

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. 5

Wednesday, January 14, 2004

Fifth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable President Pro Tempore, John C. Revens, Jr., at 4:00 o'clock P.M.

The roll is called and a quorum is declared present with 33 Senators present and 5 Senators absent as follows:

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

ABSENT – 5: Senator Badeau, Blais, Damiani, Irons, Raptakis,

INVOCATION

The Honorable President Pro Tempore, by unanimous consent, presents Senator Algieri, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Tuesday, January 13, 2004 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Lenihan and by unanimous consent, the Honorable President Pro Tempore welcomes to the Chamber Edna O'Neil Mattson and Dr. Augustine Capotosto.

Upon suggestion of Senator Perry and by unanimous consent, the Honorable President Pro Tempore welcomes to the Chamber Mike Riley, a graduate of Providence College, now residing in Providence, who will be working with Senator Perry this year.

COMMUNICATION

The Honorable President Pro Tempore presents the following communication:

January 13, 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 town attending a pharmaceutical seminar and will be absent from the Senate sessions on Wednesday, January 14 and Thursday, January 15, 2004.

I would appreciate your recording my letter in the appropriate Senate Journal.
Thank you.

Sincerely,

Leo R. Blais
SENIOR DEPUTY MINORITY LEADER

NEW BUSINESS

Senate Resolution No. 2075

BY Senators Celona, Walaska, Felag, Caprio F and Bates

ENTITLED, SENATE RESOLUTION WISHING THE NEW ENGLAND PATRIOTS SUCCESS IN THE AMERICAN FOOTBALL CONFERENCE CHAMPIONSHIP GAME

Senator Celona requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Celona moves passage, seconded by the entire Senate.

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

Also:

Senate Bill No. 2076

BY Senators Celona, Tassoni and Caprio F

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW -- GIFT CERTIFICATES

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

Also:

Senate Bill No. 2077

BY Senators Celona, Tassoni and Caprio F

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - HAWKERS AND PEDDLERS

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

Also:

Senate Bill No. 2078

BY Senator Revens

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- BEDDING AND UPHOLSTERED FURNITURE

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

Also:

Senate Bill No. 2079

BY Senators Celona, Tassoni, Connors, Breene and Blais

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- LOW AND MODERATE INCOME HOUSING

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

Also:

Senate Bill No. 2080

BY Senators Celona and Connors

ENTITLED, AN ACT RELATING TO LICENSING AND MONITORING OF CHILD CARE PROVIDERS AND CHILD-PLACING AGENCIES

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

Also:

Senate Bill No. 2081 (by request)

BY Senator Sosnowski

ENTITLED, AN ACT RELATING TO REAL ESTATE SALES DISCLOSURES

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

Also:

Senate Bill No. 2082

BY Senators Bates, Walaska, Paiva-Weed, Sosnowski and Roberts

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- RENEWABLE ENERGY STANDARD

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

Also:

Senate Bill No. 2083

BY Senators Bates, Blais and Breene

ENTITLED, AN ACT RELATING TO TAXATION OF NEW REAL ESTATE

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

Also:

Senate Bill No. 2084

BY Senator Revens

ENTITLED, AN ACT RELATING TO HUMAN SERVICES - ABUSED AND NEGLECTED CHILDREN

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2085

BY Senators Bates and Gibbs

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2086

BY Senators Tassoni, Polisena, Damiani and Lanzi

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- CRIMINAL INJURIES COMPENSATION

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2087

BY Senators Felag, Polisena, Bates, Parella and Issa

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS -- VETERANS' HOME

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2088

BY Senators Bates, Blais, Breene, Paiva-Weed and Sosnowski

ENTITLED, AN ACT RELATING TO TAXATION

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2089

BY Senators Badeau, Connors, DaPonte, Damiani and Polisena
ENTITLED, AN ACT RELATING TO TAXATION -- ALTERNATIVE FUELED VEHICLE AND FILLING STATION TAX CREDIT

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2090

BY Senators Polisena, Damiani, Tassoni and Felag
ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -- EXTENSION OF VETERAN'S BENEFITS

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2091

BY Senators Tassoni, Lanzi, Ruggerio and Ciccone
ENTITLED, AN ACT RELATING TO TOWNS AND CITIES

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2092 (Lt. Governor)

BY Senators Tassoni, Connors, Lanzi, Issa and DaPonte
ENTITLED, AN ACT RELATING TO TAXATION

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2093

BY Senators Tassoni, Lanzi, Ruggerio and DaPonte
ENTITLED, AN ACT RELATING TO RETIREMENT -- DISABILITY

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2094

BY Senators Paiva-Weed and Gibbs

ENTITLED, AN ACT RELATING TO TAXATION - SALES AND USE TAXES - LIABILITY AND COMPUTATION

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2095

BY Senator Celona

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS - MECHANICAL TRADES

Read and referred to the Senate Committee on Labor.

Also:

Senate Bill No. 2096

BY Senators Polisen and Damiani

ENTITLED, AN ACT RELATING TO CORRECTIONS DEPARTMENT

Read and referred to the Senate Committee on Labor.

Also:

Senate Bill No. 2097

BY Senators Sosnowski, Bates, Walaska, Felag and Paiva-Weed

ENTITLED, AN ACT RELATING TO GROUND WATER PROTECTION

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

Also:

Senate Bill No. 2098 (by request)

BY Senator Celona

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - REGISTRATION OF VEHICLES

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

Also:

Senate Bill No. 2099

BY Senators Bates, Blais, Paiva-Weed, Sosnowski and Sheehan
ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES

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

Also:

Senate Resolution No. 2100

BY Senators Cote, Lenihan, Badeau, Breene and Gibbs
ENTITLED, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (INITIATIVE AND REFERENDUM)

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

Also:

Senate Resolution No. 2101

BY Senators Cote, Lenihan, Sheehan, Parella and Breene
ENTITLED, JOINT RESOLUTION TO SUBMIT THE FOLLOWING QUESTION TO THE QUALIFIED ELECTORS OF THE STATE AT THE NEXT GENERAL ELECTION IN 2004: "SHALL THERE BE A CONVENTION TO AMEND OR REVISE THE CONSTITUTION?"

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

Also:

Senate Resolution No. 2102

BY Senators Cote, Lenihan, Sheehan, Parella and Breene
ENTITLED, JOINT RESOLUTION PROVIDING FOR BI-PARTISAN PREPARATORY COMMISSION TO ASSEMBLE INFORMATION ON CONSTITUTIONAL QUESTIONS IN PREPARATION FOR A VOTE BY THE QUALIFIED ELECTORS ON THE HOLDING OF A CONSTITUTIONAL CONVENTION IN ACCORDANCE WITH ARTICLE XIV SECTION 2 OF THE RHODE ISLAND CONSTITUTION

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

Also:

Senate Bill No. 2103

BY Senators Cote, Lenihan, Badeau, Breene and Parella
ENTITLED, AN ACT RELATING TO INITIATIVE AND REFERENDUM

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

Also:

Senate Bill No. 2104 (by request)

BY Senators Celona

ENTITLED, AN ACT RELATING TO INSURANCE

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

Also:

Senate Bill No. 2105

BY Senators Cote, Walaska and Tassoni

ENTITLED, AN ACT RELATING TO DISTRIBUTION OF CREDIT CARDS

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

Also:

Senate Bill No. 2106

BY Senators Bates and Walaska

ENTITLED, AN ACT RELATING TO LIABILITY INSURANCE - RENTAL VEHICLE
COVERAGE

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

Also:

Senate Bill No. 2107

BY Senators Bates and Walaska

ENTITLED, AN ACT RELATING TO INSURANCE - FIRE INSURANCE APPLICATIONS

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

Also:

Senate Resolution No. 2108

BY Senator Issa

ENTITLED, SENATE RESOLUTION PROCLAIMING JANUARY 14, 2004 TO BE "COMMUNITY
COLLEGE OF RHODE ISLAND ALUMNI DAY" 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.

GUESTS

Upon suggestion of Senators Issa, Alves, Lenihan, Polisena, Paiva-Weed, Pichardo, Algieri, Walaska, Gibbs and President Montalbano and by unanimous consent, the Honorable President Pro Tempore welcomes to the Chamber Dr. Thomas D. Sepe, President CCRI, Deborah J. Aiken – Class of 1975 & 1982, Assistant to the Commissioner, Office of Higher Education, Michael A. Archetto – Class of 1976, Grounds Superintendent, CCRI, Robert Carosi – Class of 1977, State Executive Director, DECA and Skills USA, Joanne M. Daly – Class of 1979, Director of Development, Rhode Island Zoological Society and Roger Williams Park Zoo, Richard V. DiGennaro, CPA – Class of 1979, Digennaro and Palumbo LLP, Ann L. Lagarto – Class of 1971, Director of Product Development, Drew Easton Company, George Loftus – Class of 1979, Executive Director, OSHEAN, Brian P. McConaghy - Class of 1990, CAD Officer, Fleet Capital Leasing, Monty J. Monteiro – Class of 1968, Resident Agent in Charge of Bureau of Alcohol, Tobacco, Firearms and Explosives, Sandra J. Pattie, Class of 1976, Executive Vice President and Chief Operating Officer, Bank of Newport, Sondra V. Pitts, Class of 1966, Principal, Sts. Sahag & Mesrob, Armenian School, Louis A. Pullano – Class of 1973, Director of Athletics, CCRI, Louis J. Saccoccio – Class of 1968, General Counsel, University of Rhode Island, George R. Sousa, Class of 1972, Director of Physical Plant, CCRI and Marisa Albin, Director of Alumni Affairs.

CONSENT CALENDAR

In order for the day is taken up as follows:

Upon motion of Senate President Montalbano, 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. 7007**

BY Faria

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF AMERICAN-COLUMBIAN LIQUORS, INC.

Also:

House Bill **No. 7009**

BY McNamara

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF RAMAC ASSOC., INC.

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.

ANNOUNCEMENTS

Senator Fogarty announces that the Committee on Commerce will meet Thursday at 3:00 o'clock P.M. in Room 212 of the State House.

ADJOURNMENT

Upon motion of Senator DaPonte seconded by Senator Algieri the Senate adjourns at 4:20 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR DENNIS L. ALGIERE

Heavenly Father, we thank you for your blessings of health and strength. We seek your encouragement in using these qualities to their fullest potential. Amen.

RAYMOND T. HOYAS, JR.
Secretary of the Senate