

**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. 21

Wednesday, March 10, 2004

Twenty-first Day

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The Senate meets pursuant to adjournment and is called to order by the Honorable President Pro Tempore, John C. Revens Jr., at 4:13 o'clock P.M.

The roll is called and a quorum is declared present with 35 Senators present and 1 Senator absent as follows:

**PRESENT** – 35: 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, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

**ABSENT** – 1: Senator Montalbano

**INVOCATION**

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

(See Appendix for Invocation)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**APPROVAL OF RECORD**

The Senate Journal of Tuesday, March 9, 2004 proceedings is read in part.

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

**GUESTS**

Upon suggestion of Senator Alves and by unanimous consent, the Honorable President Pro Tempore welcomes to the Chamber Mary Ribeiro, "Miss Ireland", her parents John and Patricia Ribeiro, Michael O'Connell and Frank McCabe.

**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. 2340****BY** Senator McBurney**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES.

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 2551****BY** Senator Goodwin**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES.

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. 2576****BY** Senators Connors, Pichardo, Perry, Goodwin**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- LAW PRACTICE.

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 measure:

**Senate Bill No. 2200**

**BY** Senator McBurney

**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- LABOR RELATIONS ACT.

Read and ordered to be placed on the Calendar

**REPORTS OF COMMITTEES****TRANSFER OF BILLS**

Senator Caprio, for the Committee on Commerce, Housing, and Municipal Government, reports back the following measure, with recommendation of transfer to the Committee on Labor:

**Senate Bill No. 2778**

**BY** Senators Ruggerio, DaPonte, Ciccone, Lanzi, Goodwin

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY (transporting chemicals).

Read and referred to the Committee on Labor.

**NEW BUSINESS****Senate Resolution No. 2969**

**BY** Senators Sosnowski, Sheehan, Parella

**ENTITLED**, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF THE PASTOR JOHN KELLEY.

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sosnowski moves passage, seconded by the entire Senate.

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

**CONSENT CALENDAR**

In order for the day is taken up as follows:

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

**1 2004-S 2959****BY Gallo**

**ENTITLED,** SENATE RESOLUTION URGING THE RHODE ISLAND DEPARTMENT OF HEALTH TO EVALUATE AND MAKE RECOMMENDATIONS FOR IMPROVING PUBLIC AWARENESS, ACCESS TO REGULAR SCREENINGS AND INCREASING SCREENING ACCURACY FOR CERVICAL CANCER

**2 2004-S 2961****BY Walaska**

**ENTITLED,** SENATE RESOLUTION SUPPORTING A TAIWAN-UNITED STATES FREE AGREEMENT

**3 2004-S 2964****BY Issa**

**ENTITLED,** SENATE RESOLUTION COMMENDING THE REPUBLIC OF CHINA (TAIWAN) ON ITS CONTRIBUTIONS TO PROMOTE WORLD HEALTH

**CALENDAR**

In order for the day is taken up as follows:

**1. 2004-S 2106 SUB A****BY Bates**

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

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

Senator Bates moves passage, seconded by Senator Blais.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

**YEAS** – 35: 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, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

**NAYS** – 0:

Also:

**2. 2004-S 2107 SUB A**

**BY Bates**

**ENTITLED, AN ACT RELATING TO INSURANCE - FIRE INSURANCE APPLICATIONS**

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

Senator Bates moves passage, seconded by Senators Walaska and Polisena.

The bill marked Substitute “A” is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

**YEAS** – 35: 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, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

**NAYS** – 0:

Also:

**3. 2004-S 2686**

**BY Blais**

**ENTITLED, AN ACT RELATING TO INSURANCE**

Committee on Financial, Technology, Regulatory recommends passage.

Senator Blais moves passage, seconded by Senator Breene.

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: 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, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS – 0:

Also:

**4. 2004-S 2688**

**BY Blais**

**ENTITLED,** AN ACT RELATING TO INSURANCE -- MANDATORY  
PRELICENSING EDUCATION REQUIREMENTS

Committee on Financial, Technology, Regulatory recommends passage.

Senator Blais, moves passage, seconded by Senator Breene

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: 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, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS – 0:

Also:

**5. 2004-S 2754**

**BY Bates**

**ENTITLED,** AN ACT RELATING TO INSURANCE -- RHODE ISLAND LIFE  
AND HEALTH INSURANCE GUARANTY ASSOCIATION ACT

Committee on Financial, Technology, Regulatory recommends passage.

Senator Bates moves passage, seconded by Senators Blais and Walaska.

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: 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, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS – 0:

Also:

**6. 2004-S 2738****BY McCaffrey****ENTITLED, AN ACT RELATING TO PROPERTY - MECHANICS' LIENS**

Committee on Judiciary recommends passage.

Senator McCaffrey moves passage, seconded by Senators Goodwin, Damiani, Fogarty, and Sheehan.

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: 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, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

**NAYS** – 0:

**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 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 Raptakis announces that the Committee on Judiciary will meet on Tuesday, March 16, 2004, at the rise of the Senate, in Room 313 of the State House.

**TRANSMITTAL**

By unanimous consent, all matters on the Clerk's desk and (H-7479) 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, and upon suggestion of Senator Sosnowski the Senate adjourns at 4:35 o'clock P.M. in memory of Pastor John Kelley of South Kingstown.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SENATOR MARY A. PARELLA**

Eternal Father, open our hearts and minds for Your divine light upon our daily duties. May we proceed with the courage to make righteous decisions. Amen.



**Appendix****CALENDAR****IN ORDER FOR TUESDAY, MARCH 16, 2004:****1 2004-S 2143****BY Sosnowski****ENTITLED,** AN ACT RELATING TO PROPERTY SUBJECT TO TAXATION --  
SOUTH KINGSTOWN

Committee on Commerce, Housing &amp; Municipal Government recommends passage.

**2 2004-S 2175****BY Tassoni****ENTITLED,** AN ACT RELATING TO TAXATION -- MUNICIPAL LIEN  
CERTIFICATES

Committee on Commerce, Housing &amp; Municipal Government recommends passage.

**3 2004-S 2210****BY Breene****ENTITLED,** AN ACT RELATING TO THE EXETER-WEST GREENWICH  
SCHOOL DISTRICT

Committee on Commerce, Housing &amp; Municipal Government recommends passage.

**4 2004-S 2517****BY Breene****ENTITLED,** AN ACT RELATING TO TAXATION

Committee on Commerce, Housing &amp; Municipal Government recommends passage.

**5 2004-S 2523****BY Parella****ENTITLED,** AN ACT IN AMENDMENT TO AN ACT RELATING TO THE  
PORTSMOUTH WATER AND FIRE DISTRICT

Committee on Commerce, Housing &amp; Municipal Government recommends passage.

**6 2004-S 2827****BY Algieri****ENTITLED,** AN ACT IN AMENDMENT OF SECTION 2 OF AN ACT ENTITLED  
"AN ACT TO INCORPORATE THE WATCH HILL FIRE DISTRICT",  
APPROVED MAY 2, 1941

Committee on Commerce, Housing &amp; Municipal Government recommends passage.

**IN ORDER FOR WEDNESDAY, MARCH 17, 2004:****1 2004-S 2576****BY Connors****ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- LAW PRACTICE**

Committee on Judiciary recommends passage.

**2 2004-S 2340****BY McBurney****ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL  
LICENSES**

Committee on Constitutional &amp; Gaming Issues recommends passage.

**3 2004-S 2551****BY Goodwin****ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES**

Committee on Constitutional &amp; Gaming Issues recommends passage.

**4 2004-S 2200****BY McBurney****ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS --  
LABOR RELATIONS ACT**

Committee on Labor recommends passage.

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

**Wednesday, March 10, 2004**