

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. 39

Wednesday, May 5, 2004

Thirty-ninth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:11 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: 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, Polisen, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 1: Senator Revens.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Tuesday, May 4, 2004 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Sosnowski and by unanimous consent, the Honorable President welcomes to the Chamber an exchange student from France, Berangere Foessel. Accompanying her are two members of the Wakefield Rotary Club, Jacque DeLaporte and Larry Fortin. The Wakefield Rotary Club is sponsoring her trip to Rhode Island.

Upon suggestion of Senator Issa and by unanimous consent, the Honorable President welcomes to the Chamber from the Rhode Island National Guard, Captain Kenneth Nales, Colonel David Russell, Major General Reginald Centracchio, who are here to announce that President of the Senate, Joseph A. Montalbano, is the recipient of the Charles Dick Medal of Merit Award, designed to recognize the contributions to the National Guard by elected representatives to legislative bodies at the State and National Levels. The entire Senate joins in congratulating the Honorable President.

REPORTS OF COMMITTEES**COMMITTEE ON FINANCE**

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

Senate Bill No. 2697

BY Senators Roberts, Paiva-Weed, Parella, Gibbs

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- MEDICAID EXPENDITURES -- ANNUAL REPORT.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2065 SUB A as amended

BY Senators Tassoni, Lanzi, Polisen, Damiani

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

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. 2110 SUB A as amended

BY Senators Walaska, Cote, Polisen, McCaffrey, Bates

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - SMALL CLAIMS AND CONSUMER CLAIMS

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2855

BY Senator Lenihan

ENTITLED, AN ACT RELATING TO ELECTIONS -- RECOUNTS.

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2229 SUB A

BY Senators Perry, Pichardo, McCaffrey, Connors, Paiva-Weed

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE - EYEWITNESS IDENTIFICATION

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2923

BY Senators DaPonte, Ruggerio, Damiani, Bates

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- RENTAL VEHICLES -
- INSURANCE.

Read and ordered to be placed on the Calendar

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 7875 SUB A as amended

BY Winfield

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- SUNDAY BUSINESS

Received and referred to the Senate Committee on Labor

Also:

House Bill No. 7073 SUB A

BY McNamara, Kilmartin, Rose, Giannini, Malik

ENTITLED, AN ACT RELATING TO RHODE ISLAND UNIFORM COMMERCIAL DRIVER'S LICENSE ACT

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

Also:

House Bill No. 7805

BY Coderre E, Kennedy, Lima

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- MOTOR VEHICLE REPAIR SHOP ACT.

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

Also:

House Bill No. 8032 SUB A

BY Lowe, Aubin

ENTITLED, AN ACT RELATING TO TAXES -- BURRILLVILLE

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

Also:

House Bill No. 8329

BY Ginaitt

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- EXPLOSIVES.

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

Also:

House Bill No. 8202

BY Flaherty, Naughton, Ginaitt, McNamara, Palumbo

ENTITLED, AN ACT RELATING TO AERONAUTICS -- NOISE MONITORING ACT.

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

Also:

House Bill No. 8330 (by request)

BY Anguilla, Gallison

ENTITLED, AN ACT AMENDING AN ACT EXEMPTING FROM TAXATION AND AUTHORIZING THE HERRESHOFF MARINE MUSEUM TO INCREASE ITS HOLDINGS FROM AN AMOUNT NOT EXCEEDING ONE MILLION SIX HUNDRED THOUSAND DOLLARS (\$1,600,000) TO AN AMOUNT NOT EXCEEDING FOUR MILLION SIX HUNDRED THOUSAND DOLLARS (\$4,600,000).

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

Also:

House Bill No. 8034

BY Lowe, Aubin

ENTITLED, AN ACT RELATING TO TAXATION.

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

Also:

House Bill No. 8376 as amended

BY Winfield, Gorham, Aubin

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

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

Also:

House Bill No. 7640

BY Corvese

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

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

Also:

House Bill No. 8374

BY Coderre E, Kilmartin, San Bento, Dennigan, Rose

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.

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

Also:

House Bill No. 8117 (by request)

BY Gallison, Enos, Amaral, Callahan

ENTITLED, AN ACT IN AMENDMENT TO AN ACT RELATING TO THE PORTSMOUTH WATER AND FIRE DISTRICT.

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

Also:

House Bill No. 7767

BY Lewiss

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.

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

Also:

House Bill No. 7764 SUB A

BY Lewiss, Shavers, Cerra, Winfield, Picard

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- AGENCY RELATIONSHIPS IN RESIDENTIAL REAL ESTATE TRANSACTIONS

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

Also:

House Bill No. 7457

BY Flaherty, Williamson

ENTITLED, AN ACT RELATING TO AERONAUTICS - UNIFORM AERONAUTICAL REGULATORY ACT.

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

Also:

House Bill No. 7538

BY Ajello, Shavers, Anderson R, McHugh, Moura

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- DEPARTMENT OF TRANSPORTATION.

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

Also:

House Bill No. 7504 (Attorney General)

BY Montanaro, Kilmartin, Anderson R, Jacquard

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE - EMERGENCY MANAGEMENT

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

Also:

House Bill No. 7284 SUB A

BY Senators Shanley, Scott, Caprio D, Carter, Lally

ENTITLED, AN ACT RELATING TO REAL ESTATE SALES DISCLOSURES

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

Also:

House Bill No. 7182 as amended

BY Lowe, San Bento

ENTITLED, AN ACT RELATING TO TAXATION -- MUNICIPAL LIEN CERTIFICATES

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

Also:

House Bill No. 8342

BY Carter, Scott, Anderson R

ENTITLED, AN ACT RELATING TO THE TOWN OF EXETER -- TOWN MEETINGS.

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

Also:

House Bill No. 7000 SUB A (PREFILED)

BY Landroche, Laroche, Kilmartin, Montanaro, Williamson

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- ASSAULTS

Received and referred to the Senate Committee on Judiciary

Also:

House Bill No. 7600

BY Menard, Laroche, Corvese, Brien T, Lowe

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- RENTAL VEHICLES -
- INSURANCE.

Received and referred to the Senate Committee on Judiciary

Also:

House Bill No. 7321

BY Lewiss, Anguilla, Lima, Giannini, Dennigan

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - - CONFIDENTIALITY
OF HEALTH CARE COMMUNICATIONS AND INFORMATION ACT

Received and referred to the Senate Committee on Judiciary

Also:

House Bill No. 7797 SUB A (Attorney General)

BY Kennedy, Coderre E, Lewiss, Winfield, Menard

ENTITLED, AN ACT RELATING TO MOTOR VEHICLES -- MOTOR VEHICLE ARBITRATION BOARD

Received and referred to the Senate Committee on Judiciary

Also:

House Bill No. 7702

BY Coderre E, San Bento, Kilmartin, Dennigan, McManus

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY - DOGS - CITY OF PAWTUCKET.

Received and referred to the Senate Committee on Judiciary

Also:

House Bill No. 8019

BY Schadone

ENTITLED, AN ACT RELATING TO MOTOR VEHICLE INSURANCE -- RENTAL VEHICLES.

Received and referred to the Senate Committee on Judiciary

Also:

House Bill No. 7400

BY Giannini, Cerra, Shavers, Coderre E, Aubin

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS -- ADOPTION OF CHILDREN

Received and referred to the Senate Committee on Judiciary

Also:

House Bill No. 8478

BY Story

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

Received and referred to the Senate Committee on Judiciary

Also:

House Bill No. 7240

BY Gallison, Giannini, Winfield, Anguilla, Enos

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- LYME DISEASE AND TREATMENT

Received and referred to the Senate Committee on Health and Human Services

Also:

House Bill No. 8021

BY Wasylyk, Dennigan

ENTITLED, AN ACT RELATING TO INSURANCE.

Received and referred to the Senate Committee on Health and Human Services

Also:

House Bill No. 8168 SUB A (Dept. of Business Regulation)

BY Savage

ENTITLED, AN ACT RELATING TO INSURANCE -- FIRE INSURANCE POLICIES AND RESERVES

Received and referred to the Senate Committee on Financial Services, Technology And Regulatory Issues

Also:

House Bill No. 7418 as amended

BY Brien T, Rose, Laroche, Moura, Picard

ENTITLED, AN ACT RELATING TO SUNDAY SALE OF ALCOHOLIC BEVERAGES.

Received and referred to the Senate Committee on Constitutional Gaming Issues

NEW BUSINESS

Senate Bill No. 3083

BY Senator Sosnowski

ENTITLED, AN ACT RELATING TO THE BLOCK ISLAND HOUSING BOARD.

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

Also:

Senate Bill No. 3084

BY Senator Felag

ENTITLED, AN ACT RELATING TO CITIES AND TOWNS - WARREN.

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

Also:

Senate Bill No. 3085

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

ENTITLED, AN ACT PROVIDING FOR THE CONSTRUCTION OF A NEW MIDDLE SCHOOL AND THE ACQUISITION OF LAND THEREFOR AND FOR THE RENOVATION OF THE PONAGANSET HIGH SCHOOL AND PONAGANSET MIDDLE SCHOOL

BY Senators THE FOSTER-GLOCESTER REGIONAL SCHOOL DISTRICT AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$45,720,000.00 IN BONDS THEREFOR.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 3086

BY Senator Sosnowski

ENTITLED, AN ACT AUTHORIZING THE TOWN OF SOUTH KINGSTOWN TO FINANCE CAPITAL TRANSPORTATION IMPROVEMENT PROJECTS AND TO ISSUE NOT MORE THAN \$200,000 BONDS THEREFOR.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 3087

BY Senator Sosnowski

ENTITLED, AN ACT AUTHORIZING THE TOWN OF SOUTH KINGSTOWN TO FINANCE THE ACQUISITION OF LAND FOR OPEN SPACE, RECREATION AND AGRICULTURAL PURPOSES AND TO ISSUE NOT MORE THAN \$2,000,000 BONDS THEREFOR.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 3088

BY Senator Sosnowski

ENTITLED, AN ACT AUTHORIZING THE TOWN OF SOUTH KINGSTOWN TO FINANCE THE CONSTRUCTION OF A SCHOOL/COMMUNITY GYMNASIUM AND TO ISSUE NOT MORE THAN \$1,550,000 BONDS THEREFOR.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 3089**BY** Senators Fogarty P, Algieri**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - MILL BUILDING AND ECONOMIC REVITALIZATION ACT.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 3090 (Governor)**BY** Senators Breene, Bates, Blais, Gibbs, Algieri**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES AND LABOR AND LABOR RELATIONS.

Read and referred to the Senate Committee on Labor

Also:

Senate Resolution No. 3091**BY** Senators Sosnowski, Paiva-Weed**ENTITLED**, SENATE RESOLUTION CONGRATULATING KATHLEEN MELLOR ON BEING NAMED "NATIONAL TEACHER OF THE YEAR" BY THE COUNCIL OF CHIEF SCHOOL OFFICERS.

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sosnowski moves passage, seconded by Senator Sheehan and the entire Senate.

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

Also:

Senate Resolution No. 3092**BY** Senators McCaffrey, Walaska, Roberts, Revens**ENTITLED**, SENATE RESOLUTION CELEBRATING THE 39TH ANNUAL CELEBRATION OF GASPEE DAYS.

Senator McCaffrey requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator McCaffrey moves passage, seconded by Walaska, Roberts, Raptakis and others.

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

Also:

Senate Bill No. 3093

BY Senator Blais

ENTITLED, AN ACT RELATING TO LEVY AND ASSESSMENT OF LOCAL TAXES.

Senator Blais requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Blais moves passage, seconded by Senator Breene.

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

NAYS- 0:

CALENDAR

IN ORDER FOR WEDNESDAY, MAY 5, 2004:

1 2004-S 2616

BY Polisena

ENTITLED, AN ACT RELATING TO INSURANCE -- UNFAIR CLAIMS
SETTLEMENT PRACTICES ACT

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Polisena, moves passage, seconded by Senators Damiani and Caprio.

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

NAYS- 0:

2 2004-S 2078 as amended**BY Revens****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- BEDDING
AND UPHOLSTERED FURNITURE

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

Upon suggestion of Senator Ruggerio, and without objection ordered to be placed on the Calendar for Tuesday, May 11, 2004.

3 2004-S 2363**BY Revens****ENTITLED,** AN ACT RELATING TO AERONAUTICAL REGULATION --
REGISTRATION OF AIRCRAFT

Committee on Commerce, Housing & Municipal Government recommends passage.

Upon suggestion of Senator Ruggerio, and without objection ordered to be placed on the Calendar for Tuesday, May 11, 2004.

4 2004-S 2725 as amended**BY Ciccone****ENTITLED,** AN ACT RELATING TO MOTOR VEHICLES - ABANDONED CARS

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

Upon suggestion of Senator Ruggerio, and without objection ordered to be placed on the Calendar for Tuesday, May 11, 2004.

5 2004-S 2726 SUB A**BY McCaffrey****ENTITLED,** AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS, AND
PARTNERSHIPS

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

Senator McCaffrey, moves passage, seconded by Senators Goodwin and Walaska.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon 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, Blais, Breene, 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:

6 2004-S 2791

BY Goodwin

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS --
TOWING STORAGE ACT

Committee on Commerce, Housing & Municipal Government recommends passage.

Upon suggestion of Senator Ruggerio, and without objection ordered to be placed on the Calendar for Tuesday, May 11, 2004.

7 2004-S 3011

BY Breene

ENTITLED, AN ACT ESTABLISHING A BOUNDARY (A PORTION
THEREOF) BETWEEN THE TOWNS OF COVENTRY AND WEST
GREENWICH

Committee on Commerce, Housing & Municipal Government recommends passage.

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

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

NAYS- 0:

8 2004-S 2823

BY Felag

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS -- MILITARY
COMMISSIONS

Committee on Finance recommends passage.

Senator Felag moves passage, seconded by Senators Breene, Parella, Sosnowski and others.

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

NAYS- 0:

9 2004-S 2271

BY Fogarty P

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- BURRILLVILLE

Committee on Finance recommends passage.

Senator Fogarty moves passage, seconded by Senators Tassoni and Damiani.

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

NAYS- 0:

STATEMENT OF POTENTIAL CONFLICT

TO THE HONORABLE SENATE:

I, Leo R. Blais, 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 2004- 2939 Sub A 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 pharmacist and owner of the Pawtuxet Valley Prescription and Surgical Center, Inc.

6. This statement is true to the best of my knowledge.

Leo R. Blais

Signed and sworn to before me this 5th day of May, 2004.

RAYMOND T. HOYAS, JR.
Notary Public

10 2004-S 2939

BY Damiani

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- LYME
DISEASE AND TREATMENT

Committee on Health & Human Services recommends passage.

Senator Damiani moves passage, seconded by Senators Tassoni, Connors, Parella, Polisena, Gibbs, Breene, McCaffrey, Sheehan, Felag and many others.

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 and 1 Senator abstaining as follows:

YEAS- 33: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ABSTAINED- 1: Senator Blais.

11 2004-S 2230 SUB A

BY Pichardo

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

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

Senator Pichardo moves passage, seconded by Senators Perry, Paiva-Weed, Damiani and Lenihan.

Senator Pichardo, seconded by Senators Perry and Lenihan, offers the following written motion to amend.

FLOOR AMENDMENT

TO

2004 -- S 2230 SUBSTITUTE A

AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY -- CAUSES OF ACTION

Mr. President:

I hereby move to amend 2004 -- S 2230 SUBSTITUTE A, entitled "AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY -- CAUSES OF ACTION", as follows:

(1) On page 2, line 24, after the word "section" by adding the words "provided, however, that nothing herein shall be construed to supercede, impair or affect the legal jurisdiction or responsibilities of any state agency as established by law".

Respectfully submitted,
SENATOR PICHARDO

The motion to amend prevails 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, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Pichardo moves passage of the act as amended, seconded by Senators Lenihan, Connors, Perry, Paiva-Weed and others

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

NAYS- 0:

12 2004-S 2347

BY Perry

ENTITLED, AN ACT RELATING TO FAIR EMPLOYMENT PRACTICES ACT

Committee on Judiciary recommends passage.

Senator Perry moves passage, seconded by Senators McCaffrey and Damiani.

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

NAYS- 0:

13 2004-S 2478 SUB A

BY Paiva-Weed

**ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT-
LOBBYING OF STATE EMPLOYEES**

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

Senator Paiva-Weed moves passage, seconded by Senators Roberts, Gallo, McCaffrey, Felag, Fogarty, Sheehan, Polisena, DaPonte, Badeau, Goodwin, Lenihan 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 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, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Paiva-Weed, Parella, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

14 2004-S 2581**BY Polisena****ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES**

Committee on Judiciary recommends passage.

Senator Polisena moves passage, seconded by Senators Damiani, Sosnowski, Paiva-Weed, Perry, Tassoni and many others.

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

NAYS- 0:

15 2004-S 2664**BY McBurney****ENTITLED, AN ACT RELATING TO FOOD AND DRUGS -- CONTROLLED
SUBSTANCES**

Committee on Judiciary recommends passage.

Senator Polisena moves passage, seconded by Senators Damiani, Raptakis and McCaffrey.

The act is read and passed, upon a roll call vote with 32 Senators voting in the affirmative and 1 Senator voting in the negative and 1 Senator abstaining as follows:

YEAS- 32: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Paiva-Weed, Parella, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 1: Senator Perry.

ABSTAINED- 1: Senator Montalbano.

16 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.

Senator Walaska moves passage, seconded by Senators Gallo, Roberts, Perry, Felag, Alves, Blais, Breene and others.

Senator Walaska seconded by Senators Gallo, Roberts, Perry, Felag, Alves, Blais and Breene, offers the following written motion to amend.

F L O O R A M E N D M E N T

TO

2004 -- S 2687

**AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- ADAPTIVE TELEPHONE EQUIPMENT
LOAN PROGRAM COMMITTEE**

Mr. President:

I hereby move to amend 2004 -- S 2687, entitled "AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- ADAPTIVE TELEPHONE EQUIPMENT LOAN PROGRAM COMMITTEE", as follows:

1. On page 2, line 29, by inserting the following language immediately following the words and punctuation "digital network.":

"Notwithstanding the foregoing, there shall not be any additional funding mechanism used to charge each residence and business telephone access line or trunk in the state, including PBX trunks and centrex equivalent trunks and each service line or trunk, or upon each user interface number or extension number or similarly identifiable line, trunk or path to or from a digital network, to recover the costs of providing the services outlined in (a)(i), (ii) or (a)(iii) above."

2. On page 3, line 11, by inserting the following language immediately following the words and punctuation "program.":

"The surcharge referenced hereunder shall be generated from existing funding mechanisms and shall not be generated as a result of any new funding mechanisms charged to each residence and business telephone access line or trunk in the state, including PBX trunks and centrex equivalent trunks and each service line or trunk, or upon each user interface number or extension number or similarly identifiable line, trunk or path to or from

a digital network."

Respectfully submitted,
SENATOR WALASKA

The motion to amend prevails 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, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisen, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Walaska moves passage of the act as amended, seconded by Senators Roberts and Felag.

Senator Roberts, discusses the act.

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

NAYS- 0:

17 2004-H 8460

BY Mumford

ENTITLED, AN ACT RELATING TO LEVY AND ASSESSMENT OF LOCAL TAXES

Ordered on the Calendar

Senator Blais moves passage, seconded by Senators Breene.

The act is read and passed, by unanimous consent, in concurrence, 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, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lenihan, McCaffrey, Paiva-Weed, Parella, Perry, Pichardo, Polisen, Raptakis, 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 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 Lenihan announces that the Committee on Oversight will meet today, at the rise of the Senate, in Room 313 of the State House.

Senator Ruggerio announces that the Senate will host an informational caucus, on Thursday, May 6, 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 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 4:48 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR V. SUSAN SOSNOWSKI

Almighty God, bless those who serve in this Senate. Inspire us with your truth, surround us with your love, and fill us with your grace. Amen.

Appendix**CALENDAR****IN ORDER FOR THURSDAY, MAY 6, 2004:****1 2004-S 2308 as amended****BY Cote****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
LAND SURVEYORS

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

2 2004-S 2362**BY Sheehan****ENTITLED,** AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO
TAXATION

Committee on Commerce, Housing & Municipal Government recommends passage.

3 2004-S 3029**BY Felag****ENTITLED,** AN ACT AUTHORIZING THE TOWN OF BRISTOL TO FINANCE
ROAD AND SIDEWALK IMPROVEMENT PROJECTS BY ISSUANCE
OF NOT MORE THAN \$5,000,000 BONDS THEREFOR

Committee on Commerce, Housing & Municipal Government recommends passage.

4 2004-S 3032**BY McBurney****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

Committee on Commerce, Housing & Municipal Government recommends passage.

5 2004-S 3033**BY McBurney****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

Committee on Commerce, Housing & Municipal Government recommends passage.

6 2004-S 3034

BY McBurney

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

Committee on Commerce, Housing & Municipal Government recommends passage.

7 2004-S 3035

BY McBurney

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

Committee on Commerce, Housing & Municipal Government recommends passage.

8 2004-S 3036

BY McBurney

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

Committee on Commerce, Housing & Municipal Government recommends passage.

9 2004-S 3037

BY McBurney

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

Committee on Commerce, Housing & Municipal Government recommends passage.

10 2004-S 3038

BY McBurney

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

Committee on Commerce, Housing & Municipal Government recommends passage.

11 2004-S 2648 SUB A

BY Revens

ENTITLED, AN ACT RELATING TO TAXES -- PERSONAL INCOME TAX

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

12 2004-S 2653 SUB A

BY Revens

ENTITLED, AN ACT RELATING TO EDUCATION -- THE PUBLIC HIGHER EDUCATION ENDOWMENT INCENTIVE PROGRAM

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

13 2004-S 2723 SUB A

BY McBurney

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- STATE POLICE

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

14 2004-S 2989 SUB A**BY DaPonte****ENTITLED,** AN ACT RELATING TO TAXATION -- BUSINESS CORPORATION TAX

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

15 2004-S 2299 SUB A**BY Blais****ENTITLED,** AN ACT RELATING TO ADMINISTRATIVE PROCEDURES

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

IN ORDER FOR TUESDAY, MAY 11, 2004:**1 2004-S 2078 as amended****BY Revens****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- BEDDING AND UPHOLSTERED FURNITURE

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

2 2004-S 2363**BY Revens****ENTITLED,** AN ACT RELATING TO AERONAUTICAL REGULATION -- REGISTRATION OF AIRCRAFT

Committee on Commerce, Housing & Municipal Government recommends passage.

3 2004-S 2725 as amended**BY Ciccone****ENTITLED,** AN ACT RELATING TO MOTOR VEHICLES - ABANDONED CARS

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

4 2004-S 2791**BY Goodwin****ENTITLED,** AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- TOWING STORAGE ACT

Committee on Commerce, Housing & Municipal Government recommends passage.

5 2004-S 3002 SUB A**BY Alves****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- LICENSING OF NURSING FACILITIES

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

6 2004-S 2497 SUB A**BY Roberts****ENTITLED,** AN ACT RELATING TO EDUCATION

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

7 2004-S 2065 SUB A as amended**BY Tassoni****ENTITLED,** AN ACT RELATING TO CRIMINAL PROCEDURE -- CRIMINAL INJURIES COMPENSATION

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute A as amended.

8 2004-S 2697**BY Roberts****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- MEDICAID EXPENDITURES -- ANNUAL REPORT

Committee on Finance recommends passage.

9 2004-S 2110 SUB A as amended**BY Walaska****ENTITLED,** AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - SMALL CLAIMS AND CONSUMER CLAIMS

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

10 2004-S 2229 SUB A**BY Perry****ENTITLED,** AN ACT RELATING TO CRIMINAL PROCEDURE - EYEWITNESS IDENTIFICATION

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

11 2004-S 2855

BY Lenihan

ENTITLED, AN ACT RELATING TO ELECTIONS -- RECOUNTS

Committee on Judiciary recommends passage.

12 2004-S 2923

BY DaPonte

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
RENTAL VEHICLES -- INSURANCE

Committee on Judiciary recommends passage.

Raymond T. Hoyas, Jr.
Secretary of the Senate