

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. 15

Tuesday, February 10, 2004

Fifteenth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:15 o'clock P.M.

The roll is called and a quorum is declared present with 36 Senators present and 1 Senator absent as follows:

PRESENT – 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Celona, Ciccone, Connors, Cote, 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 – 1: Senator Damiani.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Thursday February 5, 2004 proceedings is read in part.

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

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 7480

BY Carter, Scott, Anderson R

ENTITLED, AN ACT RELATING TO THE EXETER - WEST GREENWICH SCHOOL DISTRICT.

Received and referred to the Senate Committee on Finance.

Also:

House Bill No. 7479

BY Carter

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF WASHINGTON ASSOCIATION OF WICKFORD.

Read and ordered to be placed on the Consent Calendar.

NEW BUSINESS**Senate Bill No. 2308** (by request)

BY Senator Cote

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

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

Also:

Senate Bill No. 2309

BY Senators Blais, Breene

ENTITLED, AN ACT RELATING TO LOW AND MODERATE INCOME HOUSING.

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

Also:

Senate Bill No. 2310

BY Senators Gibbs, Breene, Blais

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOBILE AND MANUFACTURED HOMES.

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

Also:

Senate Bill No. 2311

BY Senators Bates, Gibbs, Perry, Tassoni

ENTITLED, AN ACT RELATING TO INSURANCE.

Read and referred to the Senate Committee on Health and Human Services.

Also:

Senate Bill No. 2312

BY Senators Gibbs, Bates, Perry, Tassoni, Gallo

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- HEALTH CARE FOR CHILDREN AND PREGNANT WOMEN.

Read and referred to the Senate Committee on Health and Human Services.

Also:

Senate Bill No. 2313 (by request)

BY Senator Celona

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- CHIROPRACTORS.

Read and referred to the Senate Committee on Health and Human Services.

Also:

Senate Bill No. 2314

BY Senators Perry, Pichardo, Roberts, Sosnowski, Gibbs

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- REPRODUCTIVE HEALTH CARE.

Read and referred to the Senate Committee on Health and Human Services.

Also:

Senate Bill No. 2315

BY Senators Pichardo, DaPonte, Polisena, Goodwin

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

Read and referred to the Senate Committee on Health and Human Services.

Also:

Senate Bill No. 2316

BY Senators Pichardo, Perry, Connors, Goodwin

ENTITLED, AN ACT RELATING TO EDUCATION - HEALTH EDUCATION.

Read and referred to the Senate Committee on Health and Human Services.

Also:

Senate Bill No. 2317

BY Senators Perry, Goodwin, Caprio F, DaPonte, Pichardo

ENTITLED, AN ACT RELATING TO DETERMINATION OF NEED FOR NEW HEALTH CARE EQUIPMENT AND NEW INSTITUTIONAL SERVICES.

Read and referred to the Senate Committee on Health and Human Services.

Also:

Senate Bill No. 2318

BY Senators Perry, Pichardo, Roberts, Sosnowski, Gibbs

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY- STEM CELL RESEARCH.

Read and referred to the Senate Committee on Health and Human Services.

Also:

Senate Bill No. 2319

BY Senators Perry, Bates, Gibbs, Tassoni, Ciccone

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- INFORMED CONSENT FOR ABORTION.

Read and referred to the Senate Committee on Judiciary.

Also:

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 Senate Committee on Judiciary.

Also:

Senate Bill No. 2321

BY Senators Perry, Pichardo, McCaffrey, Goodwin, Gallo

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE.

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2322

BY Senators Pichardo, Ciccone, Goodwin

ENTITLED, AN ACT RELATING TO PROPERTY -- RESIDENTIAL LANDLORD AND TENANT ACT.

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2323

BY Senators Raptakis, Walaska, DaPonte

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

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2324

BY Senator Revens

ENTITLED, AN ACT RELATING TO DELINQUENT AND DEPENDENT CHILDREN -- O'ROURKE CHILDREN'S CENTER.

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 2325

BY Senators Fogarty P, Gallo, Blais, Walaska, Sheehan

ENTITLED, AN ACT RELATING TO EDUCATION -- FOUNDATION LEVEL SCHOOL SUPPORT.

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2326

BY Senators DaPonte, Polisena, Pichardo, Connors

ENTITLED, AN ACT RELATING TO HUMAN SERVICES -- PUBLIC ASSISTANCE ACT.

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2327

BY Senators Felag, Lanzi, Raptakis, Parella, Gibbs

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF VETERANS' AFFAIRS.

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2328

BY Senator Celona

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - CONTRACTORS' BONDS

Read and referred to the Senate Committee on Labor.

Also:

Senate Bill No. 2329

BY Senators Badeau, Ciccone, Lanzi, Connors, Polisena

ENTITLED, AN ACT RELATING TO INSURANCE -- WORKERS' COMPENSATION INSURANCE FUND.

Read and referred to the Senate Committee on Labor.

Also:

Senate Bill No. 2330

BY Senators Breene, Blais, Ciccone, Walaska

ENTITLED, AN ACT RELATING TO DEER HUNTING.

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

Also:

Senate Bill No. 2331

BY Senators Alves, Perry

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

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

Also:

Senate Bill No. 2332**BY** Senators Badeau, Ciccone, Lanzi, Connors, Cote**ENTITLED**, AN ACT RELATING TO SUNDAY SALE OF ALCOHOLIC BEVERAGES.

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

Also:

Senate Bill No. 2333**BY** Senators Walaska, Gallo, Fogarty P, Caprio F, Alves**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- CREDIT COUNSELORS

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

Also:

Senate Resolution No. 2334**BY** Senator McBurney**ENTITLED**, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$60,000 TO PAY THE CLAIM OF SHANEY BRIGITTE BINA OF 56 PLEASANT VIEW AVENUE, GREENVILLE, RHODE ISLAND 02828.

Introduced, referred to the Joint Committee on Accounts & Claims.

Also:

Senate Resolution No. 2335**BY** Senators Sheehan, Lenihan**ENTITLED**, SENATE RESOLUTION EXPRESSING SINCERE SYMPATHY ON THE PASSING OF ERNEST J. "HAPPY" ROMANO.

Senator Sheehan requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sheehan moves passage, seconded by the entire Senate.

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

ANNOUNCEMENTS

Senator Fogarty announces that the Committee on Commerce, Housing and Municipal Government will meet today, 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 4:18 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR PAUL W. FOGARTY

Almighty God, we ask that you aid us in putting forth our best efforts as leaders of our State, as we attempt to make Rhode Island a better place for our people to live. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR WEDNESDAY, FEBRUARY 11, 2004:

1. 2004-H 7479

BY Carter

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF WASHINGTON ASSOCIATION OF WICKFORD

Ordered to be placed on the Consent Calendar

Raymond T. Hoyas, Jr.
Secretary of the Senate

Appendix

CALENDAR

IN ORDER FOR WEDNESDAY, FEBRUARY 11, 2004:

1. 2004-S 2164 SUB A

BY Blais

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW - GENERAL
REGULATORY PROVISIONS - INTEREST AND USURY

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

Raymond T. Hoyas, Jr.
Secretary of the Senate