

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 fourth day of January in the year of Our Lord two thousand and five.

Volume 132, No. 5

Thursday, January 13, 2005

Fifth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:10 o'clock P.M.

The roll is called and a quorum is declared present with 34 Senators present and 4 Senators absent as follows:

PRESENT – 34: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sosnowski, Tassoni.

ABSENT – 4: Senators Damiani, Revens, Sheehan and Walaska.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Wednesday, January 12, 2005 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Ruggerio and by unanimous consent, the Honorable President welcomes to the Chamber James Fagnoli.

Upon suggestion of Senator Algieri and by unanimous consent, the Honorable President welcomes to the Chamber Clark Curtis and his son Ricky Curtis.

Upon suggestion of Senators Ciccone, Ruggerio and Goodwin and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable Evelyn Fagnoli, former President of the Providence City Council.

COMMUNICATIONS

The Honorable President presents the following communications:

January 13, 2005

The Honorable Joseph A. Montalbano
President of the Senate
318 State House
Providence, RI 02903

Dear Mr. President:

Please be advised and let the record reflect that I will be absent from the chamber on Thursday, January 13, 2005.

I would appreciate your recording my letter in the appropriate Senate Journal.

Thanks you for your attention to this matter.

Sincerely,

Senator William A. Walaska
Senate District 30

Also:

January 13, 2005

Honorable Joseph A. Montalbano
President of the Senate
318 State House
Providence, RI 02903

Dear Mr. President:

Please be advised that I will be absent from the Senate session on Thursday January 13, 2005, due to illness.

I would appreciate your recording my letter in the appropriate Senate Journal.

Sincerely,

Michael J. Damiani
State Senator District 18

APPOINTMENTS

The Honorable President presents the following communication transmitting the following appointments:

January 13, 2005

Rhode Island State Senate
State House
Providence, RI 02903

To The Honorable Senate:

Pursuant to Section 5.2 of the Interim Senate Rules, I am making the following appointments to the Senate Standing Committees:

Commerce, Housing and Municipal Government Committee

Frank T. Caprio, Chairperson
Marc A. Cote, Vice Chairperson
Paul W. Fogarty, Secretary
Kevin A. Breene
James E. Doyle, II
J. Michael Lenihan
Elizabeth H. Roberts
John J. Tassoni, Jr.

Constitutional and Gaming Issues Committee

Maryellen Goodwin, Chairperson
John J. Tassoni, Jr., Vice Chairperson
James E. Doyle, II, Secretary
Stephen D. Alves
David E. Bates
Marc A. Cote
Daniel DaPonte
J. Michael Lenihan

Education Committee

Daniel J. Issa, Chairperson
Hanna M. Gallo, Vice Chairperson
Harold M. Metts, Secretary
Leo R. Blais
Frank T. Caprio
Beatrice A. Lanzi

Environment and Agriculture Committee

V. Susan Sosnowski, Chairperson
John F. McBurney, III, Vice Chairperson
Kevin A. Breene, Secretary
Walter S. Felag, Jr.
June N. Gibbs
Michael J. McCaffrey
Leonidas P. Raptakis
William A. Walaska

Finance Committee

Stephen D. Alves, Chairperson
Walter S. Felag, Jr., 1st Vice Chairperson
Beatrice A. Lanzi, 2nd Vice Chairperson
Hanna M. Gallo, Secretary
Frank A. Ciccone, III
June N. Gibbs
Maryellen Goodwin
Juan M. Pichardo
Dominick J. Ruggerio

Financial Services, Technology and Regulatory Issues Committee

William A. Walaska, Chairperson
Daniel DaPonte, Vice Chairperson
David E. Bates, Secretary
Roger Badeau
Daniel P. Connors
Daniel J. Issa
James C. Sheehan
V. Susan Sosnowski

Health and Human Services Committee

Elizabeth H. Roberts, Chairperson
Rhoda E. Perry, Vice Chairperson
Charles J. Levesque, Secretary
Leo R. Blais
June N. Gibbs
Juan M. Pichardo
James C. Sheehan
V. Susan Sosnowski

Judiciary Committee

Michael J. McCaffrey, Chairperson
Joseph M. Polisena, Vice Chairperson
Leonidas P. Raptakis, Secretary
Leo R. Blais
Michael J. Damiani
Charles J. Levesque
John F. McBurney, III
Harold M. Metts
Rhoda E. Perry
John C. Revens, Jr.

Labor Committee

Roger Badeau, Chairperson
Dominick J. Ruggiero, Vice Chairperson
Frank A. Ciccone, III, Secretary
David E. Bates
Michael J. Damiani
Paul W. Fogarty
Beatrice A. Lanzi
Joseph M. Polisena
John C. Revens, Jr.
John J. Tassoni, Jr.

Oversight Committee

J. Michael Lenihan, Chairperson
Daniel P. Connors, Vice Chairperson
James C. Sheehan, Secretary
Leo R. Blais
Frank A. Ciccone, III
Daniel DaPonte
Daniel J. Issa
Charles J. Levesque
Elizabeth H. Roberts
V. Susan Sosnowski

Very truly yours,

JOSEPH A. MONTALBANO
President of the Senate

FROM THE HOUSE OF REPRESENTATIVES

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

House Resolution No. 5060

BY Shanley, Lally, Scott, McHugh, Caprio D

ENTITLED, JOINT RESOLUTION CONGRATULATING BARBARA ANNE HACKEY ON HER RETIREMENT AFTER 30 YEARS OF SERVICE TO THE TOWN OF SOUTH KINGSTOWN

Placed on the Senate Consent Calendar

Also:

House Bill No. 5061

BY Malik, Anguilla, Gallison

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF D & M CUSTOM HOMES, INC.

Placed on the Senate Consent Calendar

NEW BUSINESS

Senate Bill No. 50

BY Senators Fogarty P, Tassoni, Levesque C, Walaska, Gallo

ENTITLED, AN ACT RELATING TO THE TOWN OF BURRILLVILLE

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

Also:

Senate Bill No. 51

BY Senator Blais

ENTITLED, AN ACT RELATING TO COLLECTION OF TAXES GENERALLY

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

Also:

Senate Bill No. 52

BY Senator Blais

ENTITLED, AN ACT RELATING TO MOTOR VEHICLES -- SPECIAL REGISTRATION PLATE
-- COVENTRY -- POLICE CHIEF EMERITUS

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

Also:

Senate Resolution No. 53

BY Senators Fogarty P, Walaska, Sosnowski, Breene, Goodwin

ENTITLED, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE
ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE
(GENERAL ASSEMBLY)

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

Also:

Senate Bill No. 54

BY Senator Polisena

ENTITLED, AN ACT RELATING TO EDUCATION -- OFFENSES RELATED TO SCHOOLS

Read and referred to the Senate Committee on Education

Also:

Senate Bill No. 55

BY Senators Issa, Gallo, Perry, Felag, Tassoni

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES' HIGHER EDUCATION OPPORTUNITY INCENTIVE GRANT

Read and referred to the Senate Committee on Education

Also:

Senate Bill No. 56

BY Senators Polisena, Damiani

ENTITLED, AN ACT RELATING TO EDUCATION -- COLLEGE AND UNIVERSITY DORMITORIES SAFETY

Read and referred to the Senate Committee on Education

Also:

Senate Bill No. 57

BY Senators Raptakis, Alves, Polisena, Damiani, Blais

ENTITLED, AN ACT RELATING TO TAXATION

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 58

BY Senators Felag, Lanzi, Ciccone, Polisena, Bates

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS - RHODE ISLAND VETERANS' HOME

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 59

BY Senators Polisena, Damiani, Sosnowski, Blais, Algieri

ENTITLED, AN ACT RELATING TO PUBLIC ACCESS DEFIBRILLATION

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 60

BY Senators Blais, Polisen, Gibbs, Bates, Roberts

ENTITLED, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX {LC8/1}

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 61

BY Senators Blais, Damiani, Polisen, Breene, Roberts

ENTITLED, AN ACT RELATING TO TAXATION -- VETERANS' EXEMPTIONS

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 62

BY Senators Felag, Ciccone, Lanzi, Goodwin, Issa

ENTITLED, AN ACT RELATING TO TAXATION - PROPERTY TAX RELIEF

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 63

BY Senator Polisen

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- RHODE ISLAND RESOURCE RECOVERY CORPORATION

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 64

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

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

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 65

BY Senators Felag, Sosnowski, Connors, Lanzi

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- UNSOLICITED TELEPHONE SALES CALLS

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

Also:

Senate Bill No. 66

BY Senators Raptakis, Issa, Damiani, DaPonte, Doyle

ENTITLED, AN ACT RELATING TO CREDIT CARD LENDING

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

Also:

Senate Bill No. 67 (Lieutenant Governor)

BY Senators Perry, Roberts, Tassoni, Fogarty P, Polisena

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- NURSING FACILITY QUALITY IMPROVEMENT AND REFORM

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

Also:

Senate Bill No. 68

BY Senators Polisena, Damiani, Sosnowski, Blais, Algieri

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- ASSAULTS

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 69

BY Senators Polisena, Damiani

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- WEAPONS

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 70

BY Senators Polisena, Damiani, Algieri, Blais, Raptakis

ENTITLED, AN ACT RELATING TO MOTOR VEHICLES

Read and referred to the Senate Committee on Judiciary

Also:

Senate Resolution No. 71

BY Senator McBurney

ENTITLED, SENATE RESOLUTION EXPRESSING ITS DEEPEST CONDOLENCES ON THE PASSING OF REVEREND MONSIGNOR PAUL LLOYD, PASTOR EMERITUS OF ST. MARY'S CHURCH IN PAWTUCKET

Senator McBurney requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator McBurney moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution No. 72

BY Senators Sosnowski, Paiva-Weed

ENTITLED, JOINT RESOLUTION CONGRATULATING BARBARA ANNE HACKEY ON HER RETIREMENT AFTER 30 YEARS OF SERVICE TO THE TOWN OF SOUTH KINGSTOWN

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sosnowski moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution No. 73

BY Senators Metts, Pichardo, Perry, Cote, Ciccone

ENTITLED, SENATE RESOLUTION COMMEMORATING THE CELEBRATION OF THE BIRTH OF THE REVEREND MARTIN LUTHER KING, JR.

Senator Metts requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Metts moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution No. 74

BY Senators Perry, Paiva-Weed, McCaffrey, Fogarty P, McBurney
ENTITLED, SENATE RESOLUTION EXPRESSING OUR DEEPEST SYMPATHIES ON THE
PASSING OF FLORENCE WEINTRAUB

Senator Perry requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Perry moves passage, seconded by the entire Senate.

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

APPOINTMENTS BY THE GOVERNOR

The Honorable President presents the following communication from His Excellency, the Governor, transmitting the following appointments and requesting the advice and consent of the Senate thereto:

January 3, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 20-3-1 of the Rhode Island General Laws, I have made the following reappointment to the Marine Fisheries Council:

George S. Allen of Portsmouth
(Representing Recreational Fishing)

for a term expiring April 1, 2008.

To this reappointment, I respectfully request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Environment and Agriculture.

Also:

January 3, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-75-2 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island State Council on the Arts:

Andrea Valentini of Cranston

VICE
Kenneth Carpenter
(resigned)

for a term expiring March 1, 2006.

To this appointment, I respectfully request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Education.

Also:

January 3, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 28-5-8 of the Rhode Island General Laws, I have made the following reappointment to the Commission for Human Rights:

Iraida Williams of Providence

for a term expiring July 1, 2007.

To this appointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

Also:

January 3, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-60-2 of the Rhode Island General Laws, I have made the following reappointment to the Board of Regents for Elementary and Secondary Education:

Patrick Guida of Barrington

for a term expiring January 31, 2007.

To this reappointment, I respectfully request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Education.

Also:

January 3, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-60-2 of the Rhode Island General Laws, I have made the following appointment to the Board of Regents for Elementary and Secondary Education:

Karin L. Forbes of North Kingstown

VICE
Vidal P. Perez
(resigned)

for a term expiring January 31, 2007.

To this appointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Education.

CONSENT CALENDAR

In order for the day is taken up as follows:

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

1. 2005-S 49

BY Felag

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF D & M CUSTOM HOMES, INC.

ANNOUNCEMENTS

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

Senator Paiva Weed announces that the Senate will meet on Tuesday, January 18, 2005, at 6:00 o'clock P.M.

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 Pichardo, the Senate adjourns at 4:35 o'clock P.M. in memory of Dr. Martin Luther King Jr.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix**INVOCATION****SENATOR JUAN M. PICHARDO**

Heavenly Father, as we commemorate the birthday of America's greatest civil rights leader, Dr. Martin Luther King, Jr., let us not mourn his death, but rather celebrate his victories. Instill in us his sense of dedication, perseverance, dignity, and respect for all your people. May we follow his lead in all our daily encounters with others. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR TUESDAY, JANUARY 18, 2005:

1 2005-H 5060

BY Shanley

ENTITLED, JOINT RESOLUTION CONGRATULATING BARBARA ANNE HACKEY ON HER RETIREMENT AFTER 30 YEARS OF SERVICE TO THE TOWN OF SOUTH KINGSTOWN

Ordered to be placed on the Consent Calendar

2 2005-H 5061

BY Malik

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF D & M CUSTOM HOMES, INC.

Ordered to be placed on the Consent Calendar

Raymond T. Hoyas, Jr.
Secretary of the Senate

Thursday, January 13, 2005