

## 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. 46

Tuesday, May 10, 2005

Forty-sixth 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 4:18 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, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

**ABSENT** – 1: Senator Pichardo

### INVOCATION

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

(See Appendix for Invocation)

### PLEDGE OF ALLEGIANCE TO THE FLAG

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

### APPROVAL OF RECORD

The Senate Journal of Thursday, May 5, 2005 proceedings is read in part.

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

## APPOINTMENTS BY THE GOVERNOR

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

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
EXECUTIVE CHAMBER, PROVIDENCE

May 4, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 37-6-1 of the Rhode Island General Laws, I have made the following appointment to the State Properties Committee:

**Thomas W. Barry of Barrington**  
VICE

The Honorable John McCauley, Jr.

for a term expiring March 1, 2008.

To this appointment, I respectfully request your advice & consent.

Sincerely,



Donald L. Carcieri  
Governor

Read and referred to the Committee on Judiciary.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
EXECUTIVE CHAMBER, PROVIDENCE

May 3, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-82-3 of the Rhode Island General Laws, I have made the following appointment to the Agricultural Lands Preservation Commission:

**George Mason Of Little Compton**  
VICE

The Honorable Eleanor Sasso

for the term expiring January 1, 2010.

To this appointment, I respectfully request your advice and consent.

Sincerely,



Donald L. Carcieri  
Governor

Read and referred to the Committee on Environment and Agriculture

### COMMUNICATION

The Honorable President presents the following communication:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
EXECUTIVE CHAMBER, PROVIDENCE**

May 5, 2005

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

Dear Mr. President:

Please be advised that I will be out the country on an internship from May 6<sup>th</sup> to the 23<sup>rd</sup> 2005, and therefore will be absent from the Senate session. I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you for your assistance.

Sincerely,  
Juan M. Pichardo  
Deputy Majority Leader

Read and ordered to be placed on file

### 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:

Appointment of **Mark J. Blackburn** of Warwick to the Fire Safety Code Board of Appeal and Review for a term expiring March 1, 2007.

Read and referred to the Consent Calendar

Also:

Reappointment of **Gordon Preiss** of Westerly to the Fire Safety Code Board of Appeal and Review for a term expiring March 1, 2011.

Read and referred to the Consent Calendar

Also:

Appointment of **Henry Richard, Jr.** of Lincoln to the Fire Safety Code Board of Appeal and Review for a term expiring March 1, 2006.

Read and referred to the Consent Calendar

Also:

Reappointment of **Dana Newbrook** of Cumberland to the board of Registration and Examination of Architects for a term expiring April 1, 2009.

Read and referred to the Consent Calendar

Also:

Appointment of **Donald Goodrich** of Narragansett to the State Housing Appeals Board for a term expiring January 1, 2008.

Read and referred to the Consent Calendar

Also:

Appointment of **Kathleen Bazinet** of Bristol to the Rhode Island Housing Resources Commission for a term expiring January 31, 2007.

Read and referred to the Consent Calendar

Also:

Appointment of **Roberta Hazen Aaronson** of Cranston to the Rhode Island Housing Resources Commission for a term expiring January 31, 2008.

Read and referred to the Consent Calendar

Also:

Appointment of **Kaveh Hajianbahmani** of Providence to the Rhode Island Housing Resources Commission for a term expiring January 31, 2007.

Read and referred to the Consent Calendar

Also:

Reappointment of **Dennis Langley** of East Greenwich to the Rhode Island Housing Resources Commission for a term expiring January 31, 2007.

Read and referred to the Consent Calendar

**COMMITTEE ON ENVIRONMENT AND AGRICULTURE**

Senator Sosnowski, from the Committee on Environment and Agriculture, reports back, with recommendation of passage of the following measures:

**Senate Bill No. 394** SUB A (Environmental Management)

**BY** Senators Breene, Bates, Sosnowski, Fogarty P

**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- DAM MANAGEMENT DISTRICTS (cities and towns/adopt ordinances creating management districts for dams)

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 981**

**BY** Senators Ciccone, Badeau, Lanzi

**ENTITLED**, AN ACT RELATING TO HIGHWAYS -- CONSTRUCTION AND MAINTENANCE OF STATE ROADS (amend policy for use of road salt within the Scituate reservoir water shed).

Read and ordered to be placed on the 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 measures:

**Senate Bill No. 267** SUB A

**BY** Senators Alves, DaPonte

**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- NURSING SERVICE AGENCIES (nursing pool licensure and provide new provisions)

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 311** (Business Regulation)

**BY** Senators Blais, Gibbs, Breene

**ENTITLED**, AN ACT RELATING TO INSURANCE -- SMALL EMPLOYER HEALTH INSURANCE AVAILABILITY ACT.

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 421 SUB A****BY** Senators Cote, Paiva-Weed, Felag, Montalbano J, Perry**ENTITLED**, AN ACT RELATING TO INSURANCE - INDIVIDUAL HEALTH INSURANCE COVERAGE ( amount of time in which a health insurance carrier may not provide coverage in the individual market after the carrier elects to discontinue coverage)

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 423 SUB A****BY** Senators Cote, Paiva-Weed, Montalbano J, Perry, Badeau**ENTITLED**, AN ACT RELATING TO INSURANCE -- EARLY INTERVENTION SERVICES

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 555 SUB A (Lieutenant Governor)****BY** Senators Roberts, Goodwin, Levesque C, Pichardo, Polisena**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- LICENSING OF HEALTH CARE FACILITIES (reporting of certain hospital events and incidents.)

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 557 SUB A (Health)****BY** Senator Blais**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- RELATING TO LICENSING OF HEALTH CARE FACILITIES (change in owner / operator)

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 562 (Health)****BY** Senator Blais**ENTITLED**, AN ACT RELATING TO EMERGENCY MEDICAL TRANSPORTATION SERVICES.

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 680 SUB A****BY** Senators Goodwin, Montalbano J, Paiva-Weed**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY --OFFICE OF THE STATE MEDICAL EXAMINERS (complete reports relative to pending autopsies within 90 days)

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 682**

**BY** Senators Goodwin, Montalbano J, Paiva-Weed

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

Also:

**Senate Bill No. 778 SUB A**

**BY** Senators Roberts, Pichardo

**ENTITLED**, AN ACT RELATING TO INSURANCE -- NONPROFIT HOSPITAL SERVICE CORPORATIONS (self- funded groups for excess losses incurred)

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 804 SUB A**

**BY** Senators Gallo, Walaska, Fogarty P, Felag, Levesque C

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH CARE QUALITY PROGRAM (to the department of health)

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 817 SUB A**

**BY** Senators Roberts, Gallo, Alves

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE HEALTH INSURANCE PRUDENT PURCHASING ACT (utilize specialized health benefits expertise to design a request for proposal for state employee benefit contracts with health insurers)

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 903 SUB A**

**BY** Senators Fogarty P, Tassoni, Gallo, Caprio F, Connors

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- EMERGENCY MEDICAL TRANSPORTATION SERVICES (add 1 member to the ambulance service coordinating advisory

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 985 SUB A as amended**

**BY** Senators Tassoni, Polisen, Goodwin, McCaffrey, Ruggerio

**ENTITLED**, AN ACT RELATING TO EDUCATION (require coaches to complete a coaching education program regarding performance enhancing dietary supplements)

Read and ordered to be placed on the Calendar

**CALENDAR****IN ORDER FOR TUESDAY, MAY 10, 2005:**

- 1** Appointment of **Edward A. Lombardo, Sr.** (Representative of Industry) of Greenville VICE Sarah Carter to the Labor and Training Board of Review for a term expiring February 1, 2011.

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

Senator Badeau seconded by Senators Tassoni, Polisena, Damiani, Perry, Ruggerio and Bates moves that advice and consent of the Senate be given this appointment.

The advice and consent of the Senate is given this appointment, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 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, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**GUESTS**

Upon suggestion of Senator Tassoni and by unanimous consent, the Honorable President welcomes to the Chamber Edward A. Lombardo along with Linda Lombardo, Christin Lombardo, Bernice Lombardo and Tom Daniels.

**CALENDAR**

- 2** Appointment of **Robert Camara** of East Greenwich VICE Mario Mancieri to the Board of Regents for Elementary and Secondary Education for a term expiring January 31, 2008.

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

Senator Issa seconded by Senators Lenihan, Algieri, Gallo, Lanzi moves that advice and consent of the Senate be given this appointment.

The advice and consent of the Senate is given this appointment, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 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, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

### GUESTS

Upon suggestion of Senator Lenihan and by unanimous consent, the Honorable President welcomes to the Chamber Robert Camara.

### CALENDAR

- 3** Appointment of **Maurice C. Paradis** of North Smithfield VICE Sue Priest Duff to the Board of Regents for Elementary and Secondary Education for a term expiring January 31, 2007.

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

Senator Issa seconded by Senators Tassoni, McBurney, Gallo, Cote, Bates and Fogarty moves that advice and consent of the Senate be given this appointment.

The advice and consent of the Senate is given this appointment, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 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, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

### GUESTS

Upon suggestion of Senator Tassoni and by unanimous consent, the Honorable President welcomes to the Chamber Maurice C. Paradis.

### STATEMENT OF POTENTIAL CONFLICT

TO THE HONORABLE SENATE:

I, Dennis L. Algieri, under oath depose and say:

1. I am a duly elected member of the Rhode Island Senate.
2. This statement is made in accord with Rhode Island General Law section 36-14-6.
3. In my official capacity, I may be expected or required to vote or participate in the deliberations of bill(s) 2005-S 77 and now pending before the Senate or a committee thereof.

4. I request that I be excused from voting, deliberating or taking action on the matter.
5. I do not desire to vote or deliberate because I have a potential conflict of interest as follows:

I am an employee of The Washington Trust Company.

6. This statement is true to the best of my knowledge.

Dennis L. Algieri

Signed and sworn to before me this 3<sup>rd</sup> day of May, 2005.

Read and ordered to be placed on file.

### CALENDAR

#### **4 2005-S 77 SUB A**

**BY Blais**

**ENTITLED, AN ACT RELATING TO COMMERCIAL LAW - GENERAL  
REGULATORY PROVISIONS - INTEREST AND USURY**

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

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

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, upon roll call vote with 34 Senators voting in the affirmative and 1 Senator voting in the negative and 1 Senator abstaining as follows:

YEAS- 34: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Goodwin, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 1: Senator Issa

ABSTAINED- 1: Senator Algieri

#### **5 2005-S 193 SUB A**

**BY Paiva-Weed**

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

Committee on Government Oversight recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Paiva Weed moves passage, seconded by Senator Levesque.

Senator Paiva Weed seconded by Senator Levesque, offers the following written motion to amend.

**FLOOR AMENDMENT**

2005 -- S 193 SUBSTITUTE A

Mr. President:

I hereby move to amend 2005 -- S 193 SUBSTITUTE A, entitled "AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- NEWPORT COUNTY CONVENTION AND VISITORS' BUREAU", as follows:

On page 2, lines 1 through 2, by deleting the language "with the advice and consent of the senate".

Respectfully submitted,  
SENATOR PAIVA-WEED

The motion to amend prevails upon a 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, DaPonte, Doyle, Felag, Fogarty, Gallo, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Paiva Weed moves passage of the act as amended, seconded by Senator Levesque

The act is read and passed, by unanimous consent, as amended, 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, DaPonte, Doyle, Felag, Fogarty, Gallo, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**6 2005-S 133**

**BY Blais**

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

Committee on Commerce, Housing & Municipal Government recommends passage.  
Senator Blais moves passage, seconded by Senators Raptakis, Metts and Damiani.

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

NAYS- 0:

**7 2005-S 872**

**BY Breene**

**ENTITLED,** AN ACT AUTHORIZING THE CHARIHO REGIONAL SCHOOL DISTRICT TO ISSUE GENERAL OBLIGATION BONDS AND/OR NOTES NOT TO EXCEED \$99,824,000 TO FINANCE THE CONSTRUCTION, RENOVATION, IMPROVEMENT, ALTERATION, REPAIR, FURNISHING AND EQUIPPING OF SCHOOLS AND SCHOOL FACILITIES THROUGHOUT THE REGIONAL SCHOOL DISTRICT, SUCH PROJECT TO BE FINANCED IN TWO PHASES, THE SECOND PHASE NOT TO BE FINANCED BEFORE JUNE 1, 2007 AND SUBJECT TO THE CONDITIONS OF THIS ACT AS TO LEVELS OF STATE AID

Committee on Finance recommends passage.

Upon suggestion of Senator Breene, and without objection, ordered to be recommitted to the committee on Finance.

**8 2005-S 709**

**BY Badeau**

**ENTITLED,** AN ACT RELATING TO COURTS -- SUPERIOR COURT

Committee on Judiciary recommends passage.

Senator McCaffrey moves passage, seconded by Senators Polisena, Badeau, Levesque and Damiani

The act is read and passed, upon a roll call vote with 32 Senators voting in the affirmative and 2 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Paiva Weed, Perry, Polisena, Revens, Roberts, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 2: Senator Metts, Sheehan.

**9 2005-S 331**

**BY Perry**

**ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - SOCIAL SECURITY NUMBER PRIVACY ACT

Committee on Judiciary recommends passage.

Upon suggestion of Senator Ruggerio, and without objection, ordered to be placed on the Calendar for Thursday, May 12, 2005.

**10 2005-S 327 SUB A**

**BY Bates**

**ENTITLED, AN ACT RELATING TO INSURANCE -- FIRE INSURANCE  
POLICIES AND RESERVES**

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

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

The act is read and passed, by unanimous consent, upon a 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, DaPonte, Doyle, Felag, Fogarty, Gallo, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**11 2005-S 548 SUB A**

**BY Bates**

**ENTITLED, AN ACT RELATING TO INSURANCE -- UNFAIR COMPETITION  
AND PRACTICES**

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

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

The bill marked Substitute "A" is read and passed, 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, DaPonte, Doyle, Felag, Fogarty, Gallo, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**12 2005-S 772 SUB A**

**BY Blais**

**ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT  
-- ECONOMIC DEVELOPMENT CORPORATION -- SMALL**

## BUSINESS ADVOCATE

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

Senator Blais moves passage, seconded by Senators Metts, Issa, Walaska and Roberts.

The bill marked Substitute "A" is read and passed, 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, DaPonte, Doyle, Felag, Fogarty, Gallo, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**13 2005-S 1015 SUB A****BY Walaska****ENTITLED, AN ACT RELATING TO INSURANCE -- PRODUCER LICENSING  
ACT**

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

Senator Walaska moves passage, seconded by Senators Issa and Sheehan.

The bill marked Substitute "A" is read and passed, 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, DaPonte, Doyle, Felag, Fogarty, Gallo, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**14 2005-S 795 SUB A as amended****BY Issa****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --  
LICENSING AND MONITORING OF CHILD CARE PROVIDERS**

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A as amended.

Senator Issa moves passage, seconded by Senator Roberts.

The bill 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, DaPonte, Doyle, Felag, Fogarty, Gallo, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**15 2005-S 435**

**BY Caprio F**

**ENTITLED, AN ACT RELATING TO FIDUCIARIES**

Committee on Judiciary recommends passage.

Senator Caprio moves passage, seconded by Senators Cote, Levesque and McCaffrey.

Senator Caprio seconded by Senators Levesque, offers the following written motion to amend.

**F L O O R   A M E N D M E N T**

2005 -- S 435

Mr. President:

I hereby move to amend 2005 -- S 435, entitled "AN ACT RELATING TO FIDUCIARIES", as follows:

(1) Page 1, line 5, by deleting the word "and" before the word, unborn and inserting the word, "an" in place thereof.

Respectfully submitted,  
SENATOR CAPRIO

The motion to amend prevails 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, DaPonte, Doyle, Felag, Fogarty, Gallo, Goodwin, Issa, Lanzi, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Caprio moves passage of the act as amended, seconded by Senators Levesque.

The act is read and passed, by unanimous consent, as amended, upon a 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, DaPonte, Doyle, Felag, Fogarty, Gallo, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**16 2005-S 54 SUB A**

**BY Polisena**

**ENTITLED, AN ACT RELATING TO EDUCATION -- OFFENSES RELATED TO SCHOOLS**

Committee on Education recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Polisena moves passage, seconded by Senators Issa, Damiani and Metts.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon 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, DaPonte, Doyle, Felag, Fogarty, Gallo, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**17 2005-S 864 SUB A**

**BY Gallo**

**ENTITLED, AN ACT RELATING TO EDUCATION -- CURRICULUM**

Committee on Education recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Gallo moves passage, seconded by Senators Fogarty, Roberts, Sheehan, Metts and Paiva Weed.

Senators Blais and Gallo discuss the act.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon 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, DaPonte, Doyle, Felag, Fogarty, Gallo, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.



NAYS- 0:

**18 2005-H 5023**

**BY Lewiss**

**ENTITLED,** AN ACT RELATING TO TAXATION -- VETERANS' EXEMPTIONS  
-- WESTERLY

Ordered on the Calendar

Senator Algieri moves passage, seconded by Senators Breene, Metts, Felag and Ruggerio.

The act is read and passed, by unanimous consent, in concurrence, 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, DaPonte, Doyle, Felag, Fogarty, Gallo, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**19 2005-H 5041 as amended**

**BY Crowley**

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

Committee on Government Oversight recommends passage as amended in concurrence.

Senator Paiva Weed moves passage, seconded by Senator Levesque.

Senator Paiva Weed seconded by Senator Levesque, offers the following written motion to amend.

**F L O O R   A M E N D M E N T**

2005 -- H 5041 As Amended

Mr. President:

I hereby move to amend 2005 -- H 5041 As Amended, entitled "AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- NEWPORT COUNTY CONVENTION AND VISITORS' BUREAU", as follows:

On page 2, lines 1 through 2, by deleting the language "with the advice and consent of the senate".

Respectfully submitted,  
SENATOR PAIVA-WEED

The motion to amend prevails 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, DaPonte, Doyle, Felag, Fogarty, Gallo, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Paiva Weed moves passage of the act as amended, seconded by Senators Levesque.

The act is read and passed, as amended, upon a roll call vote with 32 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Fogarty, Gallo, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Polisena, Raptakis, Revens, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 1: Senator Sheehan

### **GUESTS**

Upon suggestion of Senator Algieri and by unanimous consent, the Honorable President welcomes to the Chamber from the Westerly-Pawcatuck Chamber of Commerce, Joseph Iaroi, President, and Muffie DiOrio, Executive Secretary.

### **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 the Senate adjourns at 4:55 o'clock P.M.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SENATOR V. SUSAN SOSNOWSKI**

Heavenly Father, may we undertake our tasks in the spirit of selfless service and unrestrained devotion. May something of Your gentle ways and sensitivity be implanted in us and expressed in all our actions. Amen.

**Appendix****CONSENT CALENDAR****IN ORDER FOR WEDNESDAY, MAY 11, 2005:**

- 1** Appointment of **Mark J. Blackburn** (Public Member) of Warwick VICE Henry Richard, Sr. (deceased) to the Fire Safety Code Board of Appeal and Review for a term expiring March 1, 2007.

Committee on Commerce, Housing & Municipal Government recommends that the Senate give its Advice and Consent to this appointment.

- 2** Reappointment of **Gordon Preiss** of Westerly to the Fire Safety Code Board of Appeal and Review for a term expiring March 1, 2011.

Committee on Commerce, Housing & Municipal Government recommends that the Senate give its Advice and Consent to this reappointment.

- 3** Appointment of **Henry Richard, Jr.** of Lincoln VICE John R. Wahlberg (deceased) to the Fire Safety Code Board of Appeal and Review for a term expiring March 1, 2006.

Committee on Commerce, Housing & Municipal Government recommends that the Senate give its Advice and Consent to this appointment.

- 4** Reappointment of **Dana Newbrook** of Cumberland to the board of Registration and Examination of Architects for a term expiring April 1, 2009.

Committee on Commerce, Housing & Municipal Government recommends that the Senate give its Advice and Consent to this reappointment.

- 5** Appointment of **Donald Goodrich** (Representing Zoning Official - under 25,000 in population) of Narragansett to the State Housing Appeals Board for a term expiring January 1, 2008.

Committee on Commerce, Housing & Municipal Government recommends that the Senate give its Advice and Consent to this appointment.

- 6** Appointment of **Kathleen Bazinet** (Non-Profit Development Corporation) of Bristol VICE Christian L. Stephens to the Rhode Island Housing Resources Act for a term expiring January 31, 2007.

Committee on Commerce, Housing & Municipal Government recommends that the Senate give its Advice and Consent to this appointment.

- 7 Appointment of **Roberta Hazen Aaronson** (Representative of a Lead Poisoning Agency) of Cranston VICE Joan Carbone to the Rhode Island Housing Resources Act for a term expiring January 31, 2008.

Committee on Commerce, Housing & Municipal Government recommends that the Senate give its Advice and Consent to this appointment.

- 8 Appointment of **Kaveh Hajianbahmani** (Representative of the Homeless) of Providence to the Rhode Island Housing Resources Act for a term expiring January 31, 2007.

Committee on Commerce, Housing & Municipal Government recommends that the Senate give its Advice and Consent to this appointment.

- 9 Reappointment of **Dennis Langley** (Representative of Agency Advocating for Racial Minorities) of East Greenwich to the Rhode Island Housing Resources Commission for a term expiring January 31, 2007.

Committee on Commerce, Housing & Municipal Government recommends that the Senate give its Advice and Consent to this reappointment.

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

Tuesday, May 10, 2005

**Appendix****CALENDAR****IN ORDER FOR WEDNESDAY, MAY 11, 2005:**

- 1** Appointment of **John A. Sabatini** of Pawtucket VICE Dennis I. Revens as Administrator of the Rhode Island Workers' Compensation Court.

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

- 2** Appointment of **Robert E. Hardman** of Narragansett VICE Associate Justice George E. Healy, Jr. as Associate Justice of the Rhode Island Workers' Compensation Court.

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

**3** **2005-S 123 SUB A**

**BY Gibbs**

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

Committee on Commerce, Housing & Municipal Government recommends indefinite postponement of the original bill and passage of Substitute A.

**4** **2005-S 255**

**BY Breene**

**ENTITLED, AN ACT RELATING TO PUBLIC BUILDINGS**

Committee on Commerce, Housing & Municipal Government recommends passage.

**5** **2005-S 495**

**BY Doyle**

**ENTITLED, AN ACT RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS -- UNFAIR SALES PRACTICES**

Committee on Commerce, Housing & Municipal Government recommends passage.

**6** **2005-S 458**

**BY Metts**

**ENTITLED, JOINT RESOLUTION TO APPROVE AND PUBLISH AND TO SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION (ELECTIONS)**

Committee on Constitutional & Gaming Issues recommends passage.

**7 2005-S 575****BY Metts****ENTITLED, AN ACT RELATING TO ELECTIONS**

Committee on Constitutional & Gaming Issues recommends passage.

**8 2005-S 102 SUB A as amended****BY Tassoni****ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --  
INTERIOR DESIGNERS**

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

**9 2005-S 776 SUB A****BY Damiani****ENTITLED, SENATE RESOLUTION RELATING TO INSURANCE -- MOTOR  
VEHICLE DAMAGE APPRAISERS**

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

**10 2005-S 951 SUB A****BY DaPonte****ENTITLED, AN ACT RELATING TO MOTOR VEHICLES - INSPECTIONS**

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

**11 2005-S 630 as amended****BY Ruggiero****ENTITLED, AN ACT RELATING TO LABOR -- ARBITRATION**

Committee on Labor recommends passage as amended.

**12 2005-S 697 SUB A****BY Breene****ENTITLED, AN ACT RELATING TO EMPLOYMENT SECURITY -- GENERAL  
PROVISIONS**

Committee on Labor recommends indefinite postponement of the original bill and passage of Substitute A.

**13 2005-S 956****BY Ruggiero****ENTITLED,** AN ACT RELATING TO LABOR AND PAYMENT OF DEBTS BY CONTRACTORS

Committee on Labor recommends passage.

**14 2005-H 5009****BY Lewiss****ENTITLED,** AN ACT RELATING TO TAXATION -- ELDERLY EXEMPTION -- TOWN OF WESTERLY

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

**15 2005-H 5751****BY Amaral****ENTITLED,** AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF TIVERTON

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

**16 2005-H 6270****BY Gorham****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- TOWN MEETINGS

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

**IN ORDER FOR THURSDAY, MAY 12, 2005:****1 2005-S 331****BY Perry****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - SOCIAL SECURITY NUMBER PRIVACY ACT

Committee on Judiciary recommends passage.

**2 2005-S 552****BY Roberts****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH CARE QUALITY PROGRAM

Committee on Health &amp; Human Services recommends passage.



**3 2005-S 394 SUB A****BY Breene****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- DAM  
MANAGEMENT DISTRICTS

Committee on Environment & Agriculture recommends indefinite postponement of the original bill and passage of Substitute A.

**4 2005-S 981****BY Ciccone****ENTITLED,** AN ACT RELATING TO HIGHWAYS -- CONSTRUCTION AND  
MAINTENANCE OF STATE ROADS

Committee on Environment & Agriculture recommends passage.

**5 2005-S 267 SUB A****BY Alves****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS --  
NURSING SERVICE AGENCIES

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

**6 2005-S 311****BY Blais****ENTITLED,** AN ACT RELATING TO INSURANCE -- SMALL EMPLOYER  
HEALTH INSURANCE AVAILABILITY ACT

Committee on Health & Human Services recommends passage.

**7 2005-S 421 SUB A****BY Cote****ENTITLED,** AN ACT RELATING TO INSURANCE - INDIVIDUAL HEALTH  
INSURANCE COVERAGE

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

**8 2005-S 423 SUB A****BY Cote****ENTITLED,** AN ACT RELATING TO INSURANCE -- EARLY INTERVENTION  
SERVICES

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

**9 2005-S 555 SUB A****BY Roberts****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- LICENSING OF HEALTH CARE FACILITIES

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

**10 2005-S 557 SUB A****BY Blais****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- RELATING TO LICENSING OF HEALTH CARE FACILITIES

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

**11 2005-S 562****BY Blais****ENTITLED,** AN ACT RELATING TO EMERGENCY MEDICAL TRANSPORTATION SERVICES

Committee on Health & Human Services recommends passage.

**12 2005-S 680 SUB A****BY Goodwin****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- OFFICE OF THE STATE MEDICAL EXAMINERS

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

**13 2005-S 682****BY Goodwin****ENTITLED,** AN ACT RELATING TO THE OFFICE OF THE STATE MEDICAL EXAMINERS

Committee on Health & Human Services recommends passage.

**14 2005-S 778 SUB A****BY Roberts****ENTITLED,** AN ACT RELATING TO INSURANCE -- NONPROFIT HOSPITAL SERVICE CORPORATIONS

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

**15 2005-S 804 SUB A****BY Gallo****ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH CARE QUALITY PROGRAM**

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

**16 2005-S 817 SUB A****BY Roberts****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE HEALTH INSURANCE PRUDENT PURCHASING ACT**

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

**17 2005-S 903 SUB A****BY Fogarty P****ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- EMERGENCY MEDICAL TRANSPORTATION SERVICES**

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

**18 2005-S 985 SUB A as amended****BY Tassoni****ENTITLED, AN ACT RELATING TO EDUCATION**

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A as amended.

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

Tuesday, May 10, 2005