

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. 27

Wednesday, March 16, 2005

Twenty-seventh Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:25 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 Alves, 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, Polisenena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 2: Senators Algiere, Roberts

INVOCATION

The Honorable President, by unanimous consent, presents The Reverend Angelo N. Carusi of St. Mary's Parish in Cranston, to deliver the 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.

NATIONAL ANTHEM

The National Anthem is performed by Shane Lee.

APPROVAL OF RECORD

The Senate Journal of Tuesday, March 15, 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:

March 16, 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 business on Wednesday, March 16 and Thursday, March 17, 2005 and, therefore, will be absent from the Senate sessions. I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you for your assistance.

Sincerely,
Dennis L. Algieri
SENATE MINORITY LEADER

Read and ordered to be placed on file.

REPORTS OF COMMITTEES**COMMITTEE ON COMMERCE, HOUSING AND MUNICIPAL GOVERNMENT**

Senator Caprio, from the Committee on Commerce, Housing and Municipal Government, reports back, with recommendation of passage of the following measures:

Senate Bill No. 860

BY Senator Breene

ENTITLED, AN ACT RELATING TO PROPERTY SUBJECT TO TAXATION -- EXETER
(Elderly/Freeze of tax rate and valuation.).

Read and ordered to be placed on the Calendar.

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 ordered to be placed on the Calendar

Also:

Senate Bill No. 496

BY Senators Tassoni, Doyle, McBurney

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- CONTRACTOR'S REGISTRATION (delete requirement for qualification as a multi-unit residential building).

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 888

BY Senators Fogarty P, Polisen, Tassoni, Levesque C, Gallo

ENTITLED, AN ACT RELATING TO RHODE ISLAND UNIFORM COMMERCIAL DRIVERS' LICENSE ACT (fire fighters be exempt from commercial motor vehicle road test requirements).

Read and ordered to be placed on the Calendar

COMMITTEE ON FINANCIAL SERVICES, TECHNOLOGY AND REGULATORY ISSUES

Senator Walaska, from the Committee on Financial Services, Technology and Regulatory Issues, reports back, with recommendation of passage of the following measures:

Senate Bill No. 39 SUB A as amended

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

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT (all state agencies and authorities to file their annual reports by electronic means on the general assembly website)
{LC5/1/A}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 330 (Governor)

BY Senators Algieri, Gibbs, Breene

ENTITLED, AN ACT RELATING TO STATE AUDITS -- INTERNET POSTING (state agencies audited/post the audits on a website).

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 414

BY Senators Doyle, McBurney, Tassoni, Connors

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- CERTIFICATES OF TITLE AND SECURITY INTERESTS (registrar to maintain an electronic data and communication system).

Read and ordered to be placed on the Calendar

COMMITTEE ON JUDICIARY

Senator McCaffrey, from the Committee on Judiciary, reports back, with recommendation of passage of the following measures:

Senate Bill No. 106

BY Senators Felag, Paiva-Weed, Levesque C, Issa, Doyle

ENTITLED, AN ACT RELATING TO ELECTIONS -- LOCAL CANVASSING AUTHORITY (no employees to serve on local canvassing boards)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 213

BY Senators Badeau, Polisen, Bates, Felag, McBurney

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - CHILDREN (misdemeanor for any professional athlete or entertainer, or their representatives, to charge persons under the age of 16 for an autograph, with a \$100.00 fine per offense).

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 345

BY Senators Ciccone, Lanzi, Connors, Tassoni, Ruggerio

ENTITLED, AN ACT RELATING TO LABOR - PRIVACY PROTECTION (prevent employers from secretly recording audio or video of employees).

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 439 (Attorney General)

BY Senators McCaffrey, Gallo

ENTITLED, AN ACT RELATING TO ASSAULTS (abuse and neglect of adults with severe impairments be subject to a fine).

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 713

BY Senators Blais, Polisen, Breene, Roberts, McCaffrey

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- UNIFORM ANATOMICAL GIFT ACT.

Read and ordered to be placed on the Calendar

NEW BUSINESS

Senate Bill No. 958

BY Senator Alves

ENTITLED, AN ACT RELATING TO PUBLIC DRINKING WATER SUPPLY (comply with regulations).

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

Also:

Senate Resolution No. 959

BY Senator Breene

ENTITLED, SENATE RESOLUTION NAMING OCTOBER 15, 2005 AS "PREGNANCY AND INFANT LOSS REMEMBRANCE DAY".

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

Also:

Senate Bill No. 960

BY Senator McBurney

ENTITLED, AN ACT RELATING TO MOTOR VEHICLES -- REGISTRATION OF VEHICLES (license plate recognizing the Pawtucket Red Sox).

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

Also:

Senate Bill No. 961**BY** Senators Bates, Sosnowski**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION (certificate issued/pump-out station operators).

Read and referred to the Senate Committee on Environment and Agriculture

Also:

Senate Bill No. 962**BY** Senators Sosnowski, Paiva-Weed**ENTITLED**, AN ACT RELATING TO AIR POLLUTION -- HOME HEATING OIL (limit sulfur content of home heating oil).

Read and referred to the Senate Committee on Environment and Agriculture

Also:

Senate Bill No. 963**BY** Senators Blais, Breene, Sosnowski**ENTITLED**, AN ACT RELATING TO TAXATION - SALES AND USE TAXES (farm vehicles).

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 964**BY** Senator Alves**ENTITLED**, AN ACT COMMERCIAL LAWS -- UNFAIR SALES PRACTICES (definitions of what constitutes a "cost to the retailer" and "cost to the wholesaler" and any markup's therein for the sale of tobacco products only).

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 965**BY** Senator Alves**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ASSISTED HOUSING LIVING WAIVER (assisted living facilities to be eligible through certification by the department of human services or the department of elderly affairs).

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

Also:

Senate Bill No. 966**BY** Senators Ciccone, Lanzi, Walaska**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- HYDRANT TAMPERING.

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 967**BY** Senator Lenihan**ENTITLED**, AN ACT RELATING TO SEPARATION OF POWERS (abolish several boards and commissions).

Read and referred to the Senate Committee on Government Oversight

Also:

Senate Resolution No. 968**BY** Senators Connors, Algieri, Paiva-Weed, Montalbano J**ENTITLED**, SENATE RESOLUTION COMMEMORATING THE CELEBRATION OF ST. PATRICK'S DAY.

Senator Connors requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Connors moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution No. 969**BY** Senators Lanzi, Montalbano J, Algieri, Paiva-Weed, Ruggerio**ENTITLED**, SENATE RESOLUTION COMMEMORATING THE FEAST OF ST. JOSEPH

Senator Lanzi requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Lanzi moves passage, seconded by the entire Senate.

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

GUESTS

Upon suggestion of Senator Perry and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable David Cicilline, Mayor of the City of Providence.

Upon suggestion of Senator McBurney and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable Mary Bray, Councilwomen from the City of Pawtucket.

Upon suggestion of Senator Fogarty and by unanimous consent, the Honorable President welcomes to the Chamber Austin Coyne, Ann McCoy, Joan Doorley, Helen Maroney, Barbra Lataille and Ernest A. Almonte, Auditor General.

Upon suggestion of Senator DaPonte and by unanimous consent, the Honorable President welcomes to the Chamber William Fazioli, City Manager, City of East Providence.

Upon suggestion of Senator Caprio and by unanimous consent, the Honorable President welcomes to the Chamber the Honorable Valentino Lombardi, of the North Providence Municipal Court.

Upon suggestion of Senator McCaffrey and by unanimous consent, the Honorable President welcomes to the Chamber Sam Perry, son of Senator Perry.

Upon suggestion of Senator Gallo and by unanimous consent, the Honorable President welcomes to the Chamber the mother of Lt. Governor Fogarty and Senator Fogarty, Mrs. Martha Fogarty.

Upon suggestion of Senator Gallo and by unanimous consent, the Honorable President welcomes to the Chamber Joseph Brady of Newport.

Upon suggestion of Senator Goodwin and by unanimous consent, the Honorable President welcomes to the Chamber Patrick Griffin, Tom Farrel of County West Meade, Ireland.

Upon suggestion of Senator Felag and by unanimous consent, the Honorable President welcomes to the Chamber Adj. General Reginald Centracchio.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Breene, the Senate adjourns at 4:40 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

CALENDAR

IN ORDER FOR THURSDAY, MARCH 17, 2005:

1 2005-S 21

BY Bates

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

Committee on Commerce, Housing & Municipal Government recommends passage.

2 2005-S 133

BY Blais

ENTITLED, AN ACT RELATING TO MILITARY SERVICE -- ACTIVE DUTY TAX EXEMPTION

Committee on Commerce, Housing & Municipal Government recommends passage.

3 2005-S 194

BY Gibbs

ENTITLED, AN ACT RELATING TO ZONING ORDINANCES

Committee on Commerce, Housing & Municipal Government recommends passage.

4 2005-S 467 as amended

BY Paiva-Weed

ENTITLED, AN ACT RELATING TO HIGHWAYS -- RHODE ISLAND TURNPIKE AND BRIDGE AUTHORITY

Committee on Finance recommends passage as amended.

5 2005-S 833

BY Paiva-Weed

ENTITLED, AN ACT RELATING TO TAXATION

Committee on Finance recommends passage.

IN ORDER FOR TUESDAY, MARCH 22, 2005:**1 2005-S 256****BY Fogarty P****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- ECHO LAKE WATER DISTRICT

Committee on Commerce, Housing & Municipal Government recommends passage.

2 2005-S 496**BY Tassoni****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- CONTRACTOR'S REGISTRATION

Committee on Commerce, Housing & Municipal Government recommends passage.

3 2005-S 860**BY Breene****ENTITLED,** AN ACT RELATING TO PROPERTY SUBJECT TO TAXATION -- EXETER

Committee on Commerce, Housing & Municipal Government recommends passage.

4 2005-S 888**BY Fogarty P****ENTITLED,** AN ACT RELATING TO RHODE ISLAND UNIFORM COMMERCIAL DRIVERS' LICENSE ACT

Committee on Commerce, Housing & Municipal Government recommends passage.

5 2005-S 39 SUB A as amended**BY Bates****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT

Committee on Financial, Technology, Regulatory recommends indefinite postponement of the original bill and passage of Substitute A as amended.

6 2005-S 330**BY Algieri****ENTITLED,** AN ACT RELATING TO STATE AUDITS -- INTERNET POSTING

Committee on Financial, Technology, Regulatory recommends passage.

7 2005-S 414

BY Doyle

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
CERTIFICATES OF TITLE AND SECURITY INTERESTS

Committee on Financial, Technology, Regulatory recommends passage.

8 2005-S 106

BY Felag

ENTITLED, AN ACT RELATING TO ELECTIONS -- LOCAL CANVASSING
AUTHORITY

Committee on Judiciary recommends passage.

9 2005-S 213

BY Badeau

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - CHILDREN

Committee on Judiciary recommends passage.

10 2005-S 345

BY Ciccone

ENTITLED, AN ACT RELATING TO LABOR - PRIVACY PROTECTION

Committee on Judiciary recommends passage.

11 2005-S 439

BY McCaffrey

ENTITLED, AN ACT RELATING TO ASSAULTS

Committee on Judiciary recommends passage.

12 2005-S 713

BY Blais

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- UNIFORM
ANATOMICAL GIFT ACT

Committee on Judiciary recommends passage.

Wednesday, March 16, 2005