

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. 25

Wednesday, March 24, 2004

Twenty-fifth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:25 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 and Roberts.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Tuesday, March 23, 2004 proceedings is read in part.

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

CONGRATULATIONS

Senator Breene extends congratulations and best wishes to Senator Blais on being named February's Pharmacist of the month by the Professional Compounding Centers of America. Senator Blais was chosen for the honor based on his dedication to quality standards in pharmacy compounding and for his commitment to his community and his patients.

GUESTS

Upon suggestion of Senator Gibbs and by unanimous consent, the Honorable President welcomes to the Chamber Ailene McNamee and Cate Runge, both students attending Salve Regina University, who will be serving as interns this year.

Upon suggestion of Senator Polisena and by unanimous consent, the Honorable President welcomes to the Chamber Kathy Gazzola- Treasurer Rhode Island Dental Hygienists Association, Pam Nelson- Legislative Chair Rhode Island Dental Hygienists Association, Mary Anne Barry – Continuing Education Chair Rhode Island Dental Hygienists Association.

Upon suggestion of Senator Polisena and by unanimous consent, the Honorable President welcomes to the Chamber former State Senator Catherine Graziano, and Pam McHue, Rhode Island State Nurses Association.

REPORTS OF COMMITTEES**COMMITTEE ON ENVIRONMENT AND AGRICULTURE**

Senator Sosnowski, from the Committee on Environment and Agriculture, reports back, with recommendation of passage of the following measure:

Senate Bill No. 2166

BY Senators Sosnowski, Blais, Breene, Connors, Felag

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

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 measure:

Senate Bill No. 2466

BY Senators McBurney, Montalbano J, Caprio F

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

Read and ordered to be placed on the Calendar

COMMITTEE ON LABOR

Senator Badeau, from the Committee on Labor, reports back, with recommendation of passage of the following measures:

Senate Bill No. 2286

BY Senators Lanzi, Ciccone, Badeau, DaPonte, Ruggiero

ENTITLED, AN ACT RELATING TO FIREFIGHTERS' ARBITRATION.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2439

BY Senators Ruggiero, Lanzi, Ciccone, Goodwin, Gallo

ENTITLED, AN ACT RELATING TO CAUSES OF ACTION

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2443

BY Senators Ruggiero, DaPonte, Ciccone, Paiva-Weed, Lanzi

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- LABOR AND PAYMENT OF DEBTS

BY Senators CONTRACTORS

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2452

BY Senators Ruggiero, Tassoni, Gallo, DaPonte, Connors

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- TELECOMMUNICATIONS

Read and ordered to be placed on the Calendar

REPORTS OF COMMITTEES**TRANSFER OF BILLS**

Senator Badeau, for the Committee on Labor, reports back the following measure, with recommendation of transfer to the Committee on Finance:

Senate Bill No. 2751 (Governor)

BY Senator Gibbs

ENTITLED, AN ACT RELATING TO THE RHODE ISLAND HUMAN RESOURCE INVESTMENT COUNCIL.

Read and referred to the Senate 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. 7465

BY Moura

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

Received and referred to the Senate Committee on Judiciary

Also:

House Bill No. 7529

BY Shavers, Crowley, Gallison, Carter, Dennigan

ENTITLED, AN ACT RELATING TO THE SOLEMNIZATION OF MARRIAGES.

Received and referred to the Senate Committee on Judiciary

Also:

House Bill No. 8045

BY Gorham

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

Received and referred to the Senate Committee on Judiciary

Also:

House Bill No. 8143

BY Amaral

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

Received and referred to the Senate Committee on Judiciary

Also:

House Bill No. 8303

BY Corvese, Schadone, San Bento

ENTITLED, AN ACT AMENDING AN ACT TO INCORPORATE THE TOWN OF NORTH PROVIDENCE.

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

Also:

House Bill No. 8294

BY Slater, Williams

ENTITLED, AN ACT RELATING TO A JOINT LEGISLATIVE COMMISSION TO STUDY THE IMPLEMENTATION OF A FUNDING INDEX FOR PRIVATE COMMUNITY-BASED PROVIDERS OPERATING PURSUANT TO CONTRACTS WITH THE STATE OF RHODE ISLAND.

Received and referred to the Senate Committee on Constitutional and Gaming Issues

NEW BUSINESS

Senate Resolution No. 2983

BY Senator Issa

ENTITLED, SENATE RESOLUTION PROCLAIMING THE MONTH OF MARCH, 2004 TO BE "SAVE YOUR VISION MONTH" IN THE STATE OF 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.

Also:

Senate Bill No. 2985 (State Police)

BY Senator Blais

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS.

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2986

BY Senator Tassoni

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2987

BY Senator Alves

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- RESPONSIBILITY OF OWNERS OF RENTAL VEHICLES.

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2988

BY Senator Badeau

ENTITLED, AN ACT RELATING TO MOTOR VEHICLES -- MOTOR FUEL TAX.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2989

BY Senators DaPonte, Montalbano J, Caprio F, Bates, Ruggerio

ENTITLED, AN ACT RELATING TO TAXATION -- BUSINESS CORPORATION TAX.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2990

BY Senators Parella, Felag, Bates

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

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

Also:

Senate Bill No. 2991

BY Senators Parella, Bates, Felag

ENTITLED, AN ACT AMENDING AN ACT EXEMPTING FROM TAXATION AND AUTHORIZING THE HERRESHOFF MARINE MUSEUM TO INCREASE ITS HOLDINGS FROM AN AMOUNT NOT EXCEEDING ONE MILLION SIX HUNDRED THOUSAND DOLLARS (\$1,600,000) TO AN AMOUNT NOT EXCEEDING FOUR MILLION SIX HUNDRED THOUSAND DOLLARS (\$4,600,000).

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

Also:

Senate Bill No. 2992

BY Senators Ciccone, DaPonte, Gallo, Ruggerio, Damiani

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES - GENERAL OFFICERS.

Read and referred to the Senate Committee on Government Oversight

Also:

Senate Resolution No. 2993

BY Senator Issa

ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THE RHODE ISLAND CONGRESSIONAL DELEGATION TO SPONSOR AND VIGOROUSLY SUPPORT THE ENACTMENT OF THE "INSTRUCTIONAL MATERIALS ACCESSIBILITY ACT" IN THE 108TH SESSION OF CONGRESS.

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

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 8323

BY Fox

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF INTERNATIONAL HOUSE OF RHODE ISLAND.

Senator Perry requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Perry moves passage, seconded by Senator Ruggiero.

The act is read and passed, in concurrence, upon a voice vote.

ANNOUNCEMENTS

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

Senator DaPonte announces that the Committee on Financial Services, Technology and Regulatory Issues will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Gibbs announces that the Committee on Health and Human Services will meet today, at the rise of the Senate, in Room 212 of the State House.

Senator Gallo announces that the Committee on Education will meet today, at the rise of the Senate, in the Senate Chamber of the State House.

Senator McCaffrey announces that the Committee on Judiciary will meet on Thursday, March 25, 2004, at 3:00 o'clock P.M. in Room 313 of the State House.

Senator Lenihan announces that the Committee on Oversight will meet on Thursday, March 25, 2004, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Fogarty announces that the Committee on Commerce, Housing and Municipal Government will meet on Thursday, March 25, 2004, at the rise of the Senate, in Room 212 of the State House.

Senator Felag announces that the Committee on Finance will meet on Thursday, March 25, 2004, at the rise of the Senate, in Room 211 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 4:35 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR KEVIN A. BREENE

Guide us, Lord, towards a deeper understanding of the needs of the people of our State; may we be instrumental in serving those needs. Let us work to improve the lives of those who have no voice in their government. 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.

IN ORDER FOR TUESDAY, MARCH 30, 2004:**1 2004-S 2166****BY Sosnowski****ENTITLED, AN ACT RELATING TO AGRICULTURE AND FORESTRY --
RIGHT TO FARM**

Committee on Environment & Agriculture recommends passage.

2 2004-S 2466**BY McBurney****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

3 2004-S 2286**BY Lanzi****ENTITLED, AN ACT RELATING TO FIREFIGHTERS' ARBITRATION**

Committee on Labor recommends passage.

4 2004-S 2439**BY Ruggiero****ENTITLED, AN ACT RELATING TO CAUSES OF ACTION**

Committee on Labor recommends passage.

5 2004-S 2443**BY Ruggiero****ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
LABOR AND PAYMENT OF DEBTS BY CONTRACTORS**

Committee on Labor recommends passage.

6 2004-S 2452

BY Ruggiero

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
TELECOMMUNICATIONS

Committee on Labor recommends passage.

IN ORDER FOR THURSDAY, APRIL 1, 2004:

1 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