

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. 14

Tuesday, February 8, 2005

Fourteenth Day

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 36 Senators present and 2 Senators absent as follows:

PRESENT – 36: The Honorable President Montalbano and Senators Algieri, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, 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.

ABSENT – 2: Senators Alves and DaPonte

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of Thursday, February 3, 2005 proceedings is read in part.

Upon suggestion of Senator Walaska, 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:

February 8, 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 from Tuesday, February 8, 2005 through Thursday, February 10, 2005.

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

Thanks you for your attention to this matter.

Sincerely,
Senator Daniel DaPonte
Senate District 14

Read and ordered to be placed on file.

Also:

February 7, 2005

TO THE HONORABLE, THE SENATE:

I am hereby withdrawing the January 3, 2005 appointment of Mark J. Blackburn to the Fire Safety Code Board of Appeal and Review.



Sincerely,
Donald L. Carcieri
Governor

Read and ordered to be placed on file.

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 14, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-23-2 of the Rhode Island General Laws, I have made the following appointment to the Coastal Resources Management Council:

David Abedon of Warwick

(Public Member – Representing a Coastal Community)

VICE

Joseph R. Paolino, Sr.

for a term expiring January 31, 2007.

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.

Also:

February 7, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-28.3-2 of the Rhode Island General Laws, I have made the following appointment to the Fire Safety Code Board of Appeal and Review:

Mark J. Blackburn of Warwick

(Public Member)

VICE
Henry Richard, Sr.
(deceased)

for a term expiring March 1, 2007.

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.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 5311

BY Story, Malik

ENTITLED, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF BARRINGTON.

Placed on the Senate Consent Calendar

Also:

House Bill No. 5337

BY Corvese, Costantino

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

Senator Ruggerio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggerio moves passage, seconded by Senator Paiva Weed.

The act is read and passed, by unanimous consent, in concurrence, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Bates, Blais, Caprio, Ciccone, Connors, Cote, Damiani, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan,

Levesque, McBurney, McCaffrey, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

NEW BUSINESS

Senate Bill No. 254

BY Senators Breene, Blais

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS-KENT COUNTY WATER DISTRICT.

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

Also:

Senate Bill No. 255

BY Senators Breene, Blais, Sosnowski, Bates, Gibbs

ENTITLED, AN ACT RELATING TO PUBLIC BUILDINGS.

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

Also:

Senate Bill No. 256

BY Senators Fogarty P, Tassoni, Sosnowski, Breene, Walaska

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- ECHO LAKE WATER DISTRICT.

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

Also:

Senate Bill No. 257

BY Senator McCaffrey

ENTITLED, AN ACT RELATING TO STATE BUILDING CODE.

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

Also:

Senate Bill No. 258

BY Senators Breene, Algieri

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.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 259

BY Senators Walaska, Bates, Raptakis, Blais

ENTITLED, AN ACT RELATING TO SALES AND USE TAXES

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 260

BY Senators Perry, Levesque C, Roberts, Caprio F, Goodwin

ENTITLED, AN ACT RELATING TO TAXATION - TAX EXPENDITURE REPORTING.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 261

BY Senators Lanzi, Polisena, Tassoni, Ciccone, Badeau

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. 262

BY Senators Alves, Polisena, Gallo, Badeau, Walaska

ENTITLED, AN ACT RELATING TO HUMAN SERVICES - LONG-TERM HOME HEALTH CARE.

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 263

BY Senators Polisena, Goodwin, Damiani, Paiva-Weed, Montalbano J

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

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 264

BY Senators Metts, Pichardo, Caprio F, Perry, Goodwin

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- TERMINATION OF SERVICE TO PERSONS WHO ARE DISABLED AND SERIOUSLY ILL.

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

Also:

Senate Bill No. 265

BY Senators Lanzi, Damiani, Badeau, Ciccone, Ruggerio

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- GOVERNMENT OVERSIGHT AND FISCAL ACCOUNTABILITY REVIEW ACT

Read and referred to the Senate Committee on Government Oversight

Also:

Senate Bill No. 266

BY Senators Ciccone, Lanzi, Damiani, Badeau, DaPonte

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- STATE AFFAIRS AND GOVERNMENT.

Read and referred to the Senate Committee on Government Oversight

Also:

Senate Bill No. 267

BY Senators Alves, DaPonte

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- NURSING SERVICE AGENCIES.

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

Also:

Senate Bill No. 268

BY Senators Bates, Perry, Sosnowski, Roberts, Pichardo

ENTITLED, AN ACT RELATING TO INSURANCE.

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

Also:

Senate Bill No. 269

BY Senators Breene, Blais, Gibbs

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- EQUIPMENT AND ACCESSORIES GENERALLY

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

Also:

Senate Bill No. 270

BY Senators Revens, Paiva-Weed, McCaffrey, Caprio F, Polisena

ENTITLED, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE -- GUARDIANSHIP OF MINORS

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 271

BY Senators Tassoni, Doyle, Bates, Issa

ENTITLED, AN ACT RELATING TO THEFT, EMBEZZLEMENT -- MISAPPROPRIATION.

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 272

BY Senators Alves, Goodwin, Polisena, McBurney, Ruggerio

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- UNBORN VICTIMS OF VIOLENCE ACT.

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 273

BY Senators Tassoni, Doyle, Perry, Sosnowski

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- SPOUSAL NOTICE FOR ABORTION.

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 274

BY Senators Ciccone, Sosnowski, Lanzi, Badeau, Damiani

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- OPEN MEETINGS.

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 275

BY Senators Alves, Goodwin, Polisen, Blais, McBurney

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- WOMEN'S RIGHT TO KNOW ACT.

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 276

BY Senators Tassoni, Doyle, Bates, Issa

ENTITLED, AN ACT RELATING TO THEFT, EMBEZZLEMENT, FALSE PRETENSES AND MISAPPROPRIATION.

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 277

BY Senators DaPonte, Ruggerio, Ciccone, Badeau, Tassoni

ENTITLED, AN ACT RELATING TO LABOR -- MINIMUM WAGES.

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 278

BY Senators Metts, Pichardo, Caprio F, Perry, Goodwin

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- PRICE SECURITY.

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

Also:

Senate Bill No. 279

BY Senators Metts, Pichardo, Caprio F, Perry, Goodwin

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- AFFORDABLE ENERGY BARGAIN ACT.

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

Also:

Senate Bill No. 280**BY** Senators Metts, Pichardo, Caprio F, Perry, Goodwin**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- UTILITY PAYMENT PLANS.

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

Also:

Senate Bill No. 281**BY** Senator Sosnowski**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES.

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sosnowski moves passage, seconded by Senator Paiva Weed.

The act is read and passed, by unanimous consent, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Bates, Blais, Breene, Caprio, Connors, Cote, Damiani, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

Senate Resolution No. 282**BY** Senators Algieri, Blais**ENTITLED**, SENATE RESOLUTION PROCLAIMING FEBRUARY 6-11, 2005 AS "SCHOOL COUNSELING WEEK" IN THE STATE OF RHODE ISLAND.

Senator Algieri requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Algieri moves passage, seconded by Senator Blais.

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

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.****CALENDAR**

In order for the day is taken up as follows:

1 2005-S 19**BY Tassoni****ENTITLED, AN ACT RELATING TO TAXATION -- NORTH SMITHFIELD**

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Tassoni, moves passage, seconded by Senators Fogarty and Cote.

The act is read and passed, by unanimous consent, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Perry, Pichardo, Polisen, Raptakis, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

2 2005-H 5132**BY Church****ENTITLED, AN ACT RELATING TO TAXATION -- NORTH SMITHFIELD**

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

Senator Tassoni, moves passage, seconded by Senators Fogarty and Cote.

The act is read and passed, by unanimous consent, in concurrence, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

ANNOUNCEMENTS

Senator Connors, announces that the Committee on Rules, will meet on Wednesday, February 9, 2005, at the rise of the Senate, in the Senate Lounge 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 Breene, the Senate adjourns at 4:25 o'clock P.M. in memory of Phyllis Megrew.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR WILLIAM A. WALASKA

Open our minds, Lord, to the wisdom in others. Help us to work in a unified effort towards harmony and peace for all the people of our State. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR WEDNESDAY, FEBRUARY 9, 2005:

1 2005-H 5311

BY Story

**ENTITLED, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE
CHARTER OF THE TOWN OF BARRINGTON**

Ordered to be placed on the Consent Calendar