

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. 30

Wednesday, March 23, 2005

Thirtieth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:25 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, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 1: Senator Lenihan

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Tuesday, March 22, 2005 proceedings is read in part.

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

GUESTS

Upon suggestion of Senators Issa, Walaska, Connors, Gallo, Raptakis and Doyle and by unanimous consent, the Honorable President welcomes to the Chamber commemorating the Anniversary of the Pakistan Resolution Salahuddin Kazi, Farah Izhar, Aleeza Kazi, Muti Siddiqui, Shahnaz Siddiqui, Iftikhar Hussain, Fizza Hussain, Isra Hussain, Mujeeb Syed, Jooveria Syed, Minal Syed, Osama Syed, Mansoor, Ghazala Mansoor, Farah Habib, Samia Habib, Sumaira Sohail, Mahnoor Arshad Iqbal, Asma Iqbal, Masooma Abbas, Sheza Iqbal, Sana Iqbal, Munawar Azam, Uzma Azam, Danish Azam, Hina Khan, Gulraiz Khan and Owais Khan

Upon suggestion of Senator Gibbs and by unanimous consent, the Honorable President welcomes to the Chamber Kristen Voller from Texas, a senior at Brown University.

APPOINTMENTS BY THE GOVERNOR

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

March 22, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-16.1-6 of the Rhode Island General Laws, I have made the following appointment to the Labor and Training Board of Review:

Edward A. Lombardo, Sr. of Greenville
Representative of Industry

VICE
Sarah Carter

for a term expiring February 1, 2011.

To this appointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Labor.

Also:

March 23, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-59-2 of the Rhode Island General Laws, I have made the following appointment to the Board of Governors for Higher Education:

Dr. Joseph H. Hagan of Little Compton

VICE
The Honorable Steven Costantino

for a term expiring January 31, 2008.

To this appointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Education.

Also:

March 22, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-59-2 of the Rhode Island General Laws, I have made the following appointment to the Board of Governors for Higher Education:

Frank N. Caruso of Bristol

VICE
Jose Gonzalez

for a term expiring January 31, 2008.

To this appointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Education.

Also:

March 22, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-128-6 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Housing Resources Act:

Kathleen Bazinet of Bristol

(Non-Profit Development Corporation)

VICE

Christian L. Stephens

for a term expiring January 31, 2007.

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.

REPORTS OF COMMITTEES

COMMITTEE ON CONSTITUTIONAL AND GAMING ISSUES

Senator Goodwin, from the Committee on Constitutional and Gaming Issues, reports back, with recommendation of passage of the following measures:

Senate Bill No. 101**BY** Senator Bates**ENTITLED**, AN ACT RELATING TO NAMING A BUILDING, BRIDGE, EDIFICE AND OTHER STATE CONSTRUCTIONS (Lance Corporal Victor Patrick Andreozzi and Vietnam Veterans)

Read and ordered to be placed on the Calendar

Also:

Senate Resolution No. 298 (Lieutenant Governor)**BY** Senators Gallo, Fogarty P, Walaska, Levesque C**ENTITLED**, SENATE RESOLUTION ON MEDICAID.

Read and ordered to be placed on the Senate Consent Calendar

Also:

Senate Resolution No. 299**BY** Senators Sosnowski, Perry, Paiva-Weed, Lenihan, Sheehan**ENTITLED**, SENATE RESOLUTION PROMOTING GOALS TO REDUCE GLOBAL WARMING POLLUTION.

Read and ordered to be placed on the Senate Consent Calendar

Also:

Senate Resolution No. 377 (Lieutenant Governor)**BY** Senator Goodwin**ENTITLED**, JOINT RESOLUTION MEMORIALIZING CONGRESS TO OPPOSE PRIVATIZATION OF SOCIAL SECURITY.

Read and ordered to be placed on the Senate Consent Calendar

Also:

Senate Resolution No. 497**BY** Senators Paiva-Weed, Levesque C, Felag, Algieri, Gibbs**ENTITLED**, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION ON DEFENSE ECONOMY PLANNING.

Read and ordered to be placed on the Senate Consent Calendar

Also:

Senate Resolution No. 763**BY** Senators Ciccone, Badeau, Felag, Lanzi, Tassoni**ENTITLED**, JOINT RESOLUTION CREATING A SPECIAL JOINT COMMISSION TO STUDY THE FINANCING OF NECESSARY REPAIR AND RENOVATION FOR MUNICIPAL EDUCATIONAL FACILITIES.

Read and ordered to be placed on the Senate Consent Calendar

Also:

Senate Resolution No. 766**BY** Senators Blais, Algieri, Polisena, Roberts, McCaffrey**ENTITLED**, SENATE RESOLUTION DECLARING MARCH TO BE "NATIONAL BRAIN INJURY AWARENESS MONTH".

Read and ordered to be placed on the Senate Consent Calendar

Also:

Senate Resolution No. 861**BY** Senators Perry, Goodwin, Levesque C, Connors**ENTITLED**, SENATE RESOLUTION URGING RHODE ISLAND'S COLLEGES AND UNIVERSITIES TO COMMIT TO THE PURCHASE OF RENEWABLE ENERGY.

Read and ordered to be placed on the Senate Consent Calendar

COMMITTEE ON FINANCIAL SERVICES, TECHNOLOGY AND REGULATORY ISSUES

Senator Walaska, from the Committee on Financial Services, Technology and Regulatory Issues, reports back, with recommendation of passage of the following measure:

Senate Bill No. 773 SUB A**BY** Senator Felag**ENTITLED**, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- CHECK CASHING (transaction fees to up to fifteen percent (15%) of the face amount)

Read and ordered to be placed on the Calendar

COMMITTEE ON JUDICIARY

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

Senate Bill No. 442 (Attorney General)

BY Senators Montalbano J, Polisena, Damiani, McCaffrey

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- SEARCH WARRANTS

(grounds for issuance of a search warrant would apply to all criminal investigations & prosecution).

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 244

BY Senator McCaffrey

ENTITLED, AN ACT RELATING TO PROPERTY -- MECHANICS' LIENS (enforce said lien against the surety once a bond has been posted).

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 270 as amended

BY Senators Revens, Paiva-Weed, McCaffrey, Caprio F, Polisena

ENTITLED, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE --

GUARDIANSHIP OF MINORS (eliminate the requirement that a guardian ad litem file a report when a parent petitions for guardianship of a minor unless specifically ordered by the probate court)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 430

BY Senator Caprio F

ENTITLED, AN ACT RELATING TO PROBATE PRACTICE (permit an estate representative to deny a claim against an estate in whole or in part).

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 431

BY Senator Caprio F

ENTITLED, AN ACT RELATING TO PROPERTY -- POWERS.

Read and ordered to be placed on the Calendar

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 6281**BY** Lewiss**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES - THE OCEAN HOUSE.

Senator Algieri requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Algieri moves passage, seconded by Senator Breene.

The act is read and passed, in concurrence, 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, Blais, Breene, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

NEW BUSINESS**Senate Resolution No. 972****BY** Senator Issa**ENTITLED**, SENATE RESOLUTION COMMEMORATING THE ANNIVERSARY OF THE PAKISTAN RESOLUTION PASSED ON MARCH 23, 1940.

Senator Issa requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Issa moves passage, seconded by Senators Felag, Sheehan, Walaska and the entire Senate.

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

Also:

Senate Resolution No. 973**BY** Senators Roberts, Perry, Levesque C**ENTITLED**, SENATE RESOLUTION PROCLAIMING MARCH AS "COLORECTAL CANCER AWARENESS MONTH".

Senator Roberts requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Roberts moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution No. 974

BY Senators Raptakis, McBurney, Paiva-Weed, Gallo, Montalbano J

ENTITLED, SENATE RESOLUTION CELEBRATING MARCH 25, 2005 AS THE 184TH ANNIVERSARY OF GREEK INDEPENDENCE DAY.

Senator Raptakis requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Raptakis moves passage, seconded by the entire Senate.

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

Also:

Senate Bill No. 975

BY Senators Algieri

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES - THE OCEAN HOUSE

Senator Algieri requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Algieri moves passage, seconded by Senator Breene.

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, Blais, Breene, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

CALENDAR**IN ORDER FOR WEDNESDAY, MARCH 23, 2005:****1 2005-S 414****BY Doyle****ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
CERTIFICATES OF TITLE AND SECURITY INTERESTS**

Committee on Financial, Technology, Regulatory recommends passage.

Senator Doyle moves passage, seconded by Senators McBurney, Walaska, Felag and Issa.

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, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Upon suggestion of Senator Ruggerio, and without objection, the remainder of the Calendar is deferred to Tuesday, March 29, 2005.

ANNOUNCEMENTS

Senator Goodwin announces that the Committee on Constitutional and Gaming Issues 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, and upon suggestion of Senator Metts, the Senate adjourns at 4:50 o'clock P.M. in memory of his aunt, Doris Metts Floyd, who passed away last Thursday, March 17, 2005.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR DANIEL P. CONNORS

Almighty God, help us through the stresses and strains of the day by granting us your serenity and peace. Amen.

Appendix**CONSENT CALENDAR****IN ORDER FOR TUESDAY, MARCH 29, 2005:****1 2005-S 298****BY Gallo****ENTITLED, SENATE RESOLUTION ON MEDICAID**

Committee on Constitutional & Gaming Issues recommends passage.

2 2005-S 299**BY Sosnowski****ENTITLED, SENATE RESOLUTION PROMOTING GOALS TO REDUCE
GLOBAL WARMING POLLUTION**

Committee on Constitutional & Gaming Issues recommends passage.

3 2005-S 377**BY Goodwin****ENTITLED, JOINT RESOLUTION MEMORIALIZING CONGRESS TO OPPOSE
PRIVATIZATION OF SOCIAL SECURITY**

Committee on Constitutional & Gaming Issues recommends passage.

4 2005-S 497**BY Paiva-Weed****ENTITLED, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE
COMMISSION ON DEFENSE ECONOMY PLANNING**

Committee on Constitutional & Gaming Issues recommends passage.

5 2005-S 763**BY Ciccone****ENTITLED, JOINT RESOLUTION CREATING A SPECIAL JOINT COMMISSION
TO STUDY THE FINANCING OF NECESSARY REPAIR AND
RENOVATION FOR MUNICIPAL EDUCATIONAL FACILITIES**

Committee on Constitutional & Gaming Issues recommends passage.

6 2005-S 766**BY Blais****ENTITLED, SENATE RESOLUTION DECLARING MARCH TO BE "NATIONAL
BRAIN INJURY AWARENESS MONTH"**

Committee on Constitutional & Gaming Issues recommends passage.

7 2005-S 861

BY Perry

ENTITLED, SENATE RESOLUTION URGING RHODE ISLAND'S COLLEGES
AND UNIVERSITIES TO COMMIT TO THE PURCHASE OF
RENEWABLE ENERGY

Committee on Constitutional & Gaming Issues recommends passage.

Wednesday, March 23, 2005

Appendix**CALENDAR****IN ORDER FOR TUESDAY, MARCH 29, 2005:****1 2005-S 106****BY Felag****ENTITLED, AN ACT RELATING TO ELECTIONS -- LOCAL CANVASSING
AUTHORITY**

Committee on Judiciary recommends passage.

2 2005-S 213**BY Badeau****ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - CHILDREN**

Committee on Judiciary recommends passage.

3 2005-S 345**BY Ciccone****ENTITLED, AN ACT RELATING TO LABOR - PRIVACY PROTECTION**

Committee on Judiciary recommends passage.

4 2005-S 439**BY McCaffrey****ENTITLED, AN ACT RELATING TO ASSAULTS**

Committee on Judiciary recommends passage.

5 2005-S 713**BY Blais****ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- UNIFORM
ANATOMICAL GIFT ACT**

Committee on Judiciary recommends passage.

6 2005-S 109**BY Raptakis****ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- CHILDREN**

Committee on Judiciary recommends passage.

7 2005-S 156**BY Connors****ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- LAW PRACTICE**

Committee on Judiciary recommends passage.

8 2005-S 581

BY McCaffrey

ENTITLED, AN ACT RELATING TO ELECTIONS -- NOMINATION PAPERS

Committee on Judiciary recommends passage.

9 2005-S 129

BY Lanzi

ENTITLED, AN ACT RELATING TO FIREFIGHTERS' ARBITRATION

Committee on Labor recommends passage.

10 2005-S 633

BY Ruggerio

ENTITLED, AN ACT RELATING TO CAUSES OF ACTION

Committee on Labor recommends passage.

11 2005-S 640

BY Ruggerio

**ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
ELECTRICIANS**

Committee on Labor recommends passage.

12 2005-S 641

BY Ruggerio

**ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
ELECTRICIANS**

Committee on Labor recommends passage.

13 2005-S 32

BY Issa

ENTITLED, AN ACT RELATING TO EDUCATION -- SCHOOL FOR THE DEAF

Committee on Education recommends passage.

14 2005-S 967

BY Lenihan

ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS

Committee on Government Oversight recommends passage.

15 2005-H 5817 as amended**BY Coderre E****ENTITLED, AN ACT RELATING TO SEPARATION OF POWERS**

Committee on Government Oversight recommends passage as amended in concurrence.

IN ORDER FOR WEDNESDAY, MARCH 30, 2005:**1 2005-S 101****BY Bates****ENTITLED, AN ACT RELATING TO NAMING A BUILDING, BRIDGE,
EDIFICE AND OTHER STATE CONSTRUCTIONS**

Committee on Constitutional & Gaming Issues recommends passage.

2 2005-S 773 SUB A**BY Felag****ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- CHECK
CASHING**

Committee on Financial, Technology, Regulatory recommends indefinite postponement of the original bill and passage of Substitute A.

3 2005-S 244**BY McCaffrey****ENTITLED, AN ACT RELATING TO PROPERTY -- MECHANICS' LIENS**

Committee on Judiciary recommends passage.

4 2005-S 270 as amended**BY Revens****ENTITLED, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE
-- GUARDIANSHIP OF MINORS**

Committee on Judiciary recommends passage as amended.

5 2005-S 430**BY Caprio F****ENTITLED, AN ACT RELATING TO PROBATE PRACTICE**

Committee on Judiciary recommends passage.

6 2005-S 431**BY Caprio F****ENTITLED, AN ACT RELATING TO PROPERTY -- POWERS**

Committee on Judiciary recommends passage.

7 2005-S 442

BY Montalbano J

**ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- SEARCH
WARRANTS**

Committee on Judiciary recommends passage.

IN ORDER FOR THURSDAY, MARCH 31, 2005:

1 2005-S 133

BY Blais

**ENTITLED, AN ACT RELATING TO MILITARY SERVICE -- ACTIVE DUTY
TAX EXEMPTION**

Committee on Commerce, Housing & Municipal Government recommends passage.

Wednesday, March 23, 2005