

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. 24

Tuesday, March 23, 2004

Twenty-fourth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:21 o'clock P.M.

The roll is called and a quorum is declared present with 34 Senators present and 2 Senators absent as follows:

PRESENT – 34: The Honorable President Montalbano and Senators 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, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 2: Senators Algiere, Roberts.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Thursday, March 18, 2004 proceedings is read in part.

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

COMMUNICATION

The Honorable President presents the following communication:

March 18, 2004

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

Dear Mr. President:

Please be advised that I will be out of state on business during the week of March 22-26, 2004 and, therefore, will be absent from any Senate sessions held during that period of time. I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you for your assistance.

Sincerely,
Dennis L. Algieri
SENATE MINORITY LEADER

Read and ordered to be placed on file.

REPORTS OF COMMITTEES**COMMITTEE ON COMMERCE, HOUSING AND MUNICIPAL GOVERNMENT**

Senator Caprio, from the Committee on Commerce, Housing and Municipal Government, reports back, with recommendation of passage of the following measures:

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 ordered to be placed on the Calendar

Also:

Senate Bill No. 2364

BY Senator Caprio F

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- ARCHITECTS, ENGINEERS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2368 (by request)

BY Senator Cote

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- LANDSCAPE ARCHITECTS.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2515

BY Senators Tassoni, Polisena, Paiva-Weed, Damiani

ENTITLED, AN ACT RELATING TO MOTOR VEHICLES -- TRAFFIC CONTROL DEVICES.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2620

BY Senators Fogarty P, Gallo, Walaska, Tassoni, Goodwin

ENTITLED, AN ACT RELATING TO TAXATION.

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7326

BY Shanley, Lally, Caprio D, Slater

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

Read and ordered to be placed on the Calendar

COMMITTEE ON JUDICIARY

Senator McCaffrey, from the Committee on Judiciary, reports back, with recommendation of passage of the following measures:

Senate Bill No. 2223

BY Senators Blais, Bates, Breene

ENTITLED, AN ACT RELATING TO FREEWAYS

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2243 as amended (State Police)

BY Senator Bates

ENTITLED, AN ACT RELATING TO FINANCIAL TRANSACTIONS -- MONEY LAUNDERING.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2250 (State Police)

BY Senator Algieri

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- AGGRESSIVE DRIVING.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2348 (Dept. of Corrections)

BY Senator Blais

ENTITLED, AN ACT RELATING TO CRIMINALS - CORRECTIONAL INSTITUTIONS - MEDICAL PAROLE.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2737

BY Senator McCaffrey

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - CHILDREN.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2901

BY Senators DaPonte, Connors

ENTITLED, AN ACT RELATING TO TAXATION -- WITHHOLDING TAX (employee leasing).

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2933

BY Senators Damiani, Polisena, Sosnowski, Cote, Blais
ENTITLED, AN ACT RELATING TO CAMPUS SECURITY.

Read and ordered to be placed on the Calendar

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill 2003-H-No. 5808 SUB B as amended

BY Carter
ENTITLED, AN ACT RELATING TO STATUTES AND STATUTORY CONSTRUCTION

Read and ordered to be placed on the Calendar

REPORTS OF COMMITTEES**TRANSFER OF BILLS**

Senator McCaffrey, for the Committee on Judiciary, reports back the following measure, with recommendation of transfer to the Committee on Government Oversight:

Senate Bill No. 2320

BY Senators Tassoni, Polisena, Lanzi, Goodwin
ENTITLED, AN ACT RELATING TO THE RHODE ISLAND JUSTICE COMMISSION.

Read and referred to the Committee on Government Oversight

Also:

Senator McCaffrey, for the Committee on Judiciary, reports back the following measures, with recommendation of transfer to the Committee on Finance:

Senate Bill No. 2899

BY Senators Pichardo, Damiani, Connors, Perry, Sosnowski
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- LAW ENFORCEMENT STANDARDS AND TRAINING.

Read and referred to the Committee on Finance

Also:

Senate Bill No. 2900**BY** Senators Pichardo, Damiani, Connors, Perry, Sosnowski**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE RHODE ISLAND LAW ENFORCEMENT ACCREDITATION COMMISSION.

Read and referred to the Committee on Finance

NEW BUSINESS**Senate Resolution No. 2981****BY** Senators Issa, Tassoni, Perry, Pichardo, Parella**ENTITLED**, SENATE RESOLUTION COMMEMORATING THE ANNIVERSARY OF THE PAKISTAN RESOLUTION PASSED ON MARCH 23, 1940.

Senator Issa requests unanimous consent for immediate consideration.

Unanimous consent for immediate 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 Senator Issa and by unanimous consent, the Honorable President welcomes to the Chamber Mustafa Surti, Mansoor Mohammad, Ghazala Mohammad, Saad Mohammad, Laiha Mohammad, Jooveria Sjed, Mujeeb Sjed, Omer Sjed, Osmoa Sjed, Manaal Sjed, Dr. Asma Arshad Iqbal, Muti Siddiqi, Farah Habib, Rubina Inayat, Shahnag Siddiqi, Farah Izhar, Mahnoor Khan, Sheza Iqbal, Samia-Habib, Myra Nadeem, Aleeza Kazi, Faria Aziz and Isra Hussaia.

NEW BUSINESS**Senate Resolution No. 2982****BY** Senator Raptakis**ENTITLED**, SENATE RESOLUTION CELEBRATING MARCH 25, 2004 AS THE 183RD ANNIVERSARY OF GREEK INDEPENDENCE DAY.

Senator Raptakis requests unanimous consent for immediate consideration.

Unanimous consent for immediate is granted.

Senator Raptakis 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 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:

IN ORDER FOR TUESDAY, MARCH 23, 2004:**1 2004-S 2342****BY Connors**

ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THE GOVERNOR OF THE STATE OF RHODE ISLAND TO OPPOSE RECOMMENDATIONS FROM GACT IN REGARD TO REALLOCATION OF HOTEL LODGING FUNDS AND THE CREATION OF A STATEWIDE TOURISM ORGANIZATION

Also:

2 2004-S 2976**BY Perry**

ENTITLED, JOINT RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL LEGISLATIVE COMMISSION TO STUDY SERVICES TO PERSONS WITH MENTAL ILLNESS IN THE CRIMINAL JUSTICE SYSTEM

Also:

3 2004-S 2977**BY Cote**

ENTITLED, SENATE RESOLUTION PROCLAIMING MARCH 25, 2004 AS "APPRECIATION FOR CATHOLIC SCHOOLS DAY" IN THE STATE OF RHODE ISLAND AND HONORING THE CONTRIBUTIONS OF RHODE ISLAND'S FIFTY-EIGHT CATHOLIC ELEMENTARY AND SECONDARY SCHOOLS

Also:

4 2004-S 2978**BY Paiva-Weed**

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF CHAPMAN ASSOCIATES, INCORPORATED

CALENDAR

IN ORDER FOR TUESDAY, MARCH 23, 2004:

1 2004-S 2837 SUB A**BY Sosnowski****ENTITLED, AN ACT RELATING TO FISH AND WILDLIFE**

Upon Suggestion of Senator Sosnowski, and without objection ordered to be placed on the Calendar for Thursday, March 25, 2004

Also:

2 2004-S 2301**BY Cote****ENTITLED, SENATE RESOLUTION PROPOSING A "REAL-TIME BILL TRACKING SYSTEM"**

Senator Cote, moves passage, seconded by Senator Walaska, Breene, Raptakis, Badeau, Felag and others.

Senator Cote, seconded by Senator Felag and others, offers the following written motion to amend.

F L O O R A M E N D M E N T

TO

2004 -- S 2301

SENATE RESOLUTION PROPOSING A "REAL-TIME BILL TRACKING SYSTEM"

Mr. President:

I hereby move to amend 2004 -- S 2301, entitled "SENATE RESOLUTION PROPOSING A "REAL-TIME BILL TRACKING SYSTEM"", as follows:

On page 1, line 15, by deleting the word "April" and inserting in place thereof the word "May".

Respectfully submitted,
SENATOR COTE

The motion to amend prevails upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS – 33: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS – 0:

Senator Cote, moves passage of the act as amended, seconded by Senator Lenihan.

The act is read and passed, by unanimous consent, as amended, 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 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, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS – 0:

Also:

3 2004-S 2772

BY Ruggerio

ENTITLED, SENATE RESOLUTION CREATING A SPECIAL SENATE
COMMISSION TO STUDY THE HEALTH EFFECTS OF TOXIC
MOLD

Senator Ruggerio, moves passage, seconded by Senators Paiva-Weed, Polisena, Lanzi, Badeau, Felag and others.

Senator Ruggerio, seconded by Senator Lanzi, offers the following written motion to amend.

FLOOR AMENDMENT

TO

2004 -- S 2772

SENATE RESOLUTION CREATING A SPECIAL SENATE COMMISSION TO STUDY THE HEALTH EFFECTS OF TOXIC MOLD

Mr. President:

I hereby move to amend 2004 -- S 2772, entitled "SENATE RESOLUTION CREATING A SPECIAL SENATE COMMISSION TO STUDY THE HEALTH EFFECTS OF TOXIC MOLD", as follows:

1. By deleting the title and inserting "Senate Resolution Extending the Reporting Date of the Special Senate Commission to Study the Health Effects of Toxic Mold".

2. On page 1, by striking all of the language on page 1, lines 1 through 19, and by striking all of the language on page 2, lines 1 through 14.

3. On page 3, by striking all the language.

4. By inserting in place thereof:

"RESOLVED, That special Senate commission created by Resolution No. 185, passed by the Senate at its January session A.D. 2003 and approved May 8, 2003, entitled "Senate Resolution Extending the Reporting Date of the Special Senate Commission to Study the Health Effects of Toxic Mold" is hereby authorized to continue its study and make a report to the Senate on or before February 28, 2005, and said commission shall expire on February 28, 2005; and be it further

RESOLVED, That the time for reporting authorized by Resolution No. 185, passed by the Senate at its January session A.D. 2003 and approved May 8, 2003, be and the same is hereby rescinded."

Respectfully submitted,
SENATOR RUGGERIO

The motion to amend prevails 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 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, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS – 0:

Senator Ruggerio, moves passage of the act as amended, seconded by Senators Sosnowski, Damiani and Polisen.

The act is read and passed, by unanimous consent, as amended, 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 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, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS – 0:

Also:

4 2004-S 2297

BY Issa

ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THE PRESIDENT OF THE UNITED STATES OF AMERICA TO ORDER THE PENTAGON TO ISSUE CAMPAIGN-SPECIFIC MEDALS FOR OPERATION IRAQI FREEDOM AND THE CAMPAIGN IN AFGHANISTAN

Senator Issa, moves passage, seconded by Senators Walaska, Fogarty, Tassoni, Goodwin, Blais, Breene, Damiani, Polisen, Parella, Paiva-Weed, Connors, Lenihan, and many others.

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

ANNOUNCEMENTS

Senator Raptakis announces that the Committee on Judiciary will meet today, at the rise of the Senate, in Room 313 of the State House.

Senator Gallo announces that the Committee on Finance will meet today, at the rise of the Senate, in Room 211 of the State House.

Senator Goodwin announces that the Committee on Constitutional and Gaming Issues will meet on Wednesday, March 24, 2004, at the rise of the Senate, in Room 211 of the State House.

Senator Ciccone announces that the Committee on Constitutional and Gaming Issues will meet on Wednesday, March 24, 2004, at 2:30 o'clock P.M. in Room 212 of the State House.

Senator Bates announces that the Committee on Financial Services, Technology and Regulatory Issues will meet on Wednesday, March 24, 2004, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Felag announces that the Committee on Education will meet on Wednesday, March 24, 2004, at 3:00 o'clock P.M. in the Senate Lounge of the State House.

Senator Sheehan announces that the Committee on Health and Human Services will meet on Wednesday, March 24, 2004, 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.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns at 4:42 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR DANIEL J. ISSA

Heavenly Father, guide us in the ways of peace. May we show loyalty towards one another and be worthy of the trust you have placed in us. Amen.

Appendix**CALENDAR****IN ORDER FOR THURSDAY, MARCH 25, 2004:****1 2004-S 2837 SUB A****BY Sosnowski****ENTITLED, AN ACT RELATING TO FISH AND WILDLIFE**

Committee on Environment & Agriculture recommends indefinite postponement of the original bill and passage of Substitute A.

2 2004-S 2551**BY Goodwin****ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES**

Committee on Constitutional & Gaming Issues recommends passage.

3 2004-S 2168**BY Tassoni****ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
TRAFFIC CONTROL DEVICES**

Committee on Commerce, Housing & Municipal Government recommends passage.

4 2004-S 2364**BY Caprio F****ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
ARCHITECTS, ENGINEERS, LAND SURVEYORS AND
LANDSCAPE ARCHITECTS**

Committee on Commerce, Housing & Municipal Government recommends passage.

5 2004-S 2368**BY Cote****ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
LANDSCAPE ARCHITECTS**

Committee on Commerce, Housing & Municipal Government recommends passage.

6 2004-S 2515**BY Tassoni****ENTITLED, AN ACT RELATING TO MOTOR VEHICLES -- TRAFFIC
CONTROL DEVICES**

Committee on Commerce, Housing & Municipal Government recommends passage.

7 2004-S 2620
BY Fogarty P
ENTITLED, AN ACT RELATING TO TAXATION

Committee on Commerce, Housing & Municipal Government recommends passage.

8 2004-H 7326
BY Shanley
ENTITLED, AN ACT RELATING TO PROPERTY SUBJECT TO TAXATION --
SOUTH KINGSTOWN

Committee on Commerce, Housing & Municipal Government recommends passage in concurrence.

9 2004-S 2223
BY Blais
ENTITLED, AN ACT RELATING TO FREEWAYS

Committee on Judiciary recommends passage.

10 2004-S 2243 as amended
BY Bates
ENTITLED, AN ACT RELATING TO FINANCIAL TRANSACTIONS -- MONEY
LAUNDERING

Committee on Judiciary recommends passage as amended.

11 2004-S 2250
BY Algieri
ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
AGGRESSIVE DRIVING

Committee on Judiciary recommends passage.

12 2004-S 2348
BY Blais
ENTITLED, AN ACT RELATING TO CRIMINALS - CORRECTIONAL
INSTITUTIONS - MEDICAL PAROLE

Committee on Judiciary recommends passage.

13 2004-S 2737
BY McCaffrey
ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - CHILDREN

Committee on Judiciary recommends passage.

14 2004-S 2901

BY DaPonte

ENTITLED, AN ACT RELATING TO TAXATION -- WITHHOLDING TAX

Committee on Judiciary recommends passage.

15 2004-S 2933

BY Damiani

ENTITLED, AN ACT RELATING TO CAMPUS SECURITY

Committee on Judiciary recommends passage.

16 2003-H 5808 SUB B as amended

BY Carter

**ENTITLED, AN ACT RELATING TO STATUTES AND STATUTORY
CONSTRUCTION**

Ordered on the Calendar

Raymond T. Hoyas, Jr.
Secretary of the Senate