

**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. 36

Wednesday, April 28, 2004

Thirty-sixth 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 4:16 o'clock P.M.

The roll is called and a quorum is declared present with 36 Senators present and 0 Senators absent as follows:

**PRESENT** – 36: The Honorable President Montalbano and Senators Algieri, 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, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

**ABSENT** – 0:

**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, April 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.

**APPOINTMENTS BY THE GOVERNOR**

The Honorable President presents the following communication from His Excellency, the Governor, transmitting the following appointments and requesting the advice and consent of the Senate thereto:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
EXECUTIVE CHAMBER, PROVIDENCE**

Donald L. Carcieri  
Governor

March 31, 2004

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-59-2 of the Rhode Island General Laws, I have made the following reappointment to the Board of Governors for Higher Education:

**Miriam Coleman of East Greenwich**

For a term expiring January 31, 2007.

To this reappointment, I respectfully request your advice and consent.

Sincerely,



Donald L. Carcieri  
Governor

Read and referred to the Committee on Education.

Also:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
EXECUTIVE CHAMBER, PROVIDENCE**

Donald L. Carcieri  
Governor

April 2, 2004

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 20-3-1 of the Rhode Island General Laws, I have made the following appointment to the Marine Fisheries Council:

**Andrew E. Tate of Bristol**

For a term expiring April 1, 2008.

To this appointment, I respectfully request your advice and consent.

Sincerely,



Donald L. Carcieri  
Governor

Read and referred to the Committee on Environment and Agriculture.

Also:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
EXECUTIVE CHAMBER, PROVIDENCE**

Donald L. Carcieri  
Governor

March 31, 2004

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-75-2 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island State Council on the Arts:

**Nancy Chapman of Saunderstown**

VICE  
B. Michael Rauh

For a term expiring March 1, 2007.

To this appointment, I respectfully request your advice and consent.

Sincerely,



Donald L. Carcieri  
Governor

Read and referred to the Committee on Judiciary.

Also:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
EXECUTIVE CHAMBER, PROVIDENCE**

Donald L. Carcieri  
Governor

April 21, 2004

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 8-16-1 of the Rhode Island General Laws, I have made the following reappointment to the Commission on Judicial Tenure and Discipline:

**Armeny Apkarian of Cranston**

For a term expiring April 1, 2007.

To this reappointment, I respectfully request your advice and consent.

Sincerely,



Donald L. Carcieri  
Governor

Read and referred to the Committee on Judiciary.

## REPORTS OF COMMITTEES

## COMMITTEE ON CONSTITUTIONAL AND GAMING ISSUES

Senator Goodwin, from the Committee on Constitutional and Gaming Issues, reports back, with recommendation of passage of the following measures:

**Senate Bill No. 2041**

**BY** Senators Fogarty P, Walaska, Sosnowski, Breene, Sheehan

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- REGISTRATION OF VEHICLES (temporary plates)

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 2332**

**BY** Senators Badeau, Ciccone, Lanzi, Connors, Cote

**ENTITLED**, AN ACT RELATING TO SUNDAY SALE OF ALCOHOLIC BEVERAGES

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 2341** SUB A as amended

**BY** Senator Sosnowski

**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY

Read and ordered to be placed on the Calendar

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

Read and ordered to be placed on the Calendar

COMMITTEE ON EDUCATION

Senator Issa, from the Committee on Education, reports back, with recommendation of passage of the following measures:

**Senate Bill No. 2045** SUB A

**BY** Senator Walaska

**ENTITLED**, AN ACT RELATING TO EDUCATION -- PRIVATE SCHOOLS

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 2423**

**BY** Senator Gallo

**ENTITLED**, AN ACT RELATING TO SCHOOL COMMITTEES

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 2497** SUB A

**BY** Senators Roberts, Sosnowski, Gibbs

**ENTITLED**, AN ACT RELATING TO EDUCATION

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 2498** SUB A (Attorney General)

**BY** Senator Issa

**ENTITLED**, AN ACT RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 2594** SUB A (Attorney General)

**BY** Senators Gallo, Issa

**ENTITLED**, AN ACT RELATING TO DELINQUENT AND DEPENDENT CHILDREN -- PROCEEDINGS IN FAMILY COURT

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 2671** SUB A

**BY** Senators Roberts, Perry

**ENTITLED**, AN ACT RELATING TO THE RHODE ISLAND EDUCATIONAL RECORDS BILL OF RIGHTS

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 2764** SUB A

**BY** Senator Lenihan

**ENTITLED**, AN ACT RELATING TO EDUCATION -- PRIVATE SCHOOLS (approval by board of governors only)

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 2768**

**BY** Senator Issa

**ENTITLED**, AN ACT RELATING TO THE BOARD OF GOVERNORS FOR HIGHER EDUCATION

Read and ordered to be placed on the Calendar

Also:

Reappointment of Margaret Melozzi of Tiverton to the Rhode Island State Council on the Arts for a term expiring March 1, 2007

Read and referred to be placed on the Consent Calendar.

Also:

Appointment of Regina A. Partridge of Providence VICE Madelyn T. LaPlume to the Rhode Island State Council on the Arts for a term expiring March 1, 2007

Read and referred to be placed on the Consent Calendar.

Also:

Reappointment of Stuart B. Giannini of Lincoln to the Rhode Island State Council on the Arts for a term expiring March 1, 2007

Read and referred to be placed on the Consent Calendar.

Also:

Reappointment of Suzanne Dandurand Augenstein of East Greenwich to the Rhode Island State Council on the Arts for a term expiring March 1, 2007

Read and referred to be placed on the Consent Calendar.

#### COMMITTEE ON FINANCE

Senator Alves, from the Committee on Finance, reports back, with recommendation of passage of the following measures:

**Senate Bill No. 2001**

(PREFILED)

**BY** Senator Issa

**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES - REGISTRATION FEES - DISABLED VETERANS

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 2649** (Dept. of Human Services)

**BY** Senator Gibbs

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- DISPOSITION OF BODIES TO BE BURIED WITH PUBLIC FUNDS

Read and ordered to be placed on the Calendar

#### COMMITTEE ON FINANCIAL SERVICES, TECHNOLOGY AND REGULATORY ISSUES

Senator Walaska, from the Committee on Financial Services, Technology and Regulatory Issues, reports back, with recommendation of passage of the following measures:

**Senate Bill No. 2299** SUB A

**BY** Senators Blais, Walaska, DaPonte

**ENTITLED**, AN ACT RELATING TO ADMINISTRATIVE PROCEDURES

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 2817** SUB A

(Dept. of Business Regulations)

**BY** Senators Bates, Breene

**ENTITLED**, AN ACT RELATING TO INSURANCE -- FIRE INSURANCE POLICIES AND RESERVES

Read and ordered to be placed on the Calendar



Also:

**Senate Bill No. 2752** SUB A

**BY** Senators Caprio F, Pichardo, Perry, Ciccone, DaPonte

**ENTITLED**, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- PAWNBROKERS

Read and ordered to be placed on the Calendar

**COMMITTEE ON JUDICIARY**

Senator McCaffrey, from the Committee on Judiciary, reports back, with recommendation that advice and consent of the Senate be given to the following:

Appointment of Lauren D'Ambra of Lincoln VICE Associate Justice Paul Suttell as Associate Justice of the Rhode Island Family Court

Without objection, read and ordered to be placed on the Calendar for Thursday, April 29, 2004

**REPORTS OF COMMITTEES**

**TRANSFER OF BILLS**

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

**Senate Bill No. 2622** (Governor)

**BY** Senators Gallo, Walaska, Ciccone

**ENTITLED**, AN ACT RELATING TO EDUCATION -- ESTABLISHMENT OF CHARTER PUBLIC SCHOOLS.

Read and referred to the 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. 7327**

**BY** Flaherty

**ENTITLED**, AN ACT RELATING TO INSURANCE --CONTINUING EDUCATION REQUIREMENTS

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

Also:

**House Bill No. 7354**

**BY** Cerra, Montanaro, Petrarca, Handy, Slater

**ENTITLED**, AN ACT RELATING TO THE RHODE ISLAND RESOURCE RECOVERY CORPORATION

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

Also:

**House Bill No. 7441 SUB A**

**BY** Lima, Cerra, Kennedy, Giannini, Benson

**ENTITLED**, AN ACT RELATING TO TRUTH IN LENDING AND RETAIL SELLING

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

Also:

**House Bill No. 7442**

**BY** Lima, Ajello, Cerra, Shavers, Williams

**ENTITLED**, AN ACT RELATING TO UNFAIR SALES PRACTICES

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

Also:

**House Bill No. 7287**

**BY** Anderson R, Carter, Watson, Scott

**ENTITLED**, AN ACT AUTHORIZING THE FORMATION OF A REGIONAL SCHOOL DISTRICT REPRESENTING THE TOWNS OF EXETER AND WEST GREENWICH

Received and referred to the Senate Committee on Finance

Also:

**House Bill No. 7611**

(General Treasurer)

**BY** Rose, Anguilla, Savage, Dennigan, Amaral

**ENTITLED**, AN ACT RELATING TO PUBLIC FINANCE MANAGEMENT BOARD

Received and referred to the Senate Committee on Finance

Also:

**House Bill No. 7679**

(General Treasurer)

**BY** Rose, Savage, Dennigan, Moura, Story

**ENTITLED**, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE -- UNCLAIMED INTANGIBLE AND TANGIBLE PROPERTY

Received and referred to the Senate Committee on Finance

Also:

**House Bill No. 7414 SUB A** as amended

**BY** Costantino, Slater, Dennigan, Anguilla, Naughton

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

Referred to Senate Health and Human Services

Also:

**House Bill No. 7416 SUB A** as amended

**BY** Costantino, Slater, Anguilla, Malik, Carter

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT

Referred to Senate Health and Human Services

Also:

**House Bill No. 7328**

**BY** Lewiss, Anguilla, Kennedy, Kilmartin, Picard

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

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

Also:

**House Bill No. 7355 SUB A**

**BY** Coderre E, Crowley, Lewiss, Ginaitt, Kennedy

**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES

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

Also:

**House Bill No. 7766 SUB A**

**BY** Lewiss, Malik, Anguilla, Fox, Ginaitt

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

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

Also:

**House Bill No. 7135 SUB A**

**BY** Gallison, San Bento, Carter, Lewiss, Anguilla

**ENTITLED**, AN ACT RELATING TO DISTRIBUTION OF CREDIT CARDS

Referred to Senate Financial, Technology and Regulatory Issues

Also:

**House Resolution No. 8424**

**BY** Naughton, Shanley, Crowley, Carter, Enos

**ENTITLED**, JOINT RESOLUTION PROCLAIMING MAY 7, 2004 "URI COMMERCIAL FISHERIES DAY"

Read and ordered to be placed on the Consent Calendar

Also:

**House Bill No. 8458**

**BY** Fox

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

Senator Paiva-Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Paiva-Weed moves passage, seconded by Senator Tassoni.

The act is read and passed, in concurrence, by unanimous consent, 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 Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

## NEW BUSINESS

**Senate Bill No. 3064****BY** Senators Polisena, Damiani**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- ZONING NOTICE.

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

Also:

**Senate Bill No. 3065****BY** Senators Sheehan, Revens**ENTITLED**, AN ACT NAMING THE LONG TERM CARE PROGRAM, AND ASSOCIATED HOSPITAL WARDS, LOCATED AT THE R.I. INSTITUTE OF MENTAL HEALTH AFTER DR. ANDO SUVARI.

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

Also:

**Senate Resolution No. 3066****BY** Senators Perry, Cote, Pichardo, Roberts, Paiva-Weed**ENTITLED**, SENATE RESOLUTION HONORING RHODE ISLAND YMCA'S CELEBRATING HEALTHY KIDS HEALTHY FAMILIES MONTH.

Senator Perry requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Perry moves passage, seconded by the entire Senate.

The act is read and passed, by unanimous consent, upon a roll call vote with 30 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 30: Senators Algieri, Alves, Badeau, Bates, Breene, Caprio, Ciccone, Connors, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**GUESTS**

Upon suggestion of Senators Perry, Tassoni, Algieri, Caprio and Polisena and by unanimous consent, the Honorable President welcomes to the Chamber Local YMCA agencies, from Westerly YMCA, Kurt Kramer and Deborah Bell, Greater Providence YMCA, Susan Rittscher, David Monti, Karen Leslie, David Devault, Chairman of State Alliance YMCA, Robin McDonald, YMCA of USA, William Ramos,

YMCA of USA, Woonsocket YMCA, Renee Lafayette, Smithfield YMCA, Harold Hemberger and Pawtucket Family YMCA, Ess McNulty.

Also:

**Senate Resolution No. 3067**

**BY** Senator Revens

**ENTITLED**, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF LEGENDARY PROVIDENCE COLLEGE BASKETBALL FRIARS ANNOUNCER CHRIS CLARK.

Senator Revens requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Revens moves passage, seconded by the entire Senate.

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

**FROM THE DESK**

Upon suggestion of Senator Algieri, and without objection, the following act is removed from the desk and acted on as follows:

**Senate Bill No. 2250** (State Police)

**BY** Senators Algieri

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

Without objection, read and ordered to be placed on tomorrow's Calendar.

**CALENDAR**

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

**1 2004-S 2934**

**BY DaPonte**

**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --  
PROCEDURE GENERALLY

Committee on Judiciary recommends passage.

Upon suggestion of Senator DaPonte, and without objection ordered to be placed on the desk.

**2 2004-S 2081 SUB A**

**BY Sosnowski**

**ENTITLED, AN ACT RELATING TO REAL ESTATE SALES DISCLOSURES**

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

Senator Sosnowski, moves passage, seconded by Senators Damiani, Caprio, Badeau.

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 and 1 Senator abstaining as follows:

YEAS- 34: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ABSTAINED- 1: Senator Lenihan.

**3 2004-S 2526**

**BY Connors**

**ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE - EMERGENCY MANAGEMENT**

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Connors, moves passage, seconded by Senators Tassoni, Damiani, DaPonte, Ciccone, Badeau, Issa, Sheehan and others.

The act is read and passed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

**4 2004-S 2616****BY Polisena****ENTITLED,** AN ACT RELATING TO INSURANCE -- UNFAIR CLAIMS SETTLEMENT PRACTICES ACT

Committee on Commerce, Housing & Municipal Government recommends passage.

Upon suggestion of Senator Polisena and without objection ordered to be placed on the Calendar for Wednesday, May 5, 2004.

**5 2004-S 2676****BY Gibbs****ENTITLED,** AN ACT RELATING TO ZONING ORDINANCES

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Gibbs, moves passage, seconded by Senators Roberts, Perry, Paiva-Weed, Tassoni and Parella.

The act is read and passed, by unanimous consent, 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 Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**6 2004-S 2997 as amended****BY Polisena****ENTITLED,** AN ACT RELATING TO MOTOR VEHICLES -- CAMPING RECREATIONAL VEHICLE

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

Senator Polisena, moves passage, seconded by Senators Damiani.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:



**7 2004-S 2998****BY Breene****ENTITLED, AN ACT RELATING TO THE TOWN OF EXETER -- TOWN MEETINGS**

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Breene, moves passage, seconded by Senators Algieri.

The act is read and passed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

**Statement of Conflict of Interest  
Pursuant to R.I. Gen. Laws § 36-14-6**

I, Senator M. Teresa Paiva-Weed, holding the position of

Majority Leader of the Rhode Island State Senate, hereby under oath depose and say:  
(job title or appointed/elected position and name of board/commission/agency/department)

1. A matter involving 2004S – 2999 An Act Relating to Homestead Exemptions in the Town of Lincoln.

is presently before The Rhode Island State Senate.  
(name of board/commission/agency/department)

2. I have the following interest in the matter noted in paragraph 1 above:

The law firm to which I am employed, Moore, Virgadamo and Lynch, Ltd., lists the Town of Lincoln as a client.

3. [Please select one of the following]:

(X) A. In compliance with R.I. Gen. Laws § 36-14-6(1), I hereby recuse from participating in the discussion of or taking official action relating to said matter. (This does not prohibit participation as a member of the public in an open meeting, pursuant to Commission Regulation 7003.)

- ( ) B. In compliance with R.I. Gen. Laws § 36-14-6(1), I hereby state that despite the interest described above, I believe I am able to participate fairly, objectively and in the public interest regarding said matter for the following reasons:

Signed under the penalties of perjury this 28th day of April, 2004.

M. Teresa Paiva-Weed  
Signature

**8 2004-S 2999**

**BY Connors**

**ENTITLED,** AN ACT RELATING TO HOMESTEAD EXEMPTIONS IN THE TOWN OF LINCOLN

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Connors, moves passage, seconded by Senators Tassoni, Lanzi and Damiani.

The act is read and passed, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative 1 Senator abstaining as follows:

YEAS- 34: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Parella, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ABSTAINED- 1: Senator Paiva-Weed

**ANNOUNCEMENTS**

Senator Raptakis announces that the Committee on Judiciary will meet on Thursday, April 29, 2004, at the rise of the Senate, in Room 313 of the State House.

Senator Gallo announces that the Committee on Finance will meet on Thursday, April 29, 2004, at 3:00 o'clock P.M., and 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 Fogarty announces that the Committee on Commerce, Housing and Municipal Government will meet on Thursday, April 29, 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.

**REPORTS OF COMMITTEES  
COMMITTEE ON HEALTH AND HUMAN SERVICES**

Senator Roberts, from the Committee on Health and Human Services, reports back, with recommendation of passage of the following measure:

**Senate Bill No. 2140 SUB A**

**BY** Senators Polisena, Roberts, Gallo, Paiva-Weed, Raptakis

**ENTITLED**, AN ACT RELATING TO INSURANCE - - PHARMACY FREEDOM OF CHOICE - -  
FAIR COMPETITION AND PRACTICES

Read and ordered to be placed on the Calendar.

**ADJOURNMENT**

Upon motion of Senator Ruggerio, seconded by Senator Algieri, and upon suggestion of Senator Revens, the Senate adjourns at 4:47 o'clock P.M. in memory Chris Clark, legendary Providence College Basketball Friars Announcer.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SENATOR DAVID E. BATES**

Dear Lord, when the day is long and wearisome, the hours tense and tiring, keep the minds and spirits of Thy servants here alert, strong, forgiving and patient. Amen.

**Appendix****CONSENT CALENDAR****IN ORDER FOR THURSDAY, APRIL 29, 2004:**

- 1** Reappointment of Stuart B. Giannini of Lincoln to the Rhode Island State Council on the Arts for a term expiring March 1, 2007.

Committee on Education recommends that the Senate give its Advice and Consent to this reappointment.

- 2** Reappointment of Suzanne Dandurand Augenstein of East Greenwich to the Rhode Island State Council on the Arts for a term expiring March 1, 2007.

Committee on Education recommends that the Senate give its Advice and Consent to this reappointment.

- 3** Reappointment of Margaret Melozzi of Tiverton to the Rhode Island State Council on the Arts for a term expiring March 1, 2007.

Committee on Education recommends that the Senate give its Advice and Consent to this reappointment.

- 4** Appointment of Regina A. Partridge of Providence VICE Madelyn T. LaPlume to the Rhode Island State Council on the Arts for a term expiring March 1, 2007.

Committee on Education recommends that the Senate give its Advice and Consent to this appointment.

- 5** **2004-H 8424**

**BY Naughton**

**ENTITLED, JOINT RESOLUTION PROCLAIMING MAY 7, 2004 "URI  
COMMERCIAL FISHERIES DAY"**

Ordered to be placed on the Consent Calendar

**Raymond T. Hoyas, Jr.**  
**Secretary of the Senate**

**Appendix****CALENDAR****IN ORDER FOR THURSDAY, APRIL 29, 2004:**

- 1** Appointment of Lauren D'Ambra of Lincoln VICE Associate Justice Paul Suttell as Associate Justice of the Rhode Island Family Court.

Committee on Judiciary recommends that the Senate give its Advice and Consent to this appointment.

**2** **2004-S 2250**

**BY Algieri**

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

Committee on Judiciary recommends passage.

**3** **2004-S 2709**

**BY Issa**

**ENTITLED,** AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -  
RETIREMENT SYSTEM - CONTRIBUTIONS AND BENEFITS

Committee on Finance recommends passage.

**4** **2004-S 2029 SUB A**

**BY Sosnowski**

**ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY --  
RHODE ISLAND WORKERS' SAFETY ACT OF 2004

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

**5** **2004-S 2160**

**BY Badeau**

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

Committee on Health & Human Services recommends passage.

**6 2004-S 2195 SUB A****BY Gibbs****ENTITLED,** SENATE RESOLUTION REQUESTING THE DEPARTMENT OF MENTAL HEALTH, RETARDATION AND HOSPITALS TO STUDY THE GUARDIANSHIP NEEDS OF GROUP HOME RESIDENT STATE WARDS

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

**7 2004-S 2317 SUB A****BY Perry****ENTITLED,** AN ACT RELATING TO DETERMINATION OF NEED FOR NEW HEALTH CARE EQUIPMENT AND NEW INSTITUTIONAL SERVICES

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

**8 2004-S 2367 SUB A****BY Alves****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- SOCIAL WORKERS

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

**9 2004-S 2413****BY Roberts****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH CARE QUALITY PROGRAM

Committee on Health & Human Services recommends passage.

**10 2004-S 2416 SUB A****BY Sheehan****ENTITLED,** AN ACT RELATING TO INSURANCE - HEALTH MAINTENANCE ORGANIZATIONS

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

**11 2004-S 2637 SUB A****BY Polisena****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH CARE FACILITIES

Committee on Health & Human Services recommends indefinite postponement of the

original bill and passage of Substitute A.

**12 2004-S 2681 SUB A**

**BY Blais**

**ENTITLED,** AN ACT RELATING TO PHYSICAL THERAPISTS

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

**13 2004-S 3002 SUB A**

**BY Alves**

**ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- LICENSING OF NURSING FACILITIES

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

**14 2004-S 2129 SUB A**

**BY Polisena**

**ENTITLED,** AN ACT RELATING TO CRIMINAL OFFENSES -- CRIMINALLY NEGLIGENT BATTERY

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A.

**15 2004-S 2186**

**BY Bates**

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

Committee on Judiciary recommends passage.

**16 2004-S 2237**

**BY Revens**

**ENTITLED,** AN ACT RELATING TO AERONAUTICS -- UNIFORM AERONAUTICAL REGULATORY ACT

Committee on Judiciary recommends passage.

**17 2004-S 2401**

**BY McCaffrey**

**ENTITLED,** AN ACT RELATING TO PUBLIC BUILDINGS

Committee on Judiciary recommends passage.



**18 2004-S 2666 SUB A****BY Algiere****ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --  
ACCIDENTS AND ACCIDENT REPORTS**

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A.

**19 2004-S 2667 SUB A****BY Paiva-Weed****ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES --  
CODE OF ETHICS**

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A.

**20 2004-S 2853 SUB A****BY Montalbano J****ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- SEARCH  
WARRANTS**

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A.

**21 2004-S 2856****BY Lenihan****ENTITLED, AN ACT RELATING TO ELECTIONS -- VOTING DISTRICTS AND  
OFFICIALS AND PRIMARY ELECTIONS**

Committee on Judiciary recommends passage.

**22 2004-S 2378 SUB A****BY Badeau****ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS**

Committee on Labor recommends indefinite postponement of the original bill and passage of Substitute A.

**23 2004-S 2774 SUB A****BY Ruggiero****ENTITLED, AN ACT RELATING TO TOWNS AND CITIES**

Committee on Labor recommends indefinite postponement of the original bill and passage of Substitute A.

**24 2004-S 2926 SUB A****BY DaPonte****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS --  
SUNDAY BUSINESS

Committee on Labor recommends indefinite postponement of the original bill and passage of Substitute A.

**IN ORDER FOR TUESDAY, MAY 4, 2004:****1 2004-S 2140 SUB A****BY Polisena****ENTITLED,** AN ACT RELATING TO INSURANCE - - PHARMACY FREEDOM OF  
CHOICE - - FAIR COMPETITION AND PRACTICES

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

**2 2004-S 2041****BY Fogarty P****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES --  
REGISTRATION OF VEHICLES

Committee on Constitutional & Gaming Issues recommends passage.

**3 2004-S 2332****BY Badeau****ENTITLED,** AN ACT RELATING TO SUNDAY SALE OF ALCOHOLIC  
BEVERAGES

Committee on Constitutional & Gaming Issues recommends passage.

**4 2004-S 2341 SUB A as amended****BY Sosnowski****ENTITLED,** AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY

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

**5 2004-S 2045 SUB A****BY Walaska****ENTITLED,** AN ACT RELATING TO EDUCATION -- PRIVATE SCHOOLS

Committee on Education recommends indefinite postponement of the original bill and passage of Substitute A.

**6 2004-S 2423****BY Gallo****ENTITLED, AN ACT RELATING TO SCHOOL COMMITTEES**

Committee on Education recommends passage.

**7 2004-S 2497 SUB A****BY Roberts****ENTITLED, AN ACT RELATING TO EDUCATION**

Committee on Education recommends indefinite postponement of the original bill and passage of Substitute A.

**8 2004-S 2498 SUB A****BY Issa****ENTITLED, AN ACT RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS**

Committee on Education recommends indefinite postponement of the original bill and passage of Substitute A.

**9 2004-S 2594 SUB A****BY Gallo****ENTITLED, AN ACT RELATING TO DELINQUENT AND DEPENDENT CHILDREN -- PROCEEDINGS IN FAMILY COURT**

Committee on Education recommends indefinite postponement of the original bill and passage of Substitute A.

**10 2004-S 2671 SUB A****BY Roberts****ENTITLED, AN ACT RELATING TO THE RHODE ISLAND EDUCATIONAL RECORDS BILL OF RIGHTS**

Committee on Education recommends indefinite postponement of the original bill and passage of Substitute A.

**11 2004-S 2764 SUB A****BY Lenihan****ENTITLED, AN ACT RELATING TO EDUCATION -- PRIVATE SCHOOLS**

Committee on Education recommends indefinite postponement of the original bill and passage of Substitute A.

**12 2004-S 2768****BY Issa****ENTITLED,** AN ACT RELATING TO THE BOARD OF GOVERNORS FOR HIGHER EDUCATION

Committee on Education recommends passage.

**13 2004-S 2001****BY Issa****ENTITLED,** AN ACT RELATING TO MOTOR VEHICLES - REGISTRATION FEES - DISABLED VETERANS

Committee on Finance recommends passage.

**14 2004-S 2649****BY Gibbs****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- DISPOSITION OF BODIES TO BE BURIED WITH PUBLIC FUNDS

Committee on Finance recommends passage.

**15 2004-S 2299 SUB A****BY Blais****ENTITLED,** AN ACT RELATING TO ADMINISTRATIVE PROCEDURES

Committee on Financial, Technology, Regulatory recommends indefinite postponement of the original bill and passage of Substitute A.

**16 2004-S 2752 SUB A****BY Caprio F****ENTITLED,** AN ACT RELATING TO FINANCIAL INSTITUTIONS -- PAWNBROKERS

Committee on Financial, Technology, Regulatory recommends indefinite postponement of the original bill and passage of Substitute A.

**17 2004-S 2817 SUB A****BY Bates****ENTITLED,** AN ACT RELATING TO INSURANCE -- FIRE INSURANCE POLICIES AND RESERVES

Committee on Financial, Technology, Regulatory recommends indefinite postponement of the original bill and passage of Substitute A.

**18 2004-H 8294**

**BY Slater**

**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

Committee on Constitutional & Gaming Issues recommends passage in concurrence.

**IN ORDER FOR WEDNESDAY, MAY 5, 2004:**

**1 2004-S 2616**

**BY Polisena**

**ENTITLED,** AN ACT RELATING TO INSURANCE -- UNFAIR CLAIMS SETTLEMENT PRACTICES ACT

Committee on Commerce, Housing & Municipal Government recommends passage.

**Raymond T. Hoyas, Jr.**  
**Secretary of the Senate**