

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 sixth day of January in the year of Our Lord two thousand and four.

Volume 131, No. 1

Tuesday, January 6, 2004

First Day

The Senate meets pursuant to adjournment and is called to order by the Honorable President Pro Tempore, John C. Revens Jr., at 4:18 o'clock P.M.

The roll is called and a quorum is declared present with 36 Senators present and 2 Senators absent as follows:

PRESENT- 36: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva-Weed, Parella, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT-2: Senators Celona, Irons

INVOCATION

The Honorable President, by unanimous consent, presents the most Reverend Robert E. Mulvee, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

The Honorable President Pro Tempore, by unanimous consent, leads the Senate in the pledge of allegiance to the flag.

APPROVAL OF RECORD

The Senate Journal of July 15, 2003 2004 proceedings is read in part.

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

COMMUNICATION

The Honorable President Pro Tempore presents the following communication:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PRESIDENT OF THE SENATE
ROOM 317, STATE HOUSE
PROVIDENCE, RHODE ISLAND 02903**

December 31, 2003

Raymond T. Hoyas, Jr.

Secretary of the Senate

333 State House

Providence, RI 02903

Dear Mr. Secretary:

This is to inform you that effective noontime January 1, 2004 I will resign the office of the President of the Senate.

Effective noontime on February 6, 2004 I will resign my seat in the Rhode Island Senate.

Sincerely,

William V. Irons

President of the Senate

Received and ordered to be placed on file.

Senator Revens declares that there is a vacancy in the office of President of the Senate.

ELECTION OF THE PRESIDENT OF THE SENATE

Senator Polisena, seconded by Senator Lanzi, moves that nominations for the Office of President of the Senate be opened.

The motion to open nominations prevails on a voice vote.

The Honorable President Pro Tempore declares that nominations for the office of President of the Senate are now in order.

Senator Lenihan, nominates Senator Majority Leader Joseph A. Montalbano, to be President of the Rhode Island Senate. The nomination is seconded by Senators McBurney, Algieri, DaPonte, and Roberts.

Senator Felag, seconded by Senator Badeau, moves that nominations be closed.

The motion to close nominations prevails on a voice vote.

The Honorable President Pro Tempore directs the Reading Clerk, John S. Baxter, Jr., to call the roll of the body.

The motion to elect Senate Majority Leader Montalbano as President of the Senate is read and passed, by unanimous consent, upon a role call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS-36: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, McBurney, McCaffrey, Montalbano, Paiva-Weed, Parella, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NEYS-0:

The Honorable President Pro Tempore announces that Senate Majority Leader Joseph A. Montalbano has been elected President of the Rhode Island Senate.

The Honorable President Pro Tempore appoints Senators Connors, Paiva-Weed, McCaffrey, Damiani, Breene, and Caprio to escort the Honorable Frank Williams, Chief Justice of Rhode Island Supreme Court, to the rostrum.

The members attend.

The Honorable Chief Justice addresses the Senate.

The Honorable President Pro Tempore appoints Senators Gallo and Blais to escort the President-elect of the Senate, to the rostrum.

The members attend.

OATH OF OFFICE

The Honorable President Pro Tempore introduces the Honorable Chief Justice to administer the oath of office to the President-elect of the Senate.

The oath of office is administered.

The Honorable Chief Justice introduces the newly elected President of the Senate, Joseph A. Montalbano, to address the body.

PRESIDENTIAL REMARKS

The Honorable President, Joseph A. Montalbano, addresses the members of the Senate and their special guest.

(See Appendix for Presidential Remarks)

PASSING OF THE GAVEL

The Honorable President Pro Tempore passes the gavel to the Honorable President.

The Honorable President announces that he will return the gavel to the Honorable President Pro Tempore, to continue presiding over the Senate and that he will return to his seat on the floor as Senate Majority Leader.

GUESTS

Upon suggestion of Senator Walaska, and by unanimous consent, The Honorable President Pro Tempore, welcomes to the chamber members of Senator Alves family, his wife Debbie and daughter Kaitlyn.

Upon suggestion of Senator Alves, and by unanimous consent, The Honorable President Pro Tempore welcomes to the chamber the wife of Senator Walaska, Marsha Walaska.

Upon suggestion of Senator Alves, and by unanimous consent, The Honorable President Pro Tempore, welcomes to the chamber the Honorable Jeanne Marie DiMasi, President of the West Warwick Town Council.

Upon suggestion of Senator Paiva-Weed, and by unanimous consent, The Honorable President Pro Tempore welcomes to the chamber the brother of Senator Revens, David Revens and well known and respected attorney, John Lynch.

Upon suggestion of Senator Caprio, and by unanimous consent, The Honorable President Pro Tempore, welcomes to the chamber Girard Visconti, Chairman of the Judiciary Nominating Commission and Solomon Solomon of East Providence, a member of the Board of Governors for Higher Education.

Upon suggestion of Senator McBurney, and by unanimous consent, The Honorable President Pro Tempore, welcomes to the chamber from the Pawtucket City Council, the Honorable John J. Barry III, President and the Honorable Mary Bray, President Pro Tempore.

Upon suggestion of Senators Algieri and Polisen, and by unanimous consent, The Honorable President Pro Tempore, welcomes to the chamber the Honorable Edward Morrone, former Senator from Westerly.

Upon suggestion of Senator DaPonte, and by unanimous consent, The Honorable President Pro Tempore welcomes to the chamber the Rev. John Darcy, Chancellor of the Diocese of Providence.

Upon suggestion of Senator Polisen, and by unanimous consent, The Honorable President Pro Tempore, welcomes to the chamber the Honorable Anthony Marciano, former Senator from the town of North Providence and Karen Torti of Johnston.

ADJOURNMENT

Upon motion of Senator Ruggiero, seconded by Senator Algieri, the Senate adjourns at 5:08 o'clock P.M.

Appendix

PRESIDENTIAL REMARKS

PRESIDENT OF THE SENATE
JOSEPH A. MONTALBANO

Remarks for

Opening Day 2004

January 6, 2003



Senator Joseph A. Montalbano

My dear colleagues,

It is with pride and humility that I accept the honor you have bestowed upon me today by electing me to serve as President of the Rhode Island Senate.

During my all-too-brief tenure as Majority Leader, I made it a priority to listen to the needs and concerns of the members of the Senate and the public in order to provide effective and responsive representation. We will continue to conduct our business in an open manner and make decisions based upon what best serves the citizenry of Rhode Island.

During my tenure in the leadership of the Senate, this institution has achieved significant milestones.

The historic reapportionment and downsizing of the Senate was conducted in an extraordinarily open fashion, including at least two public hearings in every county in the state as well as unprecedented access provided through the Internet and Capitol Television.

Technological improvements were made to bring the Senate chamber into the 21st century, and the committee structure was changed.

The Senate led the effort to pass a Separation of Powers referendum, passing two such measures in 2002, before winning passage in both chambers in 2003 under the steadfast leadership of Senator Michael Lenihan and also with the help of the Chairman of our Rules Committee, Senator Daniel Connors. Senator Lenihan, being the leader that he is, accepted the role in my leadership team as Chairman of the Government Oversight Committee, and undertook this important task.

Aid to public education has increased each and every year.

Public safety laws have improved, from witness protection to DNA collection to full passage last year of a bill that had won Senate approval for several years: a law to criminalize driving with a blood alcohol content of .08 or higher. Senator Polisena and Senator Sosnowski were unwavering in that effort over the years, as was our esteemed Chairman of the Judiciary Committee, Senator Michael McCaffrey.

Last year, the Senate and House worked diligently to pass comprehensive fire safety reforms, improving upon already tough fire safety laws. Many members of the Senate invested numerous hours in implementing the new regulations, including Senator Celona, Senator Polisena, Senator Lanzi and Leader Algiere. Many have already said that Rhode Island is now the safest state in the nation with regard to its fire safety laws.

We addressed tight budgetary times with no broad based tax-increase and without significant cuts to necessary services. RIte Care – which has become a national model – was expanded again, and Rhode Island continues to lead the nation with the lowest percent of uninsured residents. 95.5 percent of Rhode Island's children have health insurance – we lead the nation.

Many challenges await us as we embark upon the 2004 legislative session. This is a time for us to come together, to unify to address these important issues.

We will face another tight budget this year. There is good news on that front: Rhode Island's circumstance is nowhere near as dire as our neighboring states. Personal income growth in Rhode Island is nearly double that of Connecticut and Massachusetts. Rhode Island has exceeded the national average in job growth every quarter since 1991, and is projected to continue to outperform the US and our neighboring states. Housing growth and revenues from sales tax, and personal income tax continue to exceed forecasters predictions.

The supplemental budget is due next Tuesday, and the 2005 budget is due in mid-February. It is the Governor's responsibility to propose, and our responsibility to deliberate upon what has been proposed. There are signs of economic recovery on the horizon. We anticipate the estimates from the May Revenue Estimating Conference.

The good news is that I'm not Arnold Schwarzenegger.

One of my first directives in my capacity as President will be to make uniform the manner in which committee records are maintained. Records from the Committee on Judiciary should be kept in the same manner as records from the Committee on Finance. At the end of session, these records should be presented to the Secretary of State, who by statute has custodial responsibility for them.

While the need for affordable housing is greater now than ever, our communities are being overwhelmed with dense development proposals. We must turn our attention to the affordable housing issue.

The health of Narragansett Bay is imperative to our quality of life and our economy. The Senate Committees on Oversight and Environment and Agriculture have already turned their attention to this matter. We must study their recommendations and take appropriate action in an expeditious manner.

We are a body of diverse interests, talents and backgrounds. We must work together to address the many complex issues that will come before us in the 2004 legislative session.

I look forward to working with the next Majority Leader, as well as Leader Algieri, and all of the members, as well as the leadership in the House of Representatives and the Governor, to further improve our state. I truly appreciate the challenge and opportunity, as well as the trust you have placed in me. This Senate is comprised of individuals who sought public office to make Rhode Island an even better place to live and work, an even more wonderful place to raise a family. The continued dedication and enthusiasm of my colleagues is inspiring to me. It is my pledge that together we will continue to work for the betterment of the people of our beloved state.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

GABRIEL ANDRADE REI
Deputy Clerk of the Senate