

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. 12

Wednesday, February 2, 2005

Twelfth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:13 o'clock P.M.

The roll is called and a quorum is declared present with 36 Senators present and 2 Senators absent as follows:

PRESENT – 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

ABSENT – 2: Senators Connors, Sheehan.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Tuesday, February 1, 2005 proceedings is read in part.

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

GUESTS

Upon suggestion of Senators Issa, Cote, Pichardo, Gallo, Paiva Weed, McBurney, Ruggerio, Metts, Goodwin and Ciccone and by unanimous consent, the Honorable President welcomes to the Chamber from CCRI, President Thomas D. Sepe, Dean of Students Rebecca Yount, Dr. Julie White-Gooding, Meldon Megerdichian, Nick Kamboures, Justine Tate, Meaghan Bowden, Deana Waite, Shanda Christal, Melanie Murray, Brenda Pachecho, Ismael Castro, Roy Bolden, Shumaen Waite, Treshwana Speid, Petagaye Whitmore, Toni Lomba, Tracey Martin, Jason Nichols.

Upon suggestion of Senator Lanzi and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable Michael Sepe of Cranston.

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. 19

BY Senators Tassoni, Fogarty P, Cote

ENTITLED, AN ACT RELATING TO TAXATION -- NORTH SMITHFIELD

Read and ordered to be placed on the Calendar

Also:

House Bill No. 5132

BY Church

ENTITLED, AN ACT RELATING TO TAXATION -- NORTH SMITHFIELD

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 Judiciary:

Appointment of Bruce H. Dawson of North Kingston to the Coastal Resources Management Council.

Read and referred to the Committee on Judiciary.

NEW BUSINESS

Senate Bill No. 165

BY Senators Polisena, Damiani, Sosnowski

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- EQUIPMENT AND ACCESSORIES GENERALLY

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

Also:

Senate Bill No. 166

BY Senator Algieri

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. 167

BY Senators McBurney, Doyle

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. 168

BY Senator Algieri

ENTITLED, AN ACT RELATING TO THE WATCH HILL FIRE DISTRICT

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

Also:

Senate Bill No. 169

BY Senators Pichardo, Connors, Issa, Perry, Levesque C

ENTITLED, AN ACT RELATING TO EDUCATION -- COMPULSORY ATTENDANCE

Read and referred to the Senate Committee on Education

Also:

Senate Bill No. 170

BY Senators Felag, Sosnowski

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION - - COASTAL RESOURCES MANAGEMENT COUNCIL

Read and referred to the Senate Committee on Environment and Agriculture

Also:

Senate Bill No. 171

BY Senators Gibbs, Algieri, Bates, Perry, Roberts

ENTITLED, AN ACT RELATING TO HUMAN SERVICES - HEALTH CARE FOR ELDERLY AND DISABLED RESIDENTS ACT.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 172

BY Senators Blais, Raptakis

ENTITLED, AN ACT RELATING TO STATE EDUCATION - - MANDATES.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 173

BY Senators Gibbs, Algieri, Bates, Perry, Roberts

ENTITLED, AN ACT RELATING TO REGISTRATION OF NURSING ASSISTANTS

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 174

BY Senator Felag

ENTITLED, AN ACT RELATING TO TAXATION

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 175

BY Senators Perry, Roberts, Gibbs, Sosnowski, Levesque C

ENTITLED, AN ACT RELATING TO THE PUBLIC ASSISTANCE ACT --MEDICAL ASSISTANCE AND ABORTIONS.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 176

BY Senators Fogarty P, Connors, Levesque C, Tassoni, Breene
ENTITLED, AN ACT RELATING TO EDUCATION -- FOUNDATION LEVEL SCHOOL SUPPORT

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 177

BY Senators Fogarty P, Connors, Gallo, Levesque C, Blais
ENTITLED, AN ACT RELATING TO EDUCATION -- FOUNDATION LEVEL SCHOOL SUPPORT

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 178

BY Senators Algieri, Gibbs, Bates, Blais, Breene
ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- GENERAL ASSEMBLY HEALTH COST SHARING

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 179

BY Senators Gibbs, Perry, Roberts, Sosnowski, Polisena
ENTITLED, AN ACT RELATING TO TAXATION -- ADULT AND CHILD DAY CARE ASSISTANCE AND DEVELOPMENT TAX CREDIT

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 180

BY Senators Tassoni, Ruggiero, Fogarty P, Doyle, McBurney
ENTITLED, AN ACT RELATING TO RELIEF OF INJURED AND DECEASED FIREFIGHTERS AND POLICE OFFICERS

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 181

BY Senators Lanzi, Felag, Ruggerio, Badeau, Tassoni

ENTITLED, AN ACT RELATING TO EDUCATION -- KINDERGARTEN PLUS INCENTIVE FUND.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 182

BY Senators Gibbs, Algiere, Perry, Roberts, Sosnowski

ENTITLED, AN ACT RELATING TO HEATH INSURANCE

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

Also:

Senate Bill No. 183

BY Senators Perry, Sosnowski, Roberts, Levesque C, Gibbs

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY- STEM CELL RESEARCH.

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

Also:

Senate Bill No. 184

BY Senators Perry, Sosnowski, Levesque C, Gibbs, Roberts

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- INFORMED CONSENT FOR ABORTION.

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 185

BY Senators Perry, Levesque C, Pichardo, Roberts, Sosnowski

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- ARREST

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 186

BY Senators Gibbs, Bates

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOBILE AND MANUFACTURED HOMES

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 187

BY Senators Perry, Levesque C, Pichardo, Roberts, Sosnowski

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- ARREST

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 188

BY Senators Algieri, Polisena, Sosnowski

ENTITLED, AN ACT RELATING TO MOTOR VEHICLE OFFENSES

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 189

BY Senator Tassoni

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 190

BY Senators Perry, Gibbs, Roberts, Sosnowski, Levesque C

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- REPRODUCTIVE HEALTH CARE.

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 191

BY Senators Perry, Roberts, Sosnowski, Paiva-Weed, Gibbs

ENTITLED, AN ACT RELATING TO THE AMBER ALERT PROGRAM

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 192

BY Senators Felag, Damiani, Ciccone, Badeau, Ruggerio

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - DEALERS', MANUFACTURERS', AND RENTAL LICENSES

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 193

BY Senator Paiva-Weed

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- NEWPORT COUNTY CONVENTION AND VISITORS' BUREAU

Read and referred to the Senate Committee on Government Oversight

Also:

Senate Bill No. 194

BY Senators Gibbs, Sosnowski, DaPonte, Blais, Breene

ENTITLED, AN ACT RELATING TO ZONING ORDINANCES

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

Also:

Senate Bill No. 195

BY Senators Tassoni, Ciccone, Polisena, McBurney

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

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

Also:

Senate Bill No. 196

BY Senators Gibbs, Bates, Sosnowski, DaPonte, Breene

ENTITLED, AN ACT RELATING TO THE HOUSING RESOURCES COMMISSION

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

Also:

Senate Bill No. 197

BY Senators Tassoni, Polisena, Doyle, McBurney, Badeau

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- MANDATORY STREET ADDRESS SIGN REQUIREMENTS

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

Also:

Senate Bill No. 198

BY Senators Fogarty P, Perry, Walaska, Gallo, Levesque C
ENTITLED, AN ACT RELATING TO THE TOWN OF GLOCESTER.

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

Also:

Senate Bill No. 199

BY Senators Blais, Fogarty P, Sosnowski, Breene
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF ENVIRONMENTAL MANAGEMENT -- ELIMINATION OF MTBE AS A GASOLINE ADDITIVE

Read and referred to the Senate Committee on Environment and Agriculture

Also:

Senate Bill No. 200

BY Senators Walaska, McCaffrey, Revens, Bates
ENTITLED, AN ACT RELATING TO FISH AND WILDLIFE - COYOTE MANAGEMENT.

Read and referred to the Senate Committee on Environment and Agriculture

Also:

Senate Bill No. 201

BY Senators Ciccone, DaPonte, Lanzi, Badeau, Breene
ENTITLED, AN ACT RELATING TO FISH AND WILDLIFE -- HUNTING AND HUNTING SAFETY.

Read and referred to the Senate Committee on Environment and Agriculture

Also:

Senate Bill No. 202

BY Senators Gibbs, Sosnowski, DaPonte, Blais, Breene
ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- SALARIES AND TRAVELING EXPENSES

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 203 (Lieutenant Governor)

BY Senators Polisena, Roberts, Sosnowski, Goodwin, Perry
ENTITLED, AN ACT RELATING TO EDUCATION - NURSING LOAN REPAYMENT PROGRAM.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 204

BY Senators Pichardo, Tassoni, Perry, Goodwin, Gallo

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND HOUSING RESOURCES ACT OF 1998.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 205

BY Senators Issa, Sosnowski, Lenihan

ENTITLED, AN ACT RELATING TO THE STATE BUDGET

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 206

BY Senators Fogarty P, Gallo, Walaska, Ciccone, Tassoni

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- DIVISION OF MOTOR VEHICLES

Read and referred to the Senate Committee on Finance

Also:

Senate Resolution No. 207

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

ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THAT THE GOVERNOR OF THE STATE OF RHODE ISLAND EXEMPT RHODE ISLAND'S CITIES AND TOWNS FROM PAYING ALL FUEL TAXES.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 208

BY Senator Sosnowski

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

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 209

BY Senator Blais

ENTITLED, AN ACT RELATING TO STATE AFFAIRS -- THE ELECTRONIC GOVERNMENT SERVICES ACT

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

Also:

Senate Bill No. 210

BY Senators Walaska, Bates

ENTITLED, AN ACT RELATING TO INSURANCE - CONTINUING EDUCATION REQUIREMENTS.

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

Also:

Senate Bill No. 211

BY Senators DaPonte, Bates, Connors, Ciccone, Walaska

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- CHECK CASHING.

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

Also:

Senate Bill No. 212

BY Senators Tassoni, Ciccone, Polisena, McBurney

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- PUBLIC RESTROOMS.

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

Also:

Senate Bill No. 213

BY Senators Badeau, Polisena, Bates, Felag, McBurney

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - CHILDREN.

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 214

BY Senators Pichardo, Perry, Goodwin, Gallo

ENTITLED, AN ACT RELATING TO PROPERTY -- RESIDENTIAL LANDLORD AND TENANT ACT

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 215

BY Senator Sosnowski

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 216

BY Senator Bates

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 217

BY Senators Perry, Sosnowski, Levesque C, Gibbs, Pichardo

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS -- PERSONS ELIGIBLE TO MARRY.

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 218

BY Senators Raptakis, Cote, Lenihan, Caprio F, McCaffrey

ENTITLED, AN ACT RELATING TO ELECTIONS -- REGISTRATION OF VOTERS

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 219

BY Senators DaPonte, Connors, Ciccone, Lanzi, Tassoni

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS.

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 220

BY Senators Lenihan, Cote, Montalbano J, Algieri, Blais

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS

Read and referred to the Senate Committee on Government Oversight

Also:

Senate Bill No. 221

BY Senators Lenihan, Perry, Goodwin, Walaska, Blais

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS

Read and referred to the Senate Committee on Government Oversight

Also:

Senate Bill No. 222

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

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS

Read and referred to the Senate Committee on Government Oversight

Also:

Senate Bill No. 223

BY Senators Ciccone, Polisena, Tassoni, DaPonte, Pichardo

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

Read and referred to the Senate Committee on Government Oversight

Also:

Senate Resolution No. 224

BY Senators Bates, Walaska, Felag, Ciccone, Tassoni

ENTITLED, SENATE RESOLUTION STRONGLY URGING THE PROVIDENCE JOURNAL TO REDUCE THE PER AGATE LINE COST OF OBITUARY SUBMISSIONS FOR PUBLICATION.

Senator Bates requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Bates moves passage, seconded by Senators Damiani and Ciccone.

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

Also:

Senate Bill No. 225

BY Senators Issa, Gallo

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF RHODE ISLAND INDEPENDENT HIGHER EDUCATION ASSOCIATION.

Read and ordered to be placed on the Consent Calendar.

ANNOUNCEMENTS

Senator Goodwin announces that the Committee on Constitutional and Gaming Issues, will meet today, at the rise of the Senate, in Room 313 of the State House.

TRANSMITTAL

By unanimous consent, all matters on the Secretary'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 4:26 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR JAMES E. DOYLE II

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

CONSENT CALENDAR

IN ORDER FOR THURSDAY, FEBRUARY 3, 2005:

1 2005-S 225

BY Issa

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF RHODE ISLAND INDEPENDENT HIGHER
EDUCATION ASSOCIATION

Ordered to be placed on the Consent Calendar

Appendix

CALENDAR

IN ORDER FOR TUESDAY, FEBRUARY 8, 2005:

1 2004-S 19

BY Tassoni

ENTITLED, AN ACT RELATING TO TAXATION -- NORTH SMITHFIELD

Committee on Commerce, Housing & Municipal Government recommends passage.

2 2004-H 5132

BY Church

ENTITLED, AN ACT RELATING TO TAXATION -- NORTH SMITHFIELD

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