

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.4

Wednesday, January 12, 2005

Fourth Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:10 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: 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, Paiva Weed, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 2: Senators Lenihan, Metts.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Tuesday, January 11, 2005 proceedings is read in part.

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

COMMUNICATION

The Honorable President presents the following communication:

January 12, 2005

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

Dear Mr. President:

Please be advised and let the record reflect that I will be absent from the chamber on Wednesday, January 12, 2005.

I would appreciate your recording my letter in the appropriate Senate Journal.

Thanks you for your attention to this matter.

Sincerely,

Senator J. Michael Lenihan
Senate District 35

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:

January 3, 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:

Peter V. Deekle of Providence
(Representing Academic Librarians)

for a term expiring December 31, 2007.

Sincerely,

Donald L. Carcieri
Governor

Read and referred to the Committee on Education.

Also:

January 3, 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:

Alice Barrows of Cranston
(Representing General Library Users)

for a term expiring December 31, 2006.

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

Sincerely,

Donald L. Carcieri
Governor

Read and referred to the Committee on Education.

Also:

January 3, 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 appointment to the Library Board of Rhode Island:

Regina A. Connor of Providence
(Representing Users of the Regional Library for the Blind and Physically Handicapped)

VICE
Donald Deignan

for a term expiring December 31, 2006.

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

Sincerely,

Donald L. Carcieri
Governor

Read and referred to the Committee on Education.

Also:

January 3, 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:

Mark McKenney of Providence
(Public Member)

for a term expiring December 31, 2006.

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

Sincerely,

Donald L. Carcieri
Governor

Read and referred to the Committee on Education.

Also:

January 3, 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:

Tovah Reis of North Providence
(Representing librarians from corporate or special libraries)

for a term expiring December 31, 2007.

Sincerely,

Donald L. Carcieri
Governor

Read and referred to the Committee on Education.

NEW BUSINESS

Senate Bill No. 27

BY Senator Paiva-Weed

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

Read and referred to the Senate Committee on Commerce, Housing and Municipal Government

Also:

Senate Bill No. 28

BY Senator Montalbano J

ENTITLED, AN ACT RELATING TO MOTOR VEHICLES -- REGISTRATION OF VEHICLES

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

Also:

Senate Bill No. 29

BY Senators Walaska, Gallo, Fogarty P, Issa, Felag

ENTITLED, AN ACT RELATING TO REGISTRATION OF VEHICLES -- VETERANS' PLATES

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

Also:

Senate Resolution No. 30

BY Senators Walaska, Gallo, McCaffrey, Polisena, Bates

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

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

Also:

Senate Bill No. 31

BY Senators Walaska, Issa, Felag, McCaffrey, Polisena

ENTITLED, AN ACT RELATING TO MOTOR VEHICLES - SPECIAL REGISTRATION PLATES
- AMATEUR RADIO

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

Also:

Senate Bill No. 32

BY Senator Issa

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

Read and referred to the Senate Committee on Education

Also:

Senate Bill No. 33

BY Senator Blais

ENTITLED, AN ACT RELATING TO THE REGULATION OF EARTH REMOVAL AND
GRAVEL PROCESSING IN THE TOWN OF COVENTRY

Read and referred to the Senate Committee on Environment and Agriculture

Also:

Senate Bill No. 34

BY Senators Walaska, Gallo, Fogarty P, Issa, Felag

ENTITLED, AN ACT RELATING TO STATE BUDGET -- PUBLIC FINANCE

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 35

BY Senators Bates, Sosnowski, Walaska, Gibbs, Blais

ENTITLED, AN ACT RELATING TO TAXATION -- SALES AND USE TAXES -- LIABILITY
AND COMPUTATION

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 36

BY Senators Tassoni, Fogarty P, Levesque C, Goodwin

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- RETIREMENT SYSTEM -- CONTRIBUTIONS AND BENEFITS

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 37

BY Senators Bates, Sosnowski, Walaska, Paiva-Weed, Doyle

ENTITLED, AN ACT RELATING TO TAXATION {LC4/1}

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 38

BY Senators Issa, Pichardo, Goodwin

ENTITLED, AN ACT RELATING TO TAXATION -- CLOTHING SALES

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 39

BY Senators Bates, Gallo, Walaska, Paiva-Weed, Felag

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT {LC5/1}

Read and referred to the Senate Committee on Financial, Technology and Regulatory Issues

Also:

Senate Bill No. 40

BY Senators Walaska, Alves

ENTITLED, AN ACT RELATING TO INSURANCE

Read and referred to the Senate Committee on Financial, Technology and Regulatory Issues

Also:

Senate Bill No. 41

BY Senators Walaska, Bates, Alves

ENTITLED, AN ACT RELATING TO INSURANCE -- CLAIMS ADJUSTERS

Read and referred to the Senate Committee on Financial, Technology and Regulatory Issues

Also:

Senate Bill No. 42

BY Senators Walaska, Bates, Raptakis
ENTITLED, AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 43

BY Senators Ciccone, Polisena, Damiani, Raptakis, Walaska
ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - COURTS

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 44

BY Senator Montalbano J
ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- UNLAWFUL OPERATION OF A RECORDING DEVICE

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 45

BY Senators Walaska, Gallo, McCaffrey, Polisena, Bates
ENTITLED, AN ACT RELATING TO CHILDREN AND THEIR FAMILIES -- PARENT RESPONSIBILITY

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 46

BY Senators Paiva-Weed, Roberts, McCaffrey, Perry
ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES - CODE OF ETHICS

Read and referred to the Senate Committee on Government Oversight

Also:

Senate Resolution No. 47

BY Senators Levesque C, Felag, Bates
ENTITLED, SENATE RESOLUTION EXPRESSING OUR DEEPEST SYMPATHIES ON THE PASSING OF ORLANDO J. "LARNEY" BISBANO

Senator Levesque requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Levesque moves passage, seconded by the entire Senate.

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

Also:

Senate Bill No. 48 (Lieutenant Governor)

BY Senators Raptakis, Paiva-Weed, Issa, Polisena, Algieri

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -- NATIONAL GUARD

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 49

BY Senator Felag

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF D & M CUSTOM HOMES, INC.

Ordered to be placed on Consent Calendar.

ANNOUNCEMENTS

Senator Connors announces that the Committee on Rules will meet on Thursday, January 13, 2005, at 4:30 o'clock P.M. in Room 313 of the State House.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, and upon suggestion of Senator Levesque the Senate adjourns at 4:17 o'clock P.M. in memory of the Honorable Orlando J. Bisbano, Bristol Town Clerk Emeritus.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR MICHAEL J. MCCAFFREY

Dear God, when the way is hard and the people's decisions difficult, may we be patient in prayer, perceive what is Thy will and have the courage to see it through. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR THURSDAY, JANUARY 13, 2005:

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BY Felag

**ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF D & M CUSTOM HOMES, INC.**

Ordered to be placed on the Consent Calendar

Raymond T. Hoyas, Jr.
Secretary of the Senate