

## 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. 13

Thursday, February 3, 2005

Thirteenth 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 4:14 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, 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, Pichardo, Polisenia, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

**ABSENT** – 1: Senator Alves

### INVOCATION

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

(See Appendix for Invocation)

### PLEDGE OF ALLEGIANCE TO THE FLAG

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

### APPROVAL OF RECORD

The Senate Journal of Wednesday, February 2, 2005 proceedings is read in part.

Upon suggestion of Senator McBurney, 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:

January 26, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-25-1 of the Rhode Island General Laws, I have made the following reappointment to the Narragansett Bay Commission:

**Michael Salvadore, Sr. of Johnston**

for a term expiring April 1, 2007.

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

Sincerely,



Donald L. Carcieri  
Governor

Read and referred to the Committee on Judiciary.

Also:

January 26, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-25-1 of the Rhode Island General Laws, I have made the following reappointment to the Narragansett Bay Commission:

**Richard Burroughs of Kingston**

for a term expiring April 1, 2007.

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

Sincerely,



Donald L. Carcieri  
Governor

Read and referred to the Committee on Judiciary.

**FROM THE HOUSE OF REPRESENTATIVES**

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

**House Bill No. 5014**

**BY** Pacheco, Church

**ENTITLED**, AN ACT RELATING TO THE TOWN OF BURRILLVILLE

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

Also:

**House Resolution No. 5222**

**BY** Kilmartin

**ENTITLED**, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY THE IMPACT OF THE GOVERNMENT ACCOUNTING STANDARDS BOARD'S RULES AND REGULATIONS REGARDING OTHER POST EMPLOYMENT BENEFITS.

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

Also:

**House Bill No. 5067**

**BY** Kilmartin, Ajello, Moura, Dennigan, Church

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

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

Also:

**House Bill No. 5104 SUB A** as amended

**BY** Senators Kilmartin, Moura, Crowley, Anguilla, Jackson

**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- MERIT SYSTEM

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

**REPORTS OF COMMITTEES****TRANSFER OF BILLS**

Senator Walaska, for the Committee on Financial Services, Technology and Regulatory Issues, reports back the following measures, with recommendation of transfer to the Committee on Health and Human Services:

**Senate Bill No. 12**

**BY** Senators Tassoni, Doyle, Polisena

**ENTITLED**, AN ACT RELATING TO INSURANCE -- RATES CHARGED

Read and referred to the Senate Committee on Health and Human Services.

**REPORTS OF COMMITTEES****TRANSFER OF BILLS**

Senator Felag, for the Committee on Finance, reports back the following measures, with recommendation of transfer to the Committee on Government Oversight:

**Senate Bill No. 117**

**BY** Senators Lenihan, Cote, Sheehan, Sosnowski, Polisena

**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- MERIT SYSTEM

Read and referred to the Senate Committee on Government Oversight.

**NEW BUSINESS****Senate Resolution No. 226**

**BY** Senators Goodwin, Gallo, Alves

**ENTITLED**, SENATE RESOLUTION EXPRESSING PROFOUND SYMPATHY ON THE PASSING OF HELENA F. DEGNAN.

Senator Goodwin requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Goodwin moves passage, seconded by Senator Ruggerio and the entire Senate.

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

Also:

**Senate Bill No. 227**

**BY** Senators Perry, Goodwin, Pichardo, Roberts

**ENTITLED**, AN ACT RELATING TO CITIES AND TOWNS -- EXEMPTING FROM TAXATION PROPERTY OF THE PROVIDENCE, RHODE ISLAND YOUNG MEN'S CHRISTIAN ASSOCIATION.

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

Also:

**Senate Bill No. 228**

**BY** Senators Blais, Sosnowski, Bates, Breene

**ENTITLED**, AN ACT RELATING TO EDUCATION -- SCHOOL DEPARTMENT EMPLOYEES

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

Also:

**Senate Bill No. 229**

**BY** Senator Bates

**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- LAND SURVEYORS.

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

Also:

**Senate Bill No. 230**

**BY** Senators Perry, Goodwin, Pichardo, Gallo, Roberts

**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES - - TRAFFIC CONTROL DEVICES

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

Also:

**Senate Bill No. 231**

**BY** Senators McCaffrey, Walaska, Alves, Ruggerio

**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- PUBLIC ACCOUNTANCY.

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

Also:

**Senate Resolution No. 232**

**BY** Senators Raptakis, Cote, Caprio F, Lenihan

**ENTITLED**, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE --

SPECIAL ELECTIONS TO FILL VACANCY IN OFFICE OF THE LIEUTENANT GOVERNOR,  
THE SECRETARY OF STATE, ATTORNEY GENERAL OR GENERAL TREASURER

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

Also:

**Senate Resolution No. 233**

**BY** Senators Perry, Goodwin, Gallo, Roberts, Walaska

**ENTITLED**, SENATE RESOLUTION PROCLAIMING FEBRUARY 1, 2005 AS "SOCIAL WORK  
EDUCATION DAY" IN THE STATE OF RHODE ISLAND.

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

Also:

**Senate Resolution No. 234** (by request)

**BY** Senator DaPonte

**ENTITLED**, SENATE RESOLUTION CREATING A SPECIAL SENATE COMMISSION TO  
STUDY CHILD SUPPORT FORMULA.

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

Also:

**Senate Bill No. 235**

**BY** Senators Blais, Breene, Gibbs

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY

Read and referred to the Senate Committee on Environment and Agriculture

Also:

**Senate Bill No. 236**

**BY** Senators Perry, Roberts, Tassoni, Levesque C, Goodwin

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - -  
PHARMACEUTICAL ASSISTANCE TO THE ELDERLY.

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 237**

**BY** Senator McBurney

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT.

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 238**

**BY** Senators Perry, Goodwin, McBurney, Tassoni, Levesque C

**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES - HEALTH CARE FOR ELDERLY AND DISABLED RESIDENTS ACT.

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 239**

**BY** Senators Ciccone, Tassoni, Felag, Lanzi, Damiani

**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- MERIT SYSTEM.

Read and referred to the Senate Committee on Labor

Also:

**Senate Bill No. 240**

**BY** Senators Doyle, Tassoni, McBurney, Felag, Goodwin

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- CORRECTIONS DEPARTMENT

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 241**

**BY** Senators DaPonte, Ciccone, Doyle

**ENTITLED**, AN ACT RELATING TO RESIDENTIAL LANDLORD AND TENANT ACT.

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 242**

**BY** Senators Perry, McCaffrey, McBurney, Goodwin, Caprio F

**ENTITLED**, AN ACT RELATING TO LIBRARIES -- STATE AID TO LIBRARIES

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 243**

**BY** Senators McCaffrey, Ruggerio

**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES.

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 244**

**BY** Senator McCaffrey

**ENTITLED**, AN ACT RELATING TO PROPERTY -- MECHANICS' LIENS.

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 245**

**BY** Senators Blais, Damiani

**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- SCIENTIFIC AND TECHNICAL EVIDENCE

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 246**

**BY** Senators Blais, Damiani

**ENTITLED**, AN ACT RELATING TO PROPERTY - RESIDENTIAL LANDLORD AND TENANT ACT

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 247**

**BY** Senators Lenihan, Cote

**ENTITLED**, AN ACT RELATING TO THE GENERAL ASSEMBLY - LOBBYING

Read and referred to the Senate Committee on Government Oversight.

Also:

**Senate Resolution No. 248**

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

**ENTITLED**, SENATE RESOLUTION PROCLAIMING FRIDAY, FEBRUARY 4, 2005 AS "RHODE ISLAND GOES RED FOR WOMEN DAY".



Senator Paiva Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Paiva Weed moves passage, seconded by Senators Goodwin, Gallo, Roberts, Sosnowski, Perry, Lanzi, Gibbs and the entire Senate.

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

### GUESTS

Upon suggestion of Senators Gallo, Polisena and Algieri, and by unanimous consent, the Honorable President welcomes to the Chamber special guests who are here today in celebration of "Rhode Island Goes Red for Woman Day" on Friday, February 4, 2005, Linda Newton, Miriam Plitt, William Koconis, Victoria Jones, Nicholas Oliver, Lina Carreiro.

### NEW BUSINESS

#### **Senate Resolution No. 249**

**BY** Senator Gallo

**ENTITLED**, SENATE RESOLUTION HONORING JACQUELINE WHITE ON HER RETIREMENT AS PRESIDENT OF THE CRANSTON SCHOOL COMMITTEE

Senator Gallo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Gallo moves passage, seconded by the entire Senate.

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

Also:

#### **Senate Resolution No. 250**

**BY** Senator Goodwin

**ENTITLED**, SENATE RESOLUTION HONORING LIEUTENANT GOVERNOR CHARLES FOGARTY ON THE OCCASION OF HIS BEING NAMED THE 2005 NORTHERN RHODE ISLAND CHAMBER OF COMMERCE ANNUAL BARBARA C. BURLINGAME DISTINGUISHED PUBLIC SERVICE AWARD WINNER.

Senator Goodwin requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Goodwin moves passage, seconded by the entire Senate.

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

Also:

**Senate Bill No. 251**

**BY** Senator Gibbs

**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF POST' ALL, INC.

Senator Gibbs requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Gibbs moves passage, seconded by Senator Algieri.

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

NAYS- 0:

Also:

**Senate Resolution No. 252**

**BY** Senators Revens, Paiva-Weed, Goodwin

**ENTITLED**, SENATE RESOLUTION CONGRATULATING VIKTOR YUSHCHENKO ON BEING ELECTED PRESIDENT OF UKRAINE

Senator Revens requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Revens moves passage, seconded by the entire Senate.

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

**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 measure on today's Consent Calendar, by unanimous consent, is read and passed, upon a voice vote:

**2005-S 225****BY Issa****ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF RHODE ISLAND INDEPENDENT HIGHER EDUCATION ASSOCIATION****ANNOUNCEMENTS**

Senator Connors announces that the Committee on Rules will meet today, at the rise of the Senate, in Room 313 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 DaPonte, seconded by Senator Algieri, and upon suggestion of Senator McBurney, the Senate adjourns at 4:34 o'clock P.M. in memory of the Honorable William B. Zuccarelli, Senator Emeritus from the City of Providence, a true gentleman and dear friend to all. He will be greatly missed but always remembered.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SENATOR JOHN F MCBURNEY III**

Father in heaven, enlighten our minds and touch our hearts so that we may carry on the best traditions of our Senate's history. Remembering always that it is the people's government, made by the people and accountable to the people. Amen.

**Appendix**

**CONSENT CALENDAR**

**IN ORDER FOR TUESDAY, FEBRUARY 8, 2005:**

**1 2005-S 253**

**BY Montalbano J**

**ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE  
CHARTER OF K.F.C. OF JOHNSTON, INC.**

Ordered to be placed on the Consent Calendar

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

**Appendix**

**CALENDAR**

**IN ORDER FOR TUESDAY, FEBRUARY 8, 2005:**

**1 2005-S 19**

**BY Tassoni**

**ENTITLED, AN ACT RELATING TO TAXATION -- NORTH SMITHFIELD**

Committee on Commerce, Housing & Municipal Government recommends passage.

**2 2005-H 5132**

**BY Church**

**ENTITLED, AN ACT RELATING TO TAXATION -- NORTH SMITHFIELD**

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

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

**Thursday, February 3, 2005**