

**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. 29

Thursday, April 1, 2004

Twenty-ninth 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 34 Senators present and 2 Senators absent as follows:

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

**ABSENT** – 2: Senators Badeau, McCaffrey.

**INVOCATION**

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

(See Appendix for Invocation)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**APPROVAL OF RECORD**

The Senate Journal of Wednesday, March 31, 2004 proceedings is read in part.

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

**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 Resolution No. 2101**

**BY** Senators Cote, Lenihan, Sheehan, Parella, 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 ordered to be placed on the Calendar

Also:

**Senate Bill No. 2757** (Lieutenant Governor)

**BY** Senator Paiva-Weed

**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY -- PERMANENT JOINT COMMITTEE ON NAMING ALL NEW BUILDINGS, BRIDGES, EDIFICES AND OTHER STATE CONSTRUCTIONS (garden of heroes)

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. 2161**

**BY** Senators Issa, Gallo, Lanzi

**ENTITLED**, AN ACT RELATING TO EDUCATION -- SCHOOL FOR THE DEAF

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 2162 SUB A**

**BY** Senators Issa, Tassoni, Walaska

**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES - OPERATORS' AND CHAUFFEURS' LICENSES

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 2590**

**BY** Senators Gallo, Issa, Walaska

**ENTITLED**, AN ACT RELATING TO EDUCATION -- THE RHODE ISLAND STUDENT INVESTMENT INITIATIVE

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 2623**

**BY** Senators Gallo, Fogarty P

**ENTITLED**, AN ACT RELATING TO EDUCATION -- RHODE ISLAND LITERACY AND DROPOUT PREVENTION ACT

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 2625**

**BY** Senators Gallo, Walaska

**ENTITLED**, AN ACT RELATING TO EDUCATION -- DUTIES OF COMMISSIONER OF ELEMENTARY AND SECONDARY EDUCATION

Read and ordered to be placed on the Calendar

**COMMITTEE ON FINANCE**

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

**Senate Bill No. 2159**

**BY** Senators Sosnowski, Tassoni, Issa, Connors, Breene

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

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 2859**

**BY** Senator DaPonte

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

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 2892**

**BY** Senators DaPonte, Perry, Damiani, Felag, Ruggerio

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

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. 2154**

**BY** Senators Walaska, Bates, McBurney

**ENTITLED**, AN ACT RELATING TO INSURANCE

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 2305** (Dept. of Health)

**BY** Senators Blais, Gibbs

**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - BARBERS, HAIRDRESSERS, COSMETICIANS, MANICURIST AND ESTHETICIANS {LC1376/1}

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 measures:

**Senate Bill No. 2781**

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

**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- HOISTING ENGINEERS

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 2782**

**BY** Senators Ruggerio, DaPonte, Ciccone, Lanzi, Goodwin  
**ENTITLED**, AN ACT RELATING TO HOISTING ENGINEERS

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 2786**

**BY** Senators Ruggerio, DaPonte, Ciccone, Lanzi, Goodwin  
**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- ELECTRICIANS

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 Robert Batting of Barrington VICE Anna Prager to the Rhode Island Public Transit Authority for a term expiring April 1, 2006.

Read and ordered to be placed on the Calendar.

**COMMITTEE ON GOVERNMENT OVERSIGHT**

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

Appointment of Beverly Najarian of West Greenwich VICE Robert J. Higgins as Director of the Department of Administration.

Read and ordered to be placed on the Calendar.

**NEW BUSINESS****Senate Resolution No. 3007**

**BY** Senator Paiva-Weed  
**ENTITLED**, SENATE RESOLUTION CONGRATULATING PATRICIA DAVIS ON WINNING THE NEWPORT DAILY NEWS COMMUNITY SERVICE AWARD

Senator Paiva Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Paiva Weed moves passage, seconded by the entire Senate.

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

Also:

**Senate Resolution No. 3008**

**BY** Senator Goodwin

**ENTITLED**, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY TRANSIT SERVICE IN THE STATE OF RHODE ISLAND.

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

Also:

**Senate Resolution No. 3009**

**BY** Senators Paiva-Weed, Montalbano J, McBurney

**ENTITLED**, SENATE RESOLUTION EXTENDING SYMPATHY ON THE PASSING OF JUSTICE FLORENCE MURRAY.

Senator Paiva Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Paiva Weed moves passage, seconded by the entire Senate.

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

Also:

**Senate Resolution No. 3010**

**BY** Senator Paiva-Weed

**ENTITLED**, SENATE RESOLUTION CONGRATULATING THOMAS R. WESCHLER ON THE WINNING THE NEWPORT DAILY NEWS COMMUNITY SERVICE AWARD

Senator Paiva Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Paiva Weed moves passage, seconded by the entire Senate.

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

**Senate Bill No. 3011**

**BY** Senators Breene, Blais, Raptakis

**ENTITLED**, AN ACT ESTABLISHING A BOUNDARY (A PORTION THEREOF) BETWEEN THE TOWNS OF COVENTRY AND WEST GREENWICH {LC3129/1}

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

Also:

**Senate Bill No. 3012**

**BY** Senators Ruggerio, Paiva-Weed, Goodwin, DaPonte

**ENTITLED**, AN ACT RELATING TO THE DOWNCITY SECTION OF PROVIDENCE {LC3123/1}

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

Also:

**Senate Resolution No. 3013**

**BY** Senator Gallo

**ENTITLED**, SENATE RESOLUTION PROCLAIMING MAY AS "BETTER SPEECH AND HEARING MONTH" IN THE STATE OF RHODE ISLAND {LC1218/1}

Read and ordered to be placed on the Desk

Also:

**Senate Bill No. 3014**

**BY** Senator Gibbs

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC3093/1}

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Resolution No. 3015**

**BY** Senator Goodwin

**ENTITLED**, JOINT RESOLUTION RESPECTFULLY URGING THE UNITED STATES CONGRESS TO REVISE CERTAIN PROVISIONS OF THE MEDICARE PRESCRIPTION DRUG, IMPROVEMENT AND MODERNIZATION ACT OF 2003 (HR-1) {LC3024/1}

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

Also:

**Senate Resolution No. 3016**

**BY** Senators Gallo, Issa

**ENTITLED**, SENATE RESOLUTION PROCLAIMING APRIL 24, 2004 AS "RHODE ISLAND DAY OF REMEMBRANCE OF THE ARMENIAN GENOCIDE" IN COMMEMORATION OF THE ARMENIAN GENOCIDE FROM 1915 TO 1923 AND HONORING ARMENIAN-AMERICANS {LC1232/1}

Read and ordered to be placed on the Desk

Also:

**Senate Bill No. 3017**

**BY** Senators Damiani, Polisena

**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- WEAPONS {LC3091/1}

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 3018** (Attorney General)

**BY** Senators Damiani, Polisena

**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES {LC3095/1}

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 3019** (Attorney General)

**BY** Senators Damiani, Polisena

**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- MURDER {LC3092/1}

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 3020**

**BY** Senator Goodwin

**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- ACUPUNCTURE {LC3029/1}

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

Also:



**Senate Bill No. 3021****BY** Senator Breene**ENTITLED**, AN ACT RELATING TO THE TOWN OF RICHMOND {LC3045/1}

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

Also:

**Senate Bill No. 3022****BY** Senators Paiva-Weed, Gibbs**ENTITLED**, AN ACT RELATING TO CITIES AND TOWNS {LC2986/1}

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

Also:

**Senate Bill No. 3023****BY** Senators Raptakis, Ciccone, DaPonte, Ruggerio, Polisena**ENTITLED**, AN ACT RELATING TO SPORTS, RACING AND ATHLETICS -- ESTABLISHMENT AND EXTENSION OF GAMBLING ACTIVITIES AND OTHER FACILITIES {LC3132/1}

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

Also:

**Senate Bill No. 3024****BY** Senators Sosnowski, Paiva-Weed, Lenihan, Gibbs, Bates**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- GREENHOUSE GAS BILL {LC3010/1}

Read and referred to the Senate Committee on Finance

**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.

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

Senator Lanzi, seconded by Senators Connors, Damiani and Tassoni offers the following written motion to amend.

## FLOOR AMENDMENT

TO

2004 -- S 2286

## AN ACT RELATING TO FIREFIGHTERS' ARBITRATION

Mr. President:

I hereby move to amend 2004 -- S 2286, entitled "AN ACT RELATING TO FIREFIGHTERS' ARBITRATION", as follows:

On page 1, line 7 by deleting the period "." after the number "7".

On page 1, line 7, by reinstating the following: ", propose a change in any contractual provision."

Respectfully submitted,  
SENATOR LANZI

The motion to amend prevails upon a roll call vote with 29 Senators voting in the affirmative and 0 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS- 29: The Honorable President Montalbano and Senators Algieri, Bates, Blais, Breene, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, McBurney, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 0:

ABSTAINED- 1: Senator Revens

Senator Lanzi, moves passage of the act as amended, seconded by Senators Connors, Damiani and Tassoni.

The act is read and passed, as amended, upon a roll call vote with 23 Senators voting in the affirmative and 5 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS- 23: The Honorable President Montalbano and Senators Algieri, Connors, Damiani, DaPonte, Felag, Fogarty, Gallo, Goodwin, Issa, Lanzi, McBurney, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 5: Senators Bates, Blais, Breene, Cote, Gibbs.

ABSTAINED- 1: Senator Revens

**2 2004-S 2439**

**BY Ruggiero**

**ENTITLED, AN ACT RELATING TO CAUSES OF ACTION**

Committee on Labor recommends passage.

Senator Ruggiero, moves passage, seconded by Senators Lanzi, Tassoni and DaPonte.

The act is read and passed, by unanimous consent, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, Paiva-Weed, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggiero, Sheehan, Sosnowski, Tassoni.

NAYS- 0:

**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.

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

**Statement of Potential Conflict**

TO THE HONORABLE SENATE:

I Dennis L Algieri hereby under oath depose and say:

1. I am a duly elected member of the Rhode Island Senate.
2. This statement is made in accord with Rhode Island General Law section 36-14-6
3. In my official capacity, I may be expected or required to vote or participate in the deliberations of bill(s) 04-S 2243 now pending before the Senate or a committee thereof.
4. I request that I be excused from voting, deliberating or taking action on the matter.
5. I do not desire to vote or deliberate because I have a potential conflict of interest as follows: I am employed by Washington Trust Company.
6. This statement is true to the best of my knowledge.

Dennis L. Algieri

Signed and sworn to before me this 1st day of April, 2004

Raymond T. Hoyas

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

NAYS- 0:

**4 2004-S 2243 as amended**

**BY Bates**

**ENTITLED, AN ACT RELATING TO FINANCIAL TRANSACTIONS -- MONEY LAUNDERING**

Committee on Judiciary recommends passage as amended.

Senator Bates, moves passage, seconded by Senators Blais, Connors and Paiva Weed

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 30 Senators voting in the affirmative and 0 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS- 30: The Honorable President Montalbano and Senators Alves, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, McBurney, Paiva-Weed, Parella, Perry, Pichardo, Polisen, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ABSTAINED- 1: Senator Algieri

**5 2004-S 2250**

**BY Algieri**

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

Committee on Judiciary recommends passage.

Upon suggestion of Senator Algieri, and without objection ordered to be placed on the Calendar for Wednesday, April 7, 2004.

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

Committee on Health & Human Services recommends passage.

Senator Roberts, moves passage, seconded by Senators Goodwin and Blais.

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

NAYS- 0:

**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.

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

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

Committee on Health & Human Services recommends passage.

Senator Parella, moves passage, seconded by Senators Gibbs, Roberts and Perry.

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, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, Paiva-Weed, Parella, Perry, Pichardo, Polisenena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**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.

Senator Alves, moves passage, seconded by Senators Roberts, Perry, Gallo, Issa, Gibbs, Felag and others.

Senators Perry and Roberts, discuss the act.

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

NAYS- 0:

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

Committee on Health & Human Services recommends passage.

Senator Roberts, moves passage, seconded by Senators Alves and Gibbs.

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, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, Paiva-Weed, Parella, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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

Committee on Health & Human Services recommends passage as amended.

Senator Blais, moves passage, seconded by Senators Roberts and Breene.

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

NAYS- 0:

**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.

Senator Polisena, moves passage, seconded by Senators Damiani, Algieri, Blais, Raptakis, Goodwin, Roberts, Sheehan, Issa and many others.

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 as follows:

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

NAYS- 0:

**13 2003-H 5808 SUB B as amended**

**BY Carter**

**ENTITLED, AN ACT RELATING TO STATUTES AND STATUTORY  
CONSTRUCTION**

Ordered on the Calendar

Upon suggestion of Senator Ruggerio and without objection Ordered to be placed on the Calendar for Tuesday, April 6, 2004.

**GUESTS**

Upon suggestion of Senator Polisenia and by unanimous consent, the Honorable President welcomes to the Chamber Dr. Charles McCoy, State President for the American Heart Association and David Hiltz, ECC Regional Manager.

**ANNOUNCEMENTS**

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

Senator Lenihan announces that the Committee on Oversight will meet on Monday, April 5, 2004, at 4:00 o'clock P.M. in the Senate Lounge of the State House.

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.

Senator Gallo announces that the Committee on Finance will meet today, at the rise of the Senate, in Room 211 of the State House.

Senator Tassoni announces that the Committee on Commerce, Housing and Municipal Government will meet on Monday, April 5, 2004, at 3:00 o'clock P.M. in Room 313 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, and upon suggestion of Senator Paiva Weed, the Senate adjourns at 4:54 o'clock P.M. in memory of the Honorable Florence Murray, former Associate Justice of the Rhode Island Supreme Court.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate



**Appendix**

**INVOCATION**

Dear Lord, please give us the patience and perseverance to be tolerant of the views and opinions of others while always keeping in mind that adversity is the catalyst that produces the amalgam of friendship. Amen.

**Appendix****CALENDAR****IN ORDER FOR TUESDAY, APRIL 6, 2004:****1 2004-S 2115****BY Walaska****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- SANITATION STANDARDS FOR BATHING BEACHES

Committee on Health &amp; Human Services recommends passage.

**2 2004-S 2339****BY Sosnowski****ENTITLED,** AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- REGULATION OF VICIOUS DOGS

Committee on Constitutional &amp; Gaming Issues recommends passage.

**3 2004-S 2223****BY Blais****ENTITLED,** AN ACT RELATING TO FREEWAYS

Committee on Judiciary recommends passage.

**4 2004-S 2083****BY Bates****ENTITLED,** AN ACT RELATING TO TAXATION OF NEW REAL ESTATE

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

**5 2004-S 2273****BY Tassoni****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- DEPARTMENT OF TRANSPORTATION

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

**6 2004-S 2277 as amended****BY Breene****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- BICYCLE FACILITIES

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

**7 2004-S 2366****BY Cote****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -  
REAL ESTATE BROKERS AND SALESPERSONS

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

**8 2004-S 2618 as amended****BY Breene****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --  
PUBLIC BUILDINGS

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

**9 2004-S 2773 as amended****BY Ruggerio****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT  
-- ECONOMIC DEVELOPMENT REPORTING

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

**10 2004-S 2829****BY Sosnowski****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS --  
VETERINARY PRACTICE

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

**11 2004-S 2924****BY Caprio F****ENTITLED,** AN ACT RELATING TO BUSINESS AND PROFESSIONS --  
HEALTH CLUBS

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

**12 2004-H 7286****BY Gallison****ENTITLED,** AN ACT CREATING THE PRUDENCE ISLAND WATER DISTRICT

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

**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 WEDNESDAY, APRIL 7, 2004:**

- 1** Appointment of Beverly Najarian of West Greenwich VICE Robert J. Higgins as Director of the Department of Administration.

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

- 2** Appointment of Robert Batting of Barrington VICE Anna Prager to the Rhode Island Public Transit Authority for a term expiring April 1, 2006.

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

**3 2004-S 2250**

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

Committee on Judiciary recommends passage.

**4 2004-S 2101**

**BY Cote****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?"

Committee on Constitutional & Gaming Issues recommends passage.

**5 2004-S 2757**

**BY Paiva-Weed****ENTITLED,** AN ACT RELATING TO GENERAL ASSEMBLY -- PERMANENT JOINT COMMITTEE ON NAMING ALL NEW BUILDINGS, BRIDGES, EDIFICES AND OTHER STATE CONSTRUCTIONS

Committee on Constitutional & Gaming Issues recommends passage.

**6 2004-S 2161****BY Issa****ENTITLED, AN ACT RELATING TO EDUCATION -- SCHOOL FOR THE DEAF**

Committee on Education recommends passage.

**7 2004-S 2162 SUB A****BY Issa****ENTITLED, AN ACT RELATING TO MOTOR VEHICLES - OPERATORS' AND  
CHAUFFEURS' LICENSES**

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

**8 2004-S 2590****BY Gallo****ENTITLED, AN ACT RELATING TO EDUCATION -- THE RHODE ISLAND  
STUDENT INVESTMENT INITIATIVE**

Committee on Education recommends passage.

**9 2004-S 2623****BY Gallo****ENTITLED, AN ACT RELATING TO EDUCATION -- RHODE ISLAND  
LITERACY AND DROPOUT PREVENTION ACT**

Committee on Education recommends passage.

**10 2004-S 2625****BY Gallo****ENTITLED, AN ACT RELATING TO EDUCATION -- DUTIES OF  
COMMISSIONER OF ELEMENTARY AND SECONDARY  
EDUCATION**

Committee on Education recommends passage.

**11 2004-S 2159****BY Sosnowski****ENTITLED, AN ACT RELATING TO TAXATION - SALES AND USE TAXES -  
LIABILITY AND COMPUTATION**

Committee on Finance recommends passage.

**12 2004-S 2859****BY DaPonte****ENTITLED, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE  
-- UNCLAIMED INTANGIBLE AND TANGIBLE PROPERTY**

Committee on Finance recommends passage.

**13 2004-S 2892****BY DaPonte****ENTITLED,** AN ACT RELATING TO PUBLIC FINANCE MANAGEMENT BOARD

Committee on Finance recommends passage.

**14 2004-S 2154****BY Walaska****ENTITLED,** AN ACT RELATING TO INSURANCE

Committee on Financial, Technology, Regulatory recommends passage.

**15 2004-S 2305****BY Blais****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS - BARBERS, HAIRDRESSERS, COSMETICIANS, MANICURIST AND ESTHETICIANS

Committee on Financial, Technology, Regulatory recommends passage.

**16 2004-S 2781****BY Ruggerio****ENTITLED,** AN ACT RELATING TO LABOR AND LABOR RELATIONS -- HOISTING ENGINEERS

Committee on Labor recommends passage.

**17 2004-S 2782****BY Ruggerio****ENTITLED,** AN ACT RELATING TO HOISTING ENGINEERS

Committee on Labor recommends passage.

**18 2004-S 2786****BY Ruggerio****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- ELECTRICIANS

Committee on Labor recommends passage.

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