, moves passage, seconded by Senator Ruggerio and others.

Senator Perry discusses the act.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon 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, Celona, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS - 0.

ANNOUNCEMENTS

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

Senator Paiva-Weed announces that the Senate will meet on Tuesday, February 3, 2004, at 6:00 o'clock P.M.

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 Ruggiero, seconded by Senator Algieri, and upon suggestion of Senator Sheehan, the Senate adjourns at 4:27 o'clock P.M. in memory of Ernest Romano.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR DAVID E. BATES

Dear God, please grant us the wisdom to be aware of the vital needs of the people we are here to serve. Please grant us the courage to meet those needs to the fullest extent of our ability. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR TUESDAY, FEBRUARY 3, 2004:

1. 2004-S 2207

BY Parella

ENTITLED, SENATE RESOLUTION CONGRATULATING CUB SCOUT PACK 6 OF BRISTOL, RHODE ISLAND ON THE OCCASION OF THE CLUB'S 50TH ANNIVERSARY

Ordered to be placed on the Consent Calendar

Raymond T. Hoyas, Jr.
Secretary of the Senate