

**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. 25

Thursday, March 10, 2005

Twenty-fifth Day

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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 4:17 o'clock P.M.

The roll is called and a quorum is declared present with 32 Senators present and 6 Senators absent as follows:

**PRESENT** – 32: Senators Algieri, Alves, Badeau, Bates, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Tassoni, Walaska.

**ABSENT** – 6: Senator Blais, Lenihan, McBurney, Sheehan, Sosnowski, Montalbano

**INVOCATION**

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

(See Appendix for Invocation)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**APPROVAL OF RECORD**

The Senate Journal of Wednesday, March 9, 2005 proceedings is read in part.

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

**GUESTS**

Upon suggestion of Senator Alves and by unanimous consent, the Honorable President Pro Tempore welcomes to the Chamber from the Friendly Sons of St. Patrick, Miss Ireland Kayla McConnell, her father John McConnell and her brother Shawn McConnell, her uncle Michael McConnell and his son Michael and Michael Jordan.

**COMMUNICATION**

The Honorable President Pro Tempore presents the following communication:

March 10, 2005

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

Dear Mr. President:

Please be advised that I will be out of state on Thursday, March 10, 2005 and, thus, absent from the Senate session. I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you for your attention to this matter.

Sincerely,  
Leo R. Blais  
MINORITY DEPUTY PRESIDENT PRO TEMPORE

**APPOINTMENTS BY THE GOVERNOR**

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

March 9, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-102-2 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Human Resource Investment Council:

**Brandon Melton of East Greenwich**

(Representing Business)

VICE

Seth Kurn

for a term expiring January 1, 2007.

To this appointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri  
Governor

Read and referred to the Committee on Financial Services and Regulatory Issues.

Also:

March 9, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-102-2 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Human Resource Investment Council:

**William McGowan of North Kingstown**

(Representing Labor)

VICE

George Nee

for a term expiring January 1, 2007.

To this appointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri  
Governor

Read and referred to the Committee on Financial Services and Regulatory Issues.

Also:

March 9, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-102-2 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Human Resource Investment Council:

**Jack R. Warner of Warwick**

To this appointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri  
Governor

Read and referred to the Committee on Financial Services and Regulatory Issues.

Also:

March 9, 2005

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-102-2 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Human Resource Investment Council:

**Adelita Orefice of Providence**

To this appointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri  
Governor

Read and referred to the Committee on Financial Services and Regulatory Issues.

**FROM THE HOUSE OF REPRESENTATIVES**

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

**House Bill No. 5227****BY** Gallison, Anguilla**ENTITLED**, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF BRISTOL (deductible and coinsurance factor)

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

Also:

**House Bill No. 5041** as amended**BY** Crowley, Rice, Jackson, Gallison**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- NEWPORT COUNTY CONVENTION AND VISITORS' BUREAU (reconstitute)

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

Also:

**House Resolution No. 5740** as amended**BY** Slater, Naughton, Williams, Dennigan, Coderre E**ENTITLED**, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY THE NEWLY ADOPTED PROVISIONS FOR EARLY INTERVENTION UNDER THE FEDERAL DISABILITIES EDUCATION ACT OF 2004, P.L. 108 - 446.

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

Also:

**House Bill No. 6204****BY** Watson**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF THE ACADEMY PLAYERS.

Read and ordered to be placed on the Consent Calendar.

**NEW BUSINESS****Senate Bill No. 927****BY** Senator Algieri**ENTITLED**, AN ACT RELATING TO THE WESTERLY FIRE DISTRICT.

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

Also:

**Senate Bill No. 928**

**BY** Senators Ciccone, Badeau, Ruggerio

**ENTITLED**, AN ACT RELATING TO PARKING FACILITIES AND PRIVILEGES (renewal of a disability placard or motorcycle sticker).

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

Also:

**Senate Bill No. 929**

**BY** Senator Bates

**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES (golf clubs/Class D license).

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

Also:

**Senate Bill No. 930**

**BY** Senator Polisena

**ENTITLED**, AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS (audit before court action to increase school appropriations).

Read and referred to the Senate Committee on Education

Also:

**Senate Bill No. 931**

**BY** Senators Perry, McBurney, Goodwin, Gallo, Gibbs

**ENTITLED**, AN ACT RELATING TO AFFORDABLE HOUSING - ESTABLISHING A FUND TO SUPPORT NONPROFIT CORPORATIONS WHO PROVIDE OR DEVELOP AFFORDABLE HOUSING (supplement funding for community based nonprofit corporations).

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 932**

**BY** Senators Montalbano J, Ruggerio, Algiere, Alves, Tassoni

**ENTITLED**, AN ACT RELATING TO FILM AND TELEVISION TAX CREDIT (establish a motion picture investment tax credit /film and television tax credit).

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 933**

**BY** Senators Ciccone, Badeau, Cote, Damiani, Lanzi

**ENTITLED**, AN ACT RELATING TO TAXATION -- THE SCHOOL FACILITY SAFETY AND PROPERTY TAX RELIEF ACT OF 2005.

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 934**

**BY** Senators Gibbs, Blais, Algieri, Cote, Roberts

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- RHODE ISLAND RESOURCE RECOVERY CORPORATION (all recycled materials in the calculation of percentage of recycled materials).

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 935**

**BY** Senator DaPonte

**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- COMMUNITY ANTENNA TELEVISION SYSTEMS (fix the time and place of a hearing within sixty days of an application).

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

Also:

**Senate Bill No. 936**

**BY** Senators Polisena, Damiani, Tassoni

**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS - RHODE ISLAND FOOD, DRUGS, AND COSMETICS ACT (oral prescription by a pharmacy be taken only by a registered pharmacist).

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

Also:

**Senate Bill No. 937**

**BY** Senators Lenihan, Walaska

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- PUBLIC HEALTH AND WORKPLACE SAFETY ACT ( regulate smoking effective January 1, 2006 in any facility that employs not more than ten (10) employees operated exclusively under a class C liquor license or a class D liquor license).

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

Also:

**Senate Bill No. 938** (Board of Election)

**BY** Senator Badeau

**ENTITLED**, AN ACT RELATING TO ELECTIONS -- POLITICAL CONTRIBUTIONS -- LIMITATIONS (clarify the identities of persons to whom political contributions can be made).

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 939** (Board of Elections)

**BY** Senator Badeau

**ENTITLED**, AN ACT RELATING TO RHODE ISLAND CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORTING (revise the reporting dates).

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 940** (Board of Elections)

**BY** Senator Badeau

**ENTITLED**, AN ACT RELATING TO ELECTIONS - - ELECTION OFFENSES (clarify the area within fifty (50) feet of the polling place where certain activity is prohibited).

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 941** (Board of Elections)

**BY** Senator Badeau

**ENTITLED**, AN ACT RELATING TO ELECTIONS -- CONDUCT OF ELECTION AND VOTING EQUIPMENT AND SUPPLIES ( city or town board of canvassers to identify the fifty (50) foot demarcation within which political literature and influence is prohibited under this section).

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 942** (Board of Elections)

**BY** Senator Badeau

**ENTITLED**, AN ACT RELATING TO CONDUCT OF ELECTIONS ( authorize the presence of representatives of persons who appear on the ballot who do not belong to either the republican or democratic parties).

Read and referred to the Senate Committee on Judiciary

Also:



**Senate Bill No. 943** (Board of Elections)

**BY** Senator Badeau

**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES ( include the state board of elections in the exemption from purchasing requirements under this section).

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 944**

**BY** Senators Walaska, McCaffrey, Blais, Polisena, Damiani

**ENTITLED**, AN ACT RELATING TO OPERATORS' LICENSES AND TO IDENTIFICATION CARDS (tougher standards of proof of identification for driver's licenses).

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 945** (Board of Elections)

**BY** Senator Badeau

**ENTITLED**, AN ACT RELATING TO ELECTIONS -- CAMPAIGN CONTRIBUTIONS -- EXPENDITURES REPORTING (eliminate reporting requirements for political parties).

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 946** (Board of Elections)

**BY** Senator Badeau

**ENTITLED**, AN ACT ELECTIONS -- TABULATION AND CERTIFICATION OF RETURNS BY STATE BOARD (ballots and computer counters).

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 947** (Board of Elections)

**BY** Senator Badeau

**ENTITLED**, AN ACT RELATING TO ELECTIONS (identify persons or entities who pay for ads re: candidates or ballot questions).

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 948** (Board of Elections)

**BY** Senator Badeau

**ENTITLED**, AN ACT RELATING TO ELECTIONS -- CONDUCT OF ELECTION/VOTING EQUIPMENT AND SUPPLIES (prohibit publishing sample ballot with altered or deleted candidates name or info).

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 949**

**BY** Senators Fogarty P, Montalbano J, Walaska, Paiva-Weed, McBurney

**ENTITLED**, AN ACT RELATING TO ETHICS (prohibit any candidate to seek employment with the state for one year thereafter).

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 950** (Board of Elections)

**BY** Senator Badeau

**ENTITLED**, AN ACT RELATING TO ELECTIONS (create RI ballot question advocacy and reporting act).

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 951**

**BY** Senator DaPonte

**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES - INSPECTIONS ( mandate that motor vehicle inspection facilities have in place a garage keeper's legal liability insurance policy).

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

## CALENDAR

### IN ORDER FOR THURSDAY, MARCH 10, 2005:

**1 2005-S 290**

**BY** **Tassoni**

**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS

Committee on Commerce, Housing & Municipal Government recommends passage.

Senator Tassoni, moves passage, seconded by Senators Paiva Weed.

The act is read and passed, by unanimous consent, upon a roll call vote with 30 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 30: Senators Algieri, Badeau, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Tassoni, Walaska.

NAYS- 0:

### ANNOUNCEMENTS

Senator Bates 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 Fogarty announces that the Committee on Commerce, Housing and Municipal Government will meet today, at the rise of the Senate, in Room 212 of the State House.

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

Senator Felag announces that the Committee on Finance will meet today, at the rise of the Senate, in Room 211 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, the Senate adjourns at 4:20 o'clock P.M.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SENATOR JOSEPH M. POLISENA**

Dear God, we thank Thee for the gift of this new day with its opportunities for growth in nobility of character and in service to others. Amen.

**Appendix**

**CONSENT CALENDAR**

**IN ORDER FOR TUESDAY, MARCH 15, 2005:**

**1 2005-H 6204**

**BY Watson**

**ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF  
THE CHARTER OF THE ACADEMY PLAYERS**

Ordered to be placed on the Consent Calendar

**Thursday, March 10, 2005**