

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. 17

Tuesday, February 15, 2005

Seventeenth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:29 o'clock P.M.

The roll is called and a quorum is declared present with 37 Senators present and 1 Senator absent as follows:

PRESENT – 37: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 1: Senator DaPonte.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Wednesday, February 9, 2005 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Paiva Weed and by unanimous consent, the Honorable President welcomes to the Chamber the parents of Senator Tassoni, John and Janet Tassoni.

COMMUNICATION

The Honorable President presents the following communication:

February 15, 2005

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

Dear Mr. President:

Please be advised and let the record reflect that I will be absent from the chamber from Tuesday, February 15, 2005 through Thursday, February 17, 2005.

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

Thanks you for your attention to this matter.

Sincerely,
Senator Daniel DaPonte
Senate District 14

Read and ordered to be placed on file.

REPORTS OF COMMITTEES

COMMITTEE ON JUDICIARY

Senator McCaffrey, from the Committee on Judiciary, reports back, with recommendation of passage of the following measures:

Appointment of Robert H. Breslin, Jr., Esquire of Saunderstown (Rhode Island Bar Association Seat)
VICE Louis M. Pulner, Esquire to the Commission on Judicial Tenure and Discipline for a term expiring April 1, 2007.

Ordered to be placed on the Senate Calendar

Also:

Appointment of Monica Horan of Lincoln to the Commission on Judicial Tenure and Discipline for a term expiring April 1, 2006.

Ordered to be placed on the Senate Calendar

Also:

Senate Bill No. 155 SUB A as amended
BY Senators Badeau, Ruggerio, Ciccone, Cote, Doyle
ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE – COURTS

Ordered to be placed on the Senate Calendar

REPORTS OF COMMITTEES

TRANSFER OF BILLS

Senator Caprio, for the Committee on Commerce, Housing and Municipal Government, reports back the following measure, with recommendation of transfer to the Committee on Financial Services, Technology And Regulatory Issues:

Senate Bill No. 489 (Business Regulation)
BY Senator Bates
ENTITLED, AN ACT RELATING TO INSURANCE.

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

NEW BUSINESS

Senate Resolution No. 647
BY Senators Blais, Bates, Breene, Algieri
ENTITLED, SENATE RESOLUTION REQUESTING THAT NASA FUND REPAIRS TO THE HUBBLE TELESCOPE.

Senator Blais requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Blais moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution No. 648**BY** Senators Blais, Bates, Breene, Algieri**ENTITLED**, SENATE RESOLUTION PROCLAIMING FEBRUARY 6TH TO BE RONALD REAGAN DAY IN THE STATE OF RHODE ISLAND.

Senator Blais requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Blais moves passage, seconded by the entire Senate.

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

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, in concurrence upon a voice vote:

1 2005-H 5452**BY Costantino****ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF THE RHODE ISLAND BANDWAGON, INC.**CALENDAR****IN ORDER FOR TUESDAY, FEBRUARY 15, 2005:****1 2005-S 28****BY Montalbano J****ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES -- REGISTRATION OF VEHICLES

Committee on Constitutional & Gaming Issues recommends passage.

Senator Goodwin, moves passage, seconded by Senators Ruggerio, Polisena, Ciccone, Connors, Blais, Felag, Damiani 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, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 0:

ANNOUNCEMENTS

Senator Fogarty announces that the Committee on Commerce, Housing, and Municipal Government will meet today, at the rise of the Senate, in Room 212 of the State House.

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

Senator Goodwin announces that the Committee on Constitutional and Gaming Issues will meet on Wednesday, February 16, 2005, at the rise of the Senate, in Room 313 of the State House.

Senator Perry announces that the Committee on Health and Human Services will meet on Wednesday, February 16, 2005, at 2:30 o'clock P.M. in Room 313 of the State House.

TRANSMITTAL

By unanimous consent, all matters on the Clerk's desk are ordered to be transmitted to His Excellency, the Governor or to the Honorable House of Representatives forthwith.

RECESS

Upon motion of Senator Ruggerio, seconded by Senator Algieri, and upon suggestion of Senator Goodwin, the Senate stands recess at 4:40 o'clock P.M. in memory of Lillian Connors, beloved Grandmother of Senator Connors.

CALL TO ORDER

The Senate is called to order at 4:17 o'clock P.M. on Wednesday, February 16, 2005 by the Honorable Joseph A. Montalbano, President of the Senate.

NEW BUSINESS

Senate Bill No. 649

BY Senators Ciccone, Badeau, Felag, Lanzi, Tassoni

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- RETIREMENT SYSTEM -- CONTRIBUTIONS AND BENEFITS

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 650

BY Senators Breene, Blais, Sosnowski, Gibbs

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. 651

BY Senators Felag, Paiva-Weed, Pichardo, Ciccone, Perry

ENTITLED, AN ACT RELATING TO HOUSING RESOURCES - NEIGHBORHOOD OPPORTUNITIES PROGRAM.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 652

BY Senators Damiani, Polisena, Sosnowski

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS -- CONTINUATION OF EMPLOYMENT.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 653

BY Senators Doyle, McBurney, Ruggerio, Tassoni, Connors

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- RIGHTS OF NURSING HOME PATIENTS.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 654 (Governor)

BY Senator Breene

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- TEMPORARY DISABILITY INSURANCE -- NATIONAL GUARD.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 655

BY Senators Damiani, Polisena, Sosnowski

ENTITLED, AN ACT RELATING TO THE NATIONAL GUARD AND RESERVE.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 656

BY Senators Perry, Sosnowski, Goodwin, McBurney, Roberts

ENTITLED, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 657

BY Senators Gallo, Roberts, Lanzi

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

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 658 (Lieutenant Governor)

BY Senators Roberts, Bates, Gibbs, Felag, Paiva-Weed

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

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 659 (Governor)

BY Senators Algieri, Breene, Gibbs, Raptakis, Bates

ENTITLED, AN ACT RELATING TO THE NATIONAL GUARD.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 660

BY Senators Badeau, Ciccone

ENTITLED, AN ACT RELATING TO RELIEF OF FIREFIGHTERS AND POLICE OFFICERS.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 661

BY Senators Badeau, Ciccone

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- RETIREMENT OF MUNICIPAL EMPLOYEES.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 662

BY Senators Pichardo, Metts, Connors, Alves

ENTITLED, AN ACT RELATING TO TAXATION -- RESIDENTIAL LEAD ABATEMENT INCOME TAX CREDIT.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 663 (Lieutenant Governor)

BY Senators Polisena, Damiani, Goodwin, Gallo, Sosnowski

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- THE NURSING EDUCATION SCHOLARSHIP PROGRAM.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 664

BY Senators Badeau, Ciccone

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- OPTIONAL RETIREMENT FOR POLICE AND FIREFIGHTERS.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 665

BY Senators Roberts, Gallo, Perry, Pichardo

ENTITLED, AN ACT RELATING TO CAPITAL DEVELOPMENT - RHODE ISLAND HEALTH CENTERS AND FACILITIES PROGRAM.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 666

BY Senator McBurney

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- RETIREMENT SYSTEM -- CONTRIBUTIONS AND BENEFITS.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 667

BY Senators Gibbs, Perry, Pichardo, Roberts, Bates

ENTITLED, AN ACT RELATING TO TAXATION -- BUSINESS CORPORATION TAX.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 668

BY Senators Alves, Felag, Lanzi, Pichardo, Badeau

ENTITLED, AN ACT RELATING TO PUBLIC FINANCE -- PUBLIC CORPORATION DEBT MANAGEMENT.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 669

BY Senators Alves, McBurney, Doyle, Issa, Walaska

ENTITLED, AN ACT RELATING TO HUMAN SERVICES -- MEDICAL ASSISTANCE.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 670

BY Senators Perry, Sosnowski, Goodwin, McBurney, Roberts

ENTITLED, AN ACT RELATING TO PUBLIC ASSISTANCE -- APPROPRIATION.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 671 (Lieutenant Governor)

BY Senator Revens

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF TRANSPORTATION.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 672

BY Senators Roberts, Perry, Gibbs

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF HUMAN SERVICES.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 673

BY Senator Tassoni

ENTITLED, AN ACT RELATING TO TOWN AND CITIES -- RELIEF OF FIRE FIGHTERS AND POLICE OFFICERS.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 674 (Lieutenant Governor)

BY Senators Tassoni, Doyle, McBurney, Issa

ENTITLED, AN ACT RELATING TO TAXATION.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 675 (Lieutenant Governor)

BY Senator Pichardo

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -- INDEPENDENT MILITARY ORGANIZATIONS.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 676

BY Senators Gallo, Fogarty P, Walaska, Felag, Levesque C
ENTITLED, AN ACT RELATING TO AUDIT OF ACCOUNTS.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 677 (by request)

BY Senator Polisena
ENTITLED, AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 678

BY Senators Tassoni, McBurney, Doyle, Cote, Metts
ENTITLED, AN ACT RELATING TO THE NATIONAL GUARD.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 679

BY Senators Pichardo, Metts, Alves
ENTITLED, AN ACT MAKING AN APPROPRIATION OF \$100,000 TO THE PROVIDENCE COMMUNITY HEALTH CENTERS.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 680

BY Senators Goodwin, Montalbano J, Paiva-Weed
ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY --OFFICE OF THE STATE MEDICAL EXAMINERS

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

Also:

Senate Bill No. 681

BY Senators Goodwin, Montalbano J, Paiva-Weed
ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY --OFFICE OF STATE MEDICAL EXAMINERS

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

Also:

Senate Bill No. 682

BY Senators Goodwin, Montalbano J, Paiva-Weed

ENTITLED, AN ACT RELATING TO THE OFFICE OF THE STATE MEDICAL EXAMINERS

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

Also:

Senate Bill No. 683 (Governor)

BY Senator Breene

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS.

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 684 (by request)

BY Senators Damiani, Polisena

ENTITLED, AN ACT RELATING TO LABOR -- ARBITRATION OF MUNICIPAL EMPLOYEES DISPUTES.

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 685

BY Senator Badeau

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS.

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 686

BY Senator Badeau

ENTITLED, AN ACT RELATING TO WORKERS' COMPENSATION -- PROCEDURE.

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 687

BY Senator Badeau

ENTITLED, AN ACT RELATING TO WORKERS' COMPENSATION -- PROCEDURE.

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 688

BY Senator Badeau

ENTITLED, AN ACT RELATING TO WORKERS' COMPENSATION.

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 689

BY Senators Damiani, Polisena

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- LABOR RELATIONS ACT.

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 690

BY Senator Badeau

ENTITLED, AN ACT RELATING TO WORKERS' COMPENSATION -- BENEFITS.

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 691

BY Senators Perry, Sosnowski, Lanzi, Goodwin, McBurney

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- TEMPORARY DISABILITY INSURANCE -- BENEFITS (adoption of a child).

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 692

BY Senator Badeau

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- THE OPEN CONTRACTING ACT.

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 693

BY Senator Badeau

ENTITLED, AN ACT RELATING TO WORKERS' COMPENSATION -- BENEFITS.

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 694

BY Senator Badeau

ENTITLED, AN ACT RELATING TO WORKERS' COMPENSATION -- BENEFITS.

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 695 (State Police)

BY Senator Breene

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS - LIE DETECTOR TESTS AS CONDITIONS OF EMPLOYMENT.

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 696

BY Senators Damiani, Polisena

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS.

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 697 (Governor)

BY Senator Breene

ENTITLED, AN ACT RELATING TO EMPLOYMENT SECURITY -- GENERAL PROVISIONS.

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 698

BY Senators Damiani, Polisena

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- UNFAIR PRACTICES.

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 699

BY Senator Badeau

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION -- BENEFITS.

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 700

BY Senators Connors, Tassoni, Doyle, Polisena, Damiani

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS -- SOLEMNIZATION OF MARRIAGES.

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 701

BY Senator Badeau

ENTITLED, AN ACT RELATING TO WORKERS' COMPENSATION -- PROCEDURE.

Read and referred to the Senate Committee on Labor

ADJOURNMENT

Upon motion of Senator Ruggerio, seconded by Senator Algieri the Senate adjourns at 4:18 o'clock P.M.

Appendix

INVOCATION

SEANTOR BEATRICE A. LANZI

Dear Lord, help us to communicate with each other using kind and respectful speech and deep listening in order to share our insight so we can make the best decisions for the benefit of all Rhode Islanders.
Amen

Appendix**CALENDAR****IN ORDER FOR WEDNESDAY, FEBRUARY 16, 2005:****1 2005-S 50****BY Fogarty P****ENTITLED, AN ACT RELATING TO THE TOWN OF BURRILLVILLE**

Committee on Commerce, Housing & Municipal Government recommends passage.

2 2005-S 198**BY Fogarty P****ENTITLED, AN ACT RELATING TO THE TOWN OF GLOCESTER**

Committee on Commerce, Housing & Municipal Government recommends passage.

3 2005-H 5014**BY Pacheco****ENTITLED, AN ACT RELATING TO THE TOWN OF BURRILLVILLE**

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

4 2005-S 40**BY Walaska****ENTITLED, AN ACT RELATING TO INSURANCE**

Committee on Financial, Technology, Regulatory recommends passage.

5 2005-S 160 SUB A as amended**BY Connors****ENTITLED, SENATE RESOLUTION ADOPTING THE RULES OF THE SENATE**

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

IN ORDER FOR THURSDAY, FEBRUARY 17, 2005:**1 Reappointment of Monica Horan of Lincoln to the Commission on Judicial Tenure and Discipline for a term expiring April 1, 2006.**

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

- 2 Appointment of Robert H. Breslin, Jr., Esquire (Rhode Island Bar Association Seat) of Saunderstown VICE Louis M. Pulner, Esquire to the Commission on Judicial Tenure and Discipline for a term expiring April 1, 2007.

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

3 **2005-S 155 SUB A as amended**

BY Badeau

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

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