

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 third day of January in the year of Our Lord two thousand and six.

Volume 133, No. 20

Thursday, March 9, 2006

Twentieth Legislative 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 4:10 o'clock P.M.

The roll is called and a quorum is declared present with 35 Senators present and 3 Senators absent as follows:

PRESENT – 35: Senators Algieri, Alves, Badeau, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, 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 – 3: Senators Bates, Blais, Montalbano.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Nineteenth Legislative Day of the 2006 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator McBurney and by unanimous consent, the Honorable President Pro Tempore welcomes to the Chamber the Honorable James E. Doyle, Mayor of the City of Pawtucket and father of Senator Doyle.

Upon suggestion of Senator Tassoni and by unanimous consent, the Honorable President Pro Tempore welcomes to the Chamber Mary S. Maloney of Smithfield and Alexander J. Billiouris of North Smithfield.

Upon suggestion of Senator Ruggerio and by unanimous consent, the Honorable President Pro Tempore welcomes to the Chamber Lucille Badeau, wife of Senator Badeau.

APPOINTMENT BY THE GOVERNOR

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

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE**

March 7, 2006

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 Commission:

Bonnie Sekeres of Barrington
(Senior Housing Advocate Seat)

VICE
Susan Sweet

for a term expiring January 31, 2009.

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. 2916

BY Senators Cote, Bates

ENTITLED, SENATE RESOLUTION CONGRATULATING CERCLE LAURIER, INC. FOR THEIR SUCCESSFUL PROGRAM "PROJECT CALLING HOME".

Senator Cote requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Cote moves passage, seconded by the entire Senate.

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

Also:

Senate Bill No. 2917

BY Senators Montalbano J, Ruggerio, Paiva-Weed, Badeau, Ciccone

ENTITLED, AN ACT RELATING TO MOTION PICTURE PRODUCTION TAX CREDITS (clarify the statutory procedures for the issuance of motion picture production company tax credits.).

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2918

BY Senators Pichardo, Perry, Goodwin

ENTITLED, AN ACT RELATING TO EDUCATION -- SCHOOL SUPPORT (school housing projects)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2919

BY Senator Revens

ENTITLED, AN ACT RELATING TO CITIES AND TOWNS -- ZONING ORDINANCES (approval from the division of planning before modifying the existing zone of land in excess of five (5) acres and designated as industrial.).

Read and referred to the Senate Committee on Constitutional and Gaming Issues

Also:

Senate Bill No. 2920

BY Senators Goodwin, Perry

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- REDEVELOPMENT AGENCIES (blighted and substandard areas)

Read and referred to the Senate Committee on Constitutional and Gaming Issues

Also:

Senate Bill No. 2921

BY Senators Goodwin, Perry, Pichardo

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT (create the Providence development corporation to plan, implement administer, and oversee redevelopment initiatives).

Read and referred to the Senate Committee on Constitutional and Gaming Issues

Also:

Senate Bill No. 2922

BY Senators Walaska, McCaffrey, Issa

ENTITLED, AN ACT RELATING TO REGISTRATION OF VEHICLES -- VETERANS' PLATES (allow veterans' of a number of conflicts to be issued additional veterans' plates, and would provide for plates to be designated as "War Veteran", "Purple Heart", "Ex-POW" and also "Combat Infantry").

Read and referred to the Senate Committee on Constitutional and Gaming Issues

Also:

Senate Resolution No. 2923

BY Senators Pichardo, Perry, Goodwin, Caprio F

ENTITLED, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (FREE PUBLIC SCHOOLS)

Read and referred to the Senate Committee on Constitutional and Gaming Issues

Also:

Senate Resolution No. 2924

BY Senators Goodwin, Pichardo, Perry, Caprio F

ENTITLED, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY STATE/LOCAL PARTNERSHIP FOR MAINTENANCE OF ROADS

Read and referred to the Senate Committee on Constitutional and Gaming Issues

Also:

Senate Bill No. 2925**BY** Senators Pichardo, Goodwin**ENTITLED**, AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENT (provide that no new state mandate would be issued without adequate funding by and from the state)

Read and referred to the Senate Committee on Education

Also:

Senate Bill No. 2926**BY** Senator Goodwin**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- UNBORN CHILD PAIN AWARENESS (unborn child has a gestational age of 20 weeks or more).

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2927 (by request)**BY** Senators Issa, Algieri**ENTITLED**, AN ACT RELATING TO PROPERTY -- FORM AND EFFECT OF CONVEYANCES (require all deeds of real property and mobile and manufactured homes to include on the deed the actual sale price of the property).

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2928**BY** Senator Badeau**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- UNDERGROUND UTILITY CONTRACTORS (establish a licensing procedure for underground utility contractors engaged in the installation, repair, alteration or replacement of sewer lines, storm drainage lines or water lines and related services).

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 2929**BY** Senator Badeau**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- THE OPEN CONTRACTING ACT (prohibit certain practices in regard to contract specifications issued by public bodies).

Read and referred to the Senate Committee on Labor

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 measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a voice vote:

IN ORDER FOR THURSDAY, MARCH 9, 2006:

- 1 Reappointment of Victor Allienello, Jr of East Providence to the Rhode Island Underground Storage Tank Review Board for a term expiring January 31, 2009.**
- 2 Reappointment of Paul Beaudette of Warwick to the Rhode Island Underground Storage Tank Review Board for a term expiring January 31, 2009.**
- 3 Appointment of Arthur R. Hurley of Harrisville to the Rhode Island Underground Storage Tank Review Board for a term expiring January 31, 2009.**
- 4 Appointment of Frank Messina of Coventry VICE G. Cameron Matheson to the Rhode Island Underground Storage Tank Review Board for a term expiring January 31, 2009.**
- 5 Appointment of Alexander J. Biliouris of North Smithfield VICE Joshua Miller to the Rhode Island Economic Development Corporation for a term expiring February 1, 2008.**
- 6 Reappointment of Albert Conti of Wakefield to the Rhode Island Underground Storage Tank Review Board for a term expiring January 31, 2009.**
- 7 Appointment of Joseph T. Unsworth, P.E. of West Greenwich to the Rhode Island Underground Storage Tank Review Board for a term expiring January 31, 2009.**
- 8 2006-S 2207
BY Roberts
ENTITLED, JOINT RESOLUTION RESPECTFULLY REQUESTING THE UNITED STATES CONGRESS AND PRESIDENT BUSH TO ADDRESS CONCERNS WITH THE MEDICARE PART D PROGRAM AND ADOPT THE SPECIFIC CHANGES AS LISTED**
- 9 2006-S 2299
BY Cote
ENTITLED, SENATE RESOLUTION EXTENDING THE REPORTING DATE FOR PROPOSING A "REAL-TIME BILL TRACKING SYSTEM"**

10 2006-S 2382**BY Roberts**

ENTITLED, JOINT RESOLUTION REINSTATING AND EXTENDING THE COMMISSION LIFE AND AMENDING THE MEMBERSHIP OF THE SPECIAL LEGISLATIVE COMMISSION TO STUDY THE CURRENT STRENGTHS AND WEAKNESSES OF LIBRARY SERVICES IN THE STATE OF RHODE ISLAND

11 2006-S 2690**BY Tassoni**

ENTITLED, SENATE RESOLUTION REQUESTING THE DEPARTMENT OF ELDERLY AFFAIRS AND THE ADVISORY COMMISSION ON AGING TO STUDY ALL ASPECTS OF THE INDEPENDENT TRANSPORTATION NETWORK

CALENDAR**IN ORDER FOR THURSDAY, MARCH 9, 2006:****1 Reappointment of Henry S. Kinch, Jr. of Pawtucket as Clerk of the Superior Court for Providence and Bristol Counties for a term expiring February 1, 2011.**

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

Senator McBurney, seconded by Senators Doyle, Caprio, Goodwin, Algieri, Paiva Weed, Polisena, Badeau and many others 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 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: Senators Algieri, Badeau, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, 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:

GUESTS

Upon suggestion of Senator Doyle and by unanimous consent, the Honorable President welcomes to the Chamber Henry S. Kinch, Jr. of Pawtucket, Clerk of the Superior Court for Providence and Bristol Counties, along with his beautiful wife Jennifer Kinch.

CALENDAR

2 Appointment of Jane M. Anthony of Jamestown as Clerk of the Superior Court for Newport County for a term expiring February 1, 2011.

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

Senator Paiva Weed, seconded by Senators Perry, Levesque, Gallo, Gibbs, Tassoni, Sosnowski, Ciccone and many others 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 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: Senators Algieri, Badeau, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, 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.

NAYS- 0:

GUESTS

Upon suggestion of Senator Paiva Weed and by unanimous consent, the Honorable President welcomes to the Chamber Jane M. Anthony of Jamestown, newly confirmed Clerk of the Superior Court for Newport County.

CALENDAR

3 Reappointment of Courtland R. Chapman of Westerly as Clerk of the Superior Court for Washington County for a term expiring February 1, 2011.

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

Senator Algieri, seconded by Senators Breene, Ciccone, Damiani, Gibbs and Sosnowski 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 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: Senators Algieri, Badeau, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, 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.

NAYS- 0:

GUESTS

Upon suggestion of Senator Algieri and by unanimous consent, the Honorable President welcomes to the Chamber Courtland R. Chapman of Westerly, Clerk of the Superior Court for Washington County.

CALENDAR**4 Appointment of David Perry of West Warwick as Clerk of the Superior Court for Kent County for a term expiring February 1, 2011.**

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

Senator Raptakis, seconded by Senators Polisena, Lenihan, Algieri, Connors, Damiani, Badeau, Metts and many others 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 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 33: Senators Algieri, Badeau, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, 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:

GUESTS

Upon suggestion of Senator Raptakis and by unanimous consent, the Honorable President welcomes to the Chamber David Perry of West Warwick, newly confirmed Clerk of the Superior Court for Kent County

FROM THE HOUSE OF REPRESENTATIVES

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

House Resolution No. 7068 (Lieutenant Governor)

BY Ginaitt, Naughton, McNamara, Long, Amaral

ENTITLED, JOINT RESOLUTION RESPECTFULLY REQUESTING THE UNITED STATES CONGRESS AND PRESIDENT BUSH TO ADDRESS CONCERNS WITH THE MEDICARE PART D PROGRAM AND ADOPT THE SPECIFIC CHANGES AS LISTED.

Read and ordered to the Committee on Constitutional and Gaming Issues

Also:

House Bill No. 7863

BY Giannini, Anguilla, Petrarca, Trillo, Gemma

ENTITLED, AN ACT RELATING TO DAYS OF SPECIAL OBSERVANCE.

Read and ordered to the Committee on Constitutional and Gaming Issues

ANNOUNCEMENTS

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

Senator Walaska announces that the Committee on Financial Services, Technology and Regulatory Issues will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Polisena announces that the Committee on Judiciary will meet today, at the rise of the Senate, in Room 313 of the State House.

TRANSMITTAL

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

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns at 4:28 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR JAMES E. DOYLE

Dear God, we ask that you be with us today in our thoughts and actions as we try to work for the benefit of all our constituents. Amen.

Appendix

CALENDAR

IN ORDER FOR TUESDAY, MARCH 14, 2006:

1 2006-S 2018

BY Bates

ENTITLED, AN ACT RELATING TO THE STATE AFFAIRS AND
GOVERNMENT - STATE LOTTERY

Committee on Constitutional & Gaming Issues recommends passage.

2 2006-S 2020

BY Paiva-Weed

ENTITLED, AN ACT RELATING TO RECREATIONAL AREAS - GENERAL
PROVISIONS

Committee on Constitutional & Gaming Issues recommends passage.

3 2006-S 2693

BY Montalbano J

ENTITLED, AN ACT RELATING TO DAYS OF SPECIAL OBSERVANCE

Committee on Constitutional & Gaming Issues recommends passage.

Raymond T. Hoyas, Jr.
Secretary of the Senate