

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. 31

Wednesday, April 7, 2004

Thirty-first 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 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, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 0:

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Tuesday, April 6, 2004 proceedings is read in part.

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

GUESTS

Upon suggestion of Senators Pichardo, Goodwin and Parella and by unanimous consent, the Honorable President welcomes to the Chamber Dr. Melody Johnson, Mr. Helmer Duverge, Ms. Kim Rose, Ms. Janet Pichardo, Dr. Brenda Dann-Messier, Ms. Elsa Viera, Jason Tetreault, Chantal Duncan, Eric Garcia, Myrna Rivera, Erick Burgos, Milady Melo-Pena, Dr. Thomas Morteuson, Ms. Lucille Funa, Mr. Daniel Guzman and Damaris and Brian Guzman, Ms. Denise Carpenter, Ms. Socorro Gomez Potter.

REPORTS OF COMMITTEES**COMMITTEE ON COMMERCE, HOUSING AND MUNICIPAL GOVERNMENT**

Senator Caprio, from the Committee on Commerce, Housing and Municipal Government, reports back, with recommendation of passage of the following measures:

Senate Bill No. 2270 (Dept. of Transportation)

BY Senator Algieri

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- OPERATION OF BICYCLES.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2674 SUB A (State Police)

BY Senators Breene, Algieri

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- RHODE ISLAND UNIFORM COMMERCIAL DRIVER'S LICENSE ACT

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2726

BY Senators McCaffrey, Walaska

ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS, AND PARTNERSHIPS.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2776 SUB A

BY Senators Ruggerio, Badeau, Tassoni, Polisena

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

Read and ordered to be placed on the Calendar

COMMITTEE ON ENVIRONMENT AND AGRICULTURE

Senator Sosnowski, from the Committee on Environment and Agriculture, reports back, with recommendation of passage of the following measures:

Senate Bill No. 2097 SUB A

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

ENTITLED, AN ACT RELATING TO GROUND WATER PROTECTION {LC768/1/A}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2198

BY Senators Gibbs, Bates, Blais, Breene, Raptakis

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS-LITTER CONTROL AND RECYCLING (includes cigarette and cigar butts as unlawful litter)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2975 (Dept. Environmental Management)

BY Senator Sosnowski

ENTITLED, AN ACT RELATING TO AGRICULTURE AND FORESTRY -- AGRICULTURAL FUNCTIONS.

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 measures:

Senate Bill No. 2193 SUB A

BY Senators Ciccone, Connors, DaPonte, Lanzi, Lenihan

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS -- APPOINTMENTS

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2231 SUB A

BY Senators McCaffrey, Walaska

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION - UNIFORM BOAT TITLE ACT

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2303 as amended (State Police)

BY Senator Breene

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2403

BY Senator McCaffrey

ENTITLED, AN ACT RELATING TO PROPERTY -- MECHANICS' LIENS.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2482

BY Senator Raptakis

ENTITLED, AN ACT RELATING TO ELECTIONS.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2564

BY Senator Gallo

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2574

BY Senators Paiva-Weed, Gibbs, Connors

ENTITLED, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2477

BY Senator McCaffrey

ENTITLED, AN ACT RELATING TO ELECTIONS -- NOMINATION PAPERS.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2584

BY Senators Polisena, Lenihan, Cote, Raptakis, McCaffrey

ENTITLED, AN ACT RELATING TO ELECTIONS -- REFERENDA ELECTIONS.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2854

BY Senator Lenihan

ENTITLED, AN ACT RELATING TO ELECTIONS -- CONDUCT OF ELECTION AND VOTING EQUIPMENT, AND SUPPLIES.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2857

BY Senator Lenihan

ENTITLED, AN ACT RELATING TO ELECTIONS - BALLOT SECURITY AND STORAGE.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2858

BY Senator Lenihan

ENTITLED, AN ACT RELATING TO ELECTIONS -- TABULATION AND CERTIFICATION OF RETURNS.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2861 as amended (by request)

BY Senator Felag

ENTITLED, AN ACT RELATING TO ELECTIONS -- LOCAL CANVASSING AUTHORITY.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2934

BY Senator DaPonte

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

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2950 (Attorney General)

BY Senators Polisena, Damiani, Algieri, Sosnowski, Raptakis

ENTITLED, AN ACT RELATING TO MOTOR VEHICLE OFFENSES

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2971

BY Senators Fogarty P, Tassoni, Gallo, McCaffrey, Blais

ENTITLED, AN ACT RELATING TO THE ELIMINATION OF SCHOOL COMMITTEE PRIMARY ELECTIONS IN THE TOWN OF GLOCESTER, RHODE ISLAND.

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 of passage of the following measure:

Senate Bill No. 2396

BY Senators Lenihan, Sosnowski, Sheehan, Polisena, Cote

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- MERIT SYSTEM.

Read and ordered to be placed on the Calendar.

REPORTS OF COMMITTEES

TRANSFER OF BILLS

Senator Sosnowski, for the Committee on Environment and Agriculture, reports back the following measures, with recommendation of transfer to the Committee on Financial Services, Technology and Regulatory Issues:

Senate Bill No. 2884**BY** Senators DaPonte, Perry, Ciccone, Damiani, Ruggerio**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ENERGY FACILITY SITING ACT.

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

Also:

Senate Bill No. 2869**BY** Senators DaPonte, Damiani, Perry**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ENERGY FACILITY SITING.

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

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. 2496**BY** Senators Issa, Connors, Walaska**ENTITLED**, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -- NATIONAL GUARD.

Read and referred to the Committee on Finance

TRANSFER OF BILLS

Senator Roberts, for the Committee on Health and Human Services, reports back the following measure, with recommendation of transfer to the Committee on Judiciary:

Senate Bill No. 2698**BY** Senators Roberts, Perry, Parella**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- BIRTH-RELATED NEUROLOGICAL INJURY COMPENSATION PROGRAM.

Read and referred to the Committee on Judiciary

TRANSFER OF BILLS

Senator McCaffrey, for the Committee on Judiciary, reports back the following measure, with recommendation of transfer to the Committee on Financial Services, Technology and Regulatory Issues:

Senate Bill No. 2870**BY** Senators DaPonte, Perry, Damiani**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - ENERGY FACILITY SITING ACT.

Read and referred to the Committee on Financial Services, Technology & Regulatory Issues

TRANSFER OF BILLS

Senator McCaffrey, for the Committee on Judiciary, reports back the following measure, with recommendation of transfer to the Committee on Health and Human Services:

Senate Bill No. 2406**BY** Senators Felag, Connors, Sosnowski, Cote**ENTITLED**, AN ACT RELATING TO INSURANCE.

Read and referred to the Committee on Health & Human Services

REPORTS OF COMMITTEES**COMMITTEE ON ENVIRONMENT AND AGRICULTURE**

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

Appointment of Joseph Kimball of East Greenwich VICE Bradley J. Waugh (resigned) to the Narragansett Bay Commission, for a term expiring April 1, 2005.

Read and ordered to be placed on the Calendar.

REPORTS OF COMMITTEES**COMMITTEE ON FINANCE**

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

Appointment of Leonard Gemma of Lincoln (representing Master Plumbers) VICE John Cronin, Jr. (resigned), to the State Building Codes Standards Committee, for a term expiring May 1, 2006.

Read and ordered to be placed on the Calendar.

NEW BUSINESS**Senate Bill No. 3026****BY** Senators Sosnowski, Lenihan, Roberts, Walaska, Gibbs**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION.

Read and referred to the Senate Committee on Environment and Agriculture

Also:

Senate Bill No. 3027

BY Senators Lenihan, Sosnowski, Sheehan, Walaska, Roberts
ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION.

Read and referred to the Senate Committee on Environment and Agriculture

Also:

Senate Bill No. 3028

BY Senators Sosnowski, Lenihan, Roberts, Walaska, Gibbs
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - WATERS AND NAVIGATION.

Read and referred to the Senate Committee on Environment and Agriculture

Also:

Senate Bill No. 3029

BY Senators Felag, Bates, Parella
ENTITLED, AN ACT AUTHORIZING THE TOWN OF BRISTOL TO FINANCE ROAD AND SIDEWALK IMPROVEMENT PROJECTS
BY Senators ISSUANCE OF NOT MORE THAN \$5,000,000 BONDS THEREFOR.

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

Also:

Senate Bill No. 3030

BY Senator Felag
ENTITLED, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION.

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

Also:

Senate Bill No. 3031

BY Senators Revens, Walaska, McCaffrey, Roberts, Lenihan
ENTITLED, AN ACT RELATING TO PROPERTY SUBJECT TO TAXATION.

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

Also:

Senate Bill No. 3032**BY** Senators McBurney, Issa

ENTITLED, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE RECONSTRUCTION OF BRIDGES IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$50,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2005 AND 2006.

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

Also:

Senate Bill No. 3033**BY** Senators McBurney, Issa

ENTITLED, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE RENOVATION AND RECONSTRUCTION AND EQUIPPING OF PUBLIC RECREATION FACILITIES IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$500,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2005 AND 2006.

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

Also:

Senate Bill No. 3034**BY** Senators McBurney, Issa

ENTITLED, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE RENOVATION AND EQUIPPING OF PUBLIC SCHOOL BUILDINGS IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$3,000,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2005 AND 2006.

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

Also:

Senate Bill No. 3035**BY** Senators McBurney, Issa

ENTITLED, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR CONSTRUCTION AND RECONSTRUCTION OF THE SEWER AND SANITATION SYSTEM IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$300,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2005 AND 2006.

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

Also:

Senate Bill No. 3036

BY Senators McBurney, Issa

ENTITLED, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE CONSTRUCTION AND RECONSTRUCTION OF STREETS AND SIDEWALKS IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$1,000,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2005 AND 2006.

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

Also:

Senate Bill No. 3037

BY Senators McBurney, Issa

ENTITLED, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE IMPROVEMENT AND REPLACEMENT OF ROAD AND TRAFFIC CONTROL DEVICES IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$125,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2005 AND 2006.

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

Also:

Senate Bill No. 3038

BY Senators McBurney, Issa

ENTITLED, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE RENOVATION AND IMPROVEMENT OF PUBLIC BUILDINGS IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$1,025,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2005 AND 2006.

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

Also:

Senate Bill No. 3039

BY Senators Sosnowski, Roberts, Paiva-Weed, Sheehan, Lenihan

ENTITLED, AN ACT RELATING TO FISH AND WILDLIFE.

Committee recommends passage

Also:

Senate Bill No. 3040**BY** Senators Roberts, Lenihan, Sosnowski, Paiva-Weed, Sheehan**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION -- WATER POLLUTION.

Committee recommends passage

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 8397**BY** Carter**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF FIRST FREE WILL BAPTIST CHURCH OF RHODE ISLAND.

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

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.

Senator Lenihan, seconded by Senators Algieri, Breene, Blais, Gibbs, Parella, Polisena, McCaffrey, Walaska, Roberts, Alves, Paiva Weed and many others, moves that advice and consent of the Senate be given this appointment.

Senators Algieri and Walaska discuss the appointment.

The advice and consent of the Senate is given this appointment, 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, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

GUESTS

Upon suggestion of Senators Breene and by unanimous consent, the Honorable President welcomes to the Chamber Beverly Najarian of West Greenwich, newly confirmed Director of the Department of Administration, along with her Sister Sandra Begosian and Brother in Law Kenneth Begosian, Pat Angell, Tom Cane, Kevin McHale and Rory Carmody.

- 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.

Senator McCaffrey, seconded by Senators Algieri, Breene, Blais, Connors, Alves, Damiani and many others, moves that advice and consent of the Senate be given this appointment.

The advice and consent of the Senate is given this appointment, upon a roll call vote with 34 Senators voting in the affirmative and 1 Senator 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, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Walaska.

NAYS- 1: Senator Tassoni.

GUESTS

Upon suggestion of Senators Bates and by unanimous consent, the Honorable President welcomes to the Chamber Robert Batting of Barrington, newly confirmed member of the Public Transit Authority, along with his wife Joan Batting and daughter Ashley Batting.

3 **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 Tuesday, April 20, 2004.

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.

Upon suggestion of Senator Cote, and without objection, ordered to be placed on the Calendar for Thursday, April 22, 2004.

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.

Senator Paiva Weed, moves passage, seconded by Senators Ruggerio, Algieri, Sosnowski, Lanzi, Badeau, Lenihan, Parella, McCaffrey, Walaska, Fogarty, Sheehan, Gallo, Perry, Alves, Revens and many others.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 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, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

6 2004-S 2161

BY Issa

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

Committee on Education recommends passage.

Senator Issa, moves passage, seconded by Senators Walaska, Gallo, Ruggerio, Parella.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 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, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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.

Senator Issa, moves passage, seconded by Senators Bates and Felag.

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

NAYS- 0:

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

Committee on Education recommends passage.

Senator Gallo, moves passage, seconded by Senators Issa, Paiva Weed, Blais and others.

Senator Lenihan and Gallo discuss the act.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 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, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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

Committee on Education recommends passage.

Senator Gallo, moves passage, seconded by Senators Issa.

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, 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:

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.

Senator Gallo, moves passage, seconded by Senators Issa.

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, 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:

11 2004-S 2159

BY Sosnowski

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

Committee on Finance recommends passage.

Senator Sosnowski, moves passage, seconded by Senators 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: 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, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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.

Senator DaPonte, moves passage, seconded by Senators Damiani.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 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, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

13 2004-S 2892

BY DaPonte

ENTITLED, AN ACT RELATING TO PUBLIC FINANCE MANAGEMENT BOARD

Committee on Finance recommends passage.

Statement of Potential Conflict

TO THE HONORABLE SENATE:

I David E. Bates 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 2892 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 an insurance agent Authorized to issue insurance policies on behalf of various insurance companies of the state, and I am an employee of the A. N. Nunes Insurance Agency.
6. This statement is true to the best of my knowledge.

David E. Bates

Signed and sworn to before me this 7th day of April, 2004

Raymond T. Hoyas, Jr.
Notary Public

Senator DaPonte, moves passage, seconded by Senators Damiani and Paiva Weed.

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 and 1 Senator abstaining as follows:

YEAS- 35: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, 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:

ABSTAINED- 1: Senator Bates

14 2004-S 2154

BY Walaska

ENTITLED, AN ACT RELATING TO INSURANCE

Committee on Financial, Technology, Regulatory recommends passage.

Upon suggestion of Senator Walaska, and without objection, ordered to be placed on the Calendar for Tuesday, April 20, 2004.

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.

Senator Blais, moves passage, seconded by Senators Breene, Damiani, Paiva Weed and Ciccone.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 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, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

16 2004-S 2781

BY Ruggerio

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

Committee on Labor recommends passage.

Senator Ruggerio, moves passage, seconded by Senators Goodwin, Polisena, DaPonte, Lanzi, Ciccone and many others.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 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, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

17 2004-S 2782

BY Ruggerio

ENTITLED, AN ACT RELATING TO HOISTING ENGINEERS

Committee on Labor recommends passage.

Senator Ruggerio, moves passage, seconded by Senators Goodwin, Damiani, Lanzi, Ciccone and Badeau.

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

NAYS- 0:

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

Committee on Labor recommends passage.

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

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, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, Felag, Fogarty, Gallo, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisen, Raptakis, Ruggiero, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

GUESTS

Upon suggestion of Senator Breene and by unanimous consent, the Honorable President welcomes to the Chamber Nancy Giorgi, Soliciter in West Greenwich and South Kingstown, along with her son Tannor Joseph White.

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 Bates 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 will meet today, at the rise of the Senate, in Room 212 of the State House.

Senator Paiva Weed announces that the Senate will not meet on Thursday, April 8, 2004.

EXTENSION OF DEADLINE FOR COMMITTEE CONSIDERATION

Upon suggestion of Senator Paiva Weed, and in agreement with Senator Algieri, and without objection, the deadline for committee consideration is extended to Thursday, April 22, 2004.

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.

RECESS

Upon motion of Senator DaPonte and by unanimous consent the Senate stands at recess at 5:01 o'clock P.M., in order to receive committee reports and introductions of new business, until the call of the chair.

CALL TO ORDER

The senate is called to order at 4:16 o'clock P.M on Tuesday, April 20, 2004

ADJOURNMENT

Upon motion of Senator Ruggerio seconded by Senator Algieri, the Senate adjourns at 4:17 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR DANIEL DAPONTE

Dear Lord, show us how to cooperate with each other in sharing our individual talents. Remind us that working together in a unified effort provides us with strength and produces desired end results. Amen.

Appendix**CALENDAR****IN ORDER FOR TUESDAY, APRIL 20, 2004:****1 2004-S 2250****BY Algieri****ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
AGGRESSIVE DRIVING**

Committee on Judiciary recommends passage.

2 2004-S 2154**BY Walaska****ENTITLED, AN ACT RELATING TO INSURANCE**

Committee on Financial, Technology, Regulatory recommends passage.

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

Committee on Judiciary recommends passage.

4 2004-S 2597**BY Gallo****ENTITLED, AN ACT RELATING TO EDUCATION - SCHOOL COMMITTEES
AND SUPERINTENDENTS**

Committee on Education recommends passage.

5 2004-S 2824**BY Felag****ENTITLED, AN ACT RELATING TO EDUCATION -- PRIVATE SCHOOLS**

Committee on Education recommends passage.

6 2004-S 2963**BY Breene****ENTITLED, AN ACT RELATING TO REGIONAL SCHOOL DISTRICTS -
EXETER - WEST GREENWICH**

Committee on Education recommends passage.

7 2004-S 2113**BY Walaska****ENTITLED,** AN ACT RELATING TO COASTAL RESOURCES MANAGEMENT COUNCIL -- ADMINISTRATIVE PENALTIES

Committee on Environment & Agriculture recommends passage.

8 2004-S 2293**BY Bates****ENTITLED,** AN ACT RELATING TO CITIES AND TOWNS -- DAM MANAGEMENT DISTRICTS

Committee on Environment & Agriculture recommends passage.

9 2004-S 2330**BY Breene****ENTITLED,** AN ACT RELATING TO DEER HUNTING

Committee on Environment & Agriculture recommends passage.

10 2004-S 2687**BY Roberts****ENTITLED,** AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- ADAPTIVE TELEPHONE EQUIPMENT LOAN PROGRAM COMMITTEE

Committee on Financial, Technology, Regulatory recommends passage.

IN ORDER FOR WEDNESDAY, APRIL 21, 2004:

- 1** Appointment of Leonard Gemma (Representing Master Plumbers) of Lincoln VICE John Cronin, Jr. (resigned) to the State Building Codes Standards Committee for a term expiring May 1, 2006.

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

- 2** Appointment of Joseph Kimball of East Greenwich VICE Bradley J. Waugh (resigned) to the Narragansett Bay Commission for a term expiring April 1, 2005.

Committee on Environment & Agriculture recommends that the Senate give its Advice and Consent to this appointment.

3 2004-S 2270**BY Algieri****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- OPERATION OF BICYCLES

Committee on Commerce, Housing & Municipal Government recommends passage.

4 2004-S 2674 SUB A

BY Breene

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
RHODE ISLAND UNIFORM COMMERCIAL DRIVER'S LICENSE
ACT

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

5 2004-S 2726

BY McCaffrey

ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS, AND
PARTNERSHIPS

Committee on Commerce, Housing & Municipal Government recommends passage.

6 2004-S 2776 SUB A

BY Ruggiero

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

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

7 2004-S 2097 SUB A

BY Sosnowski

ENTITLED, AN ACT RELATING TO GROUND WATER PROTECTION

Committee on Environment & Agriculture recommends indefinite postponement of the original bill and passage of Substitute A.

8 2004-S 2198

BY Gibbs

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND
WORKS-LITTER CONTROL AND RECYCLING

Committee on Environment & Agriculture recommends passage.

9 2004-S 2975

BY Sosnowski

ENTITLED, AN ACT RELATING TO AGRICULTURE AND FORESTRY --
AGRICULTURAL FUNCTIONS

Committee on Environment & Agriculture recommends passage.

10 2004-S 2396**BY Lenihan****ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES --
MERIT SYSTEM**

Committee on Government Oversight recommends passage.

11 2004-S 2193 SUB A**BY Ciccone****ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS -- APPOINTMENTS**

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

12 2004-S 2231 SUB A**BY McCaffrey****ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION - UNIFORM
BOAT TITLE ACT**

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

13 2004-S 2303 as amended**BY Breene****ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS**

Committee on Judiciary recommends passage as amended.

14 2004-S 2403**BY McCaffrey****ENTITLED, AN ACT RELATING TO PROPERTY -- MECHANICS' LIENS**

Committee on Judiciary recommends passage.

15 2004-S 2477**BY McCaffrey****ENTITLED, AN ACT RELATING TO ELECTIONS -- NOMINATION PAPERS**

Committee on Judiciary recommends passage.

16 2004-S 2482**BY Raptakis****ENTITLED, AN ACT RELATING TO ELECTIONS**

Committee on Judiciary recommends passage.

17 2004-S 2564**BY Gallo****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

18 2004-S 2574**BY Paiva-Weed****ENTITLED, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE**

Committee on Judiciary recommends passage.

19 2004-S 2584**BY Polisena****ENTITLED, AN ACT RELATING TO ELECTIONS -- REFERENDA ELECTIONS**

Committee on Judiciary recommends passage.

20 2004-S 2854**BY Lenihan****ENTITLED, AN ACT RELATING TO ELECTIONS -- CONDUCT OF
ELECTION AND VOTING EQUIPMENT, AND SUPPLIES**

Committee on Judiciary recommends passage.

21 2004-S 2857**BY Lenihan****ENTITLED, AN ACT RELATING TO ELECTIONS - BALLOT SECURITY AND
STORAGE**

Committee on Judiciary recommends passage.

22 2004-S 2858**BY Lenihan****ENTITLED, AN ACT RELATING TO ELECTIONS -- TABULATION AND
CERTIFICATION OF RETURNS**

Committee on Judiciary recommends passage.

23 2004-S 2861 as amended**BY Felag****ENTITLED, AN ACT RELATING TO ELECTIONS -- LOCAL CANVASSING
AUTHORITY**

Committee on Judiciary recommends passage as amended.

24 2004-S 2934

BY DaPonte

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

Committee on Judiciary recommends passage.

25 2004-S 2950

BY Polisena

ENTITLED, AN ACT RELATING TO MOTOR VEHICLE OFFENSES

Committee on Judiciary recommends passage.

26 2004-S 2971

BY Fogarty P

ENTITLED, AN ACT RELATING TO THE ELIMINATION OF SCHOOL
COMMITTEE PRIMARY ELECTIONS IN THE TOWN OF
GLOCESTER, RHODE ISLAND

Committee on Judiciary recommends passage.

Raymond T. Hoyas, Jr.
Secretary of the Senate