

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. 24

Wednesday, March 9, 2005

Twenty-fourth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable John C. Revens, Jr., President Pro Tempore of the Senate, at 4:07 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: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Tassoni, Walaska.

ABSENT – 4: Senator Issa, Lenihan, Sosnowski, Montalbano

INVOCATION

The Honorable President Pro Tempore, by unanimous consent, presents Senator Sheehan, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journals of Thursday, March 3, and Tuesday, March 8, 2005 proceedings are read in part.

Upon suggestion of Senator Sheehan, and by unanimous consent, further reading of the Journals are dispensed with and the Journals approved as recorded.

GUESTS

Upon suggestion of Senator Goodwin and by unanimous consent, the Honorable President Pro Tempore welcomes to the Chamber from RICARES, coordinator Carrier Blake, David Fonseca, Laura Smith, Jason Banks, Jessica Deutsch, Elvis Hopkins, Jose Cardero, Lee Ann McCarthy, Mike LeClerc, and the Honorable Thomas R. Coderre, former Whip of the Rhode Island State Senate.

APPOINTMENTS BY THE GOVERNOR

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

March 2, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-15.1-2 of the Rhode Island General Laws, I have made the following reappointment to the Water Resources Board:

Francis J. Perry, Jr. of Coventry
(Public Member)

for a term expiring March 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:

March 7, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 29-3.1-2.2 of the Rhode Island General Laws, I have made the following reappointment to the Library Board of Rhode Island:

Mary F. Cummings of Providence
(Representing Librarians Serving Institutionalized Persons)

for a term expiring December 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:

March 7, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-28.3-2 of the Rhode Island General Laws, I have made the following appointment to the Fire Safety Code Board of Appeal and Review:

Henry Richard, Jr. of Lincoln
(Representing Industry)

VICE
John R. Wahlberg
(deceased)

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 Commerce, Housing and Municipal Government

NEW BUSINESS

Senate Resolution No. 925

BY Senators Alves, McCaffrey, McBurney, Tassoni, Goodwin

ENTITLED, SENATE RESOLUTION EXPRESSING ITS DEEPEST CONDOLENCES ON THE PASSING OF FORMER RHODE ISLAND HOUSE MAJORITY LEADER THOMAS A. LAMB.

Senator Alves requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Alves moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution No. 926

BY Senators Tassoni, McBurney

ENTITLED, SENATE RESOLUTION CELEBRATING MARCH 16TH AS LIBERTY DAY.

Senator Tassoni requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Tassoni 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, upon a voice vote:

1 2005-S 924

BY Felag

ENTITLED, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF TIVERTON

CALENDAR

IN ORDER FOR WEDNESDAY, MARCH 9, 2005:

1 2005-S 27

BY Paiva-Weed

ENTITLED, AN ACT RELATING TO VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF JAMESTOWN

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Paiva Weed moves passage, seconded by Senator Levesque.

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: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Tassoni, Walaska.

NAYS- 0:

2 2005-S 95

BY Tassoni

ENTITLED, AN ACT RELATING TO MOTOR VEHICLES - EMERGENCY VEHICLES

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Tassoni moves passage, seconded by Senator Paiva Weed.

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: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Tassoni, Walaska.

NAYS- 0:

3 2005-S 96**BY Algieri****ENTITLED, AN ACT RELATING TO TAXATION -- ELDERLY EXEMPTION
-- TOWN OF WESTERLY**

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Algieri moves passage, seconded by Senators Breene, Bates, Blais and Gibbs.

The act is read and passed, by unanimous consent, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

4 2005-S 166**BY Algieri****ENTITLED, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO
TAXATION**

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Algieri moves passage, seconded by Senators Breene, Bates, Blais and Gibbs.

The act is read and passed, by unanimous consent, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

5 2005-S 168**BY Algieri****ENTITLED, AN ACT RELATING TO THE WATCH HILL FIRE DISTRICT**

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Algieri moves passage, seconded by Senators Blais, Breene, Bates and Gibbs.

The act is read and passed, by unanimous consent, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

6 2005-S 754

BY Breene

ENTITLED, AN ACT RELATING TO HOMESTEAD EXEMPTION IN THE TOWN OF WEST GREENWICH

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Breene moves passage, seconded by Senators Algieri, Blais, Bates and Gibbs.

The act is read and passed, by unanimous consent, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

7 2005-S 425

BY Gibbs

ENTITLED, AN ACT RELATING TO PATERNITY

Committee on Health & Human Services recommends passage.

Senator Gibbs moves passage, seconded by Senators Algieri, Breene, Blais and Bates.

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: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, 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 Gallo announces that the Committee on Education will not meet today.

Senator Fogarty announces that the Committee on Commerce, Housing and Municipal Government will meet on Thursday, March 10, 2005, at the rise of the Senate, in Room 212 of the State House.

Senator Perry announces that the Committee on Health and Human Services will meet today, at the rise of the Senate, in Room 212 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, and upon suggestion of Senator Alves, the Senate adjourns at 4:24 o'clock P.M. in memory of the Honorable Thomas A. Lamb, former Majority Leader of the Rhode Island House of Representatives. His contributions to the State of Rhode Island shall long be remembered.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR JAMES C. SHEEHAN

Dear God, we have so much for which we are thankful, for this beautiful state which we live in, for the resources you have given us, for your protection and guidance of all the members of this Senate, as we strive for the public's welfare. Amen.

Appendix

CALENDAR

IN ORDER FOR THURSDAY, MARCH 10, 2005:

1 2005-S 290

BY Tassoni

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS

Committee on Commerce, Housing & Municipal Government recommends passage.

Wednesday, March 9, 2005