

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. 28

Wednesday, March 31, 2004

Twenty-eighth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:22 o'clock P.M.

The roll is called and a quorum is declared present with 33 Senators present and 3 Senators absent as follows:

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

ABSENT – 3: Senators Algiere, Badeau, Lenihan.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Tuesday, March 30, 2004 proceedings is read in part.

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

GUESTS

Upon suggestion of Senators Gallo and Perry and by unanimous consent, the Honorable President welcomes to the Chamber David Noble of Washington D.C., Executive Director of the Stonewall Democrats and a former aide in the State Senate.

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. 2083

BY Senators Bates, Blais, Breene

ENTITLED, AN ACT RELATING TO TAXATION OF NEW REAL ESTATE

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2273

BY Senators Tassoni, Issa, Roberts, Gibbs

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- DEPARTMENT OF TRANSPORTATION

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2277 as amended (Dept. of Transportation)

BY Senators Breene, Algiere, Bates, Gibbs

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- BICYCLE FACILITIES

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2366 (by request)

BY Senators Cote, Tassoni, Fogarty P

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - REAL ESTATE BROKERS AND SALESPERSONS

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2618 as amended

BY Senators Breene, Sosnowski, Blais

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- PUBLIC BUILDINGS

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2773 as amended

BY Senators Ruggerio, Gallo, Lanzi, Goodwin

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ECONOMIC DEVELOPMENT REPORTING

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2829

BY Senators Sosnowski, Pichardo, Roberts, Paiva-Weed, DaPonte

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- VETERINARY PRACTICE

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2924 (Attorney General)

BY Senators Caprio F, McCaffrey

ENTITLED, AN ACT RELATING TO BUSINESS AND PROFESSIONS -- HEALTH CLUBS

Read and ordered to be placed on the Calendar

Also:

House Bill No. 7286 (by request)

BY Representatives Gallison, Enos, Amaral, Callahan

ENTITLED, AN ACT CREATING THE PRUDENCE ISLAND WATER DISTRICT {LC1013/1}

Read and ordered to be placed on the Calendar

NEW BUSINESS**Senate Resolution No. 3006****BY** Senator Pichardo**ENTITLED**, SENATE RESOLUTION HONORING CESAR ESTRADA CHAVEZ (1927-1993).

Senator Pichardo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Pichardo moves passage, seconded by the entire Senate.

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

GUESTS

Upon suggestion of Senator Pichardo and by unanimous consent, the Honorable President welcomes to the Chamber Martha V. Martinez, Chair, Governor's Advisory Commission on Hispanic Affairs.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 8261**BY** Anguilla**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

Senator McBurney requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator McBurney moves passage, seconded by Senator Caprio.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 31 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 31: The Honorable President Montalbano and Senators Alves, Bates, Blais, Breene, Caprio, Ciccone, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

CONSENT CALENDAR

In order for the day is taken up as follows:

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

IN ORDER FOR WEDNESDAY, MARCH 31, 2004:**1 2004-S 2503****BY Sheehan**

ENTITLED, SENATE RESOLUTION COMMENDING SHIRLEY SILVIA AND THE FRIENDS OF PLUM BEACH LIGHTHOUSE FOR THEIR BOUNDLESS REVITALIZATION EFFORTS PRESERVING THE PLUM BEACH LIGHTHOUSE

2 2004-S 3005**BY Algieri**

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF J.B. SIMON, INC.

CALENDAR**IN ORDER FOR WEDNESDAY, MARCH 31, 2004:****1 2004-S 2621 SUB A****BY Fogarty P**

ENTITLED, AN ACT RELATING TO TAXES -- BURRILLVILLE

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

Senator Fogarty, moves passage, seconded by Senators Tassoni, Caprio and Walaska.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon 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, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, 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:

2 2004-S 2099 SUB A**BY Bates****ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES**

Committee on Constitutional & Gaming Issues recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Bates, moves passage, seconded by Senators Goodwin, Roberts, Sosnowski, Parella, Gallo, Sheehan, Walaska, Blais and others.

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

NAYS- 0:

3 2004-S 2339**BY Sosnowski****ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY --
REGULATION OF VICIOUS DOGS**

Committee on Constitutional & Gaming Issues recommends passage.

Upon suggestion of Senator Sosnowski, and without objection ordered to be placed on the Calendar for Tuesday, April 6, 2004

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 Sheehan 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 Bates 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 Fogarty announces that the Committee on Commerce, Housing and Municipal Government will meet on Thursday, April 1, 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, April 1, 2004, at the rise of the Senate, in Room 211 of the State House.

Senator Gallo announces that the Committee on Education will meet on Thursday, April 1, 2004, at 3:00 o'clock P.M. in the Senate Lounge of the State House.

Senator Raptakis announces that the Committee on Judiciary will meet on Thursday, April 1, 2004, at 3:00 o'clock P.M. and at the rise of the Senate, in Room 313 of the State House.

Senator Sheehan announces that the Committee on Oversight will meet on Thursday, April 1, 2004, at 3:00 o'clock P.M. 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 Breene, and upon suggestion of Senator Pichardo, the Senate adjourns at 4:40 o'clock P.M. in memory Cesar Estrada Chavez.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR JAMES C. SHEEHAN

Heavenly Father, we ask you to teach us to give and not count the cost, and to labor and not ask for rewards. Above all, teach us that it is only what we give in love and service to others which endures forever. Amen.

Appendix**CALENDAR****IN ORDER FOR THURSDAY, APRIL 1, 2004:****1 2004-S 2286****BY Lanzi****ENTITLED, AN ACT RELATING TO FIREFIGHTERS' ARBITRATION**

Committee on Labor recommends passage.

2 2004-S 2439**BY Ruggiero****ENTITLED, AN ACT RELATING TO CAUSES OF ACTION**

Committee on Labor recommends passage.

3 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.

4 2004-S 2243 as amended**BY Bates****ENTITLED, AN ACT RELATING TO FINANCIAL TRANSACTIONS -- MONEY
LAUNDERING**

Committee on Judiciary recommends passage as amended.

5 2004-S 2250**BY Algiere****ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
AGGRESSIVE DRIVING**

Committee on Judiciary recommends passage.

6 2004-S 2048**BY Roberts****ENTITLED, AN ACT RELATING TO HEALTH CARE FOR FAMILIES**

Committee on Health & Human Services recommends passage.

7 2004-S 2115**BY Walaska****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- SANITATION STANDARDS FOR BATHING BEACHES

Committee on Health & Human Services recommends passage.

8 2004-S 2282**BY Parella****ENTITLED,** AN ACT RELATING TO DOMESTIC RELATIONS

Committee on Health & Human Services recommends passage.

9 2004-S 2541 as amended**BY Alves****ENTITLED,** AN ACT RELATING TO MEDICAL ASSISTANCE -- DENTISTS, DENTAL HYGIENISTS AND DENTAL ASSISTANTS

Committee on Health & Human Services recommends passage as amended.

10 2004-S 2549**BY Alves****ENTITLED,** AN ACT RELATING TO ASSISTED LIVING RESIDENCES

Committee on Health & Human Services recommends passage.

11 2004-S 2755 as amended**BY Blais****ENTITLED,** AN ACT RELATING TO PHYSICIAN ASSISTANTS

Committee on Health & Human Services recommends passage as amended.

12 2004-S 2948 SUB A**BY Polisena****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- HEALTH CLUBS

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

13 2003-H 5808 SUB B as amended**BY Carter****ENTITLED,** AN ACT RELATING TO STATUTES AND STATUTORY CONSTRUCTION

Ordered on the Calendar

IN ORDER FOR TUESDAY, APRIL 6, 2004:**1 2004-S 2339****BY Sosnowski****ENTITLED,** AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY --
REGULATION OF VICIOUS DOGS

Committee on Constitutional & Gaming Issues recommends passage.

2 2004-S 2223**BY Blais****ENTITLED,** AN ACT RELATING TO FREEWAYS

Committee on Judiciary recommends passage.

3 2004-S 2083**BY Bates****ENTITLED,** AN ACT RELATING TO TAXATION OF NEW REAL ESTATE

Committee on Commerce, Housing & Municipal Government recommends passage.

4 2004-S 2273**BY Tassoni****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
DEPARTMENT OF TRANSPORTATION

Committee on Commerce, Housing & Municipal Government recommends passage.

5 2004-S 2277 as amended**BY Breene****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
BICYCLE FACILITIES

Committee on Commerce, Housing & Municipal Government recommends passage as amended.

6 2004-S 2366**BY Cote****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -
REAL ESTATE BROKERS AND SALESPERSONS

Committee on Commerce, Housing & Municipal Government recommends passage.

7 2004-S 2618 as amended**BY Breene****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
PUBLIC BUILDINGS

Committee on Commerce, Housing & Municipal Government recommends passage as amended.

8 2004-S 2773 as amended**BY Ruggerio****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT
-- ECONOMIC DEVELOPMENT REPORTING

Committee on Commerce, Housing & Municipal Government recommends passage as amended.

9 2004-S 2829**BY Sosnowski****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
VETERINARY PRACTICE

Committee on Commerce, Housing & Municipal Government recommends passage.

10 2004-S 2924**BY Caprio F****ENTITLED,** AN ACT RELATING TO BUSINESS AND PROFESSIONS --
HEALTH CLUBS

Committee on Commerce, Housing & Municipal Government recommends passage.

11 2004-H 7286**BY Gallison****ENTITLED,** AN ACT CREATING THE PRUDENCE ISLAND WATER DISTRICT

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

Raymond T. Hoyas, Jr.
Secretary of the Senate