

**State of Rhode Island and Providence Plantations**

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**Journal of the Senate**

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**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.**

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Volume 132, No. 18

Wednesday, February 16, 2005

Eighteenth Day

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The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:19 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 Metts, to deliver the invocation.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**NATIONAL ANTHEM**

The National Anthem is performed by Shane Lee.

**APPROVAL OF RECORD**

The Senate Journal of Tuesday, February 15, 2005 proceedings is read in part.

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

**GUESTS**

Upon suggestion of Senator Doyle and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable Mary Bray, Councilor from the City of Pawtucket.

Upon suggestion of Senator Doyle and by unanimous consent, the Honorable President welcomes to the Chamber Suzanne Amerault and children Rachel and Ben Amerault

Upon suggestion of Senators Blais and Roberts and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable Mark Haywood, Steve Umberger and Carol Malis.

Upon suggestion of Senator Gibbs and by unanimous consent, the Honorable President welcomes to the Chamber Kristen Vollmer from Texas a Brown University Senior who will be serving as an intern this year.

Upon suggestion of Senators Pichardo and Metts and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable Representative Maxine Shavers Chairwoman of Martin Luther King Holiday Commission, Fain Lime, President NAACP of Newport and Joyce Williams, Past President NAACP of Newport.

Upon suggestion of Senator Ruggerio and by unanimous consent, the Honorable President welcomes to the Chamber Marianna Lotos of the United Way State Employees Charitable Appeal.

**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 Alton W. Wiley, Jr. of North Providence VICE Richard Ferland (resigned) to the Commission for Human Rights for a term expiring July 1, 2005.

Read and ordered to be placed on the Senate Calendar.

Also:

Reappointment of Iraida Williams of Providence to the Commission for Human Rights for a term expiring July 1, 2007.

Read and ordered to be placed on the Senate Calendar.

**COMMITTEE ON HEALTH AND HUMAN SERVICES**

Senator Roberts, from the Committee on Health and Human Services, reports back, with recommendation of passage of the following measure:

Appointment of Christopher F. Koller of Rumford as Health Insurance Commissioner.

Read and ordered to be placed on the Senate Calendar for Thursday, February 17, 2005.

**NEW BUSINESS****Senate Resolution No. 702**

**BY** Senators Metts, Pichardo, Issa, Cote, Paiva-Weed

**ENTITLED**, SENATE RESOLUTION PROCLAIMING THE MONTH OF FEBRUARY AS "BLACK HISTORY MONTH" IN RHODE ISLAND.

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. 703**

**BY** Senators Revens, Paiva-Weed, Algieri, Ruggerio

**ENTITLED**, SENATE RESOLUTION CONGRATULATING REVEREND BRIAN J. SHANLEY ON BEING SELECTED AS THE 12TH PRESIDENT OF PROVIDENCE COLLEGE.

Senator Revens requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Revens moves passage, seconded by the entire Senate.

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

Also:

**Senate Resolution No. 704****BY** Senators Montalbano J, Paiva-Weed, Algieri**ENTITLED**, SENATE RESOLUTION HONORING DOCTOR PATRICIA NOLAN ON THE OCCASION OF HER RETIREMENT.

Senator Paiva Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Paiva Weed moves passage, seconded by the entire Senate.

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

Also:

**Senate Bill No. 705****BY** Senator Damiani**ENTITLED**, AN ACT RELATING TO PUBLIC DRINKING WATER SUPPLY.

Senator Damiani requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Damiani moves passage, seconded by Senator Polisena.

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, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Pichardo, Polisena, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

**Senate Resolution No. 706****BY** Senators Metts, Lanzi, Connors, Badeau, Ciccone**ENTITLED**, SENATE RESOLUTION HONORING SENATOR CHARLES D. WALTON FOR HIS TIRELESS EFFORTS ON BEHALF OF RHODE ISLAND'S MINORITY COMMUNITY.

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.

## 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 &amp; Municipal Government recommends passage.

Upon suggestion of Senator Ruggiero, and without objection, ordered to be placed on the Calendar for Thursday, February 17, 2005.

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

Committee on Commerce, Housing &amp; Municipal Government recommends passage.

Upon suggestion of Senator Ruggiero, and without objection, ordered to be placed on the Calendar for Thursday, February 17, 2005.

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

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

Upon suggestion of Senator Ruggiero, and without objection, ordered to be placed on the Calendar for Thursday, February 17, 2005.

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

Committee on Financial, Technology, Regulatory recommends passage.

Senator Walaska moves passage, seconded by Senators Gallo and Blais.

The act is read and passed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggiero, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**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.

Senator Connors moves passage, seconded by Senators Badeau, Ciccone, Bates, Ruggerio, Felag, Paiva Weed and many others.

The resolution marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, by unanimous consent, upon roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, 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 313 of the State House.

Senator Sosnowski announces that the Committee on Environment and Agriculture will meet today, at the rise of the Senate, in Room 211 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 Ruggerio seconded by Senator Algieri the Senate adjourns at 4:41 o'clock P.M.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate

**Appendix****CALENDAR****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** Appointment of Christopher F. Koller of Rumford as Health Insurance Commissioner.

Committee on Health & Human Services recommends that the Senate give its Advice and Consent to this appointment.

- 4** **2005-S 50**

**BY Fogarty P**

**ENTITLED, AN ACT RELATING TO THE TOWN OF BURRILLVILLE**

Committee on Commerce, Housing & Municipal Government recommends passage.

- 5** **2005-S 198**

**BY Fogarty P**

**ENTITLED, AN ACT RELATING TO THE TOWN OF GLOCESTER**

Committee on Commerce, Housing & Municipal Government recommends passage.

- 6** **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.

**7 2005-H 5014**

**BY Pacheco**

**ENTITLED, AN ACT RELATING TO THE TOWN OF BURRILLVILLE**

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

**IN ORDER FOR TUESDAY, MARCH 1, 2005:**

- 1** Appointment of Alton W. Wiley, Jr. of North Providence VICE Richard Ferland (resigned) to the Commission for Human Rights for a term expiring July 1, 2005.

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

- 2** Reappointment of Iraida Williams of Providence to the Commission for Human Rights for a term expiring July 1, 2007.

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

**Raymond T. Hoyas, Jr.**  
**Secretary of the Senate**

**Wednesday, February 16, 2005**