

**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. 33

Thursday, March 31, 2005

Thirty-third 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 4:35 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, 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, Polisenia, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

**ABSENT** – 1: Senator Roberts

**INVOCATION**

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

(See Appendix for Invocation)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**APPROVAL OF RECORD**

The Senate Journal of Wednesday, March 30, 2005 proceedings is read in part.

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

**GUESTS**

Upon suggestion of Senator Algieri and by unanimous consent, the Honorable President welcomes to the Chamber Chief David Sayles of the Westerly Fire Department.

Upon suggestion of Senator Breene and by unanimous consent, the Honorable President welcomes to the Chamber Chief Fred Stanley of the Hope Valley-Wyoming Fire Department.

Upon suggestion of Senator Connors and by unanimous consent, the Honorable President welcomes to the Chamber Chief Rick Susi of the Cumberland Hill Fire Department.

**REPORTS OF COMMITTEES****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. 489** (Business Regulation)

**BY** Senator Bates

**ENTITLED**, AN ACT RELATING TO INSURANCE (late fees).

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 541** (Business Regulation)

**BY** Senator Bates

**ENTITLED**, AN ACT RELATING TO THE INTERSTATE COMPACT ON INSURANCE PRODUCT REGULATION ( add a preamble to the "Interstate Compact on Insurance Product Regulation").

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 542** (Business Regulation)

**BY** Senator Bates

**ENTITLED**, AN ACT RELATING TO INSURANCE -- AGENTS, BROKERS AND SOLICITORS (increase the amount of the trust fund required for a lien surplus lines from \$250,000 to \$5,000,000).

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 546** (Business Regulation)

**BY** Senator Bates

**ENTITLED**, AN ACT RELATING TO INSURANCE -- FIRE AND MARINE INSURANCE RATING (increase the cost of a license for certain insurance rating organizations).

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 549** (Business Regulation)

**BY** Senator Bates

**ENTITLED**, AN ACT RELATING TO INSURANCE.

Read and ordered to be placed on the Calendar

Also:

**Senate Bill No. 774** (Business Regulation)

**BY** Senator Bates

**ENTITLED**, AN ACT RELATING TO INSURANCE ( change the amount of net worth required of a health maintenance organization).

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 measure:

Appointment of Rafael A. Ovalles of Providence VICE Associate Justice Robert K. Pirraglia as Associate Justice of the Rhode Island District Court.

Read and ordered to be placed on the Calendar for Tuesday, April 5, 2005.

### FROM THE HOUSE OF REPRESENTATIVES

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

**House Bill No. 6266**

**BY** Pacheco, Gorham, Winfield

**ENTITLED**, AN ACT RELATING TO THE TOWN OF GLOCESTER.

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

**NEW BUSINESS****Senate Bill No. 995**

**BY** Senators Felag, Lenihan, Paiva-Weed, Walaska, Gallo  
**ENTITLED**, AN ACT RELATING TO PUBLIC FINANCE.

Read and referred to the Senate Committee on Finance

Also:

**Senate Resolution No. 996**

**BY** Senator Pichardo  
**ENTITLED**, SENATE RESOLUTION HONORING CESAR ESTRADA CHAVEZ (1927-1993)

Senator Pichardo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Pichardo moves passage, seconded by the entire Senate.

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

Also:

**Senate Resolution No. 997**

**BY** Senators Fogarty P, Gallo, Walaska, Alves, Goodwin  
**ENTITLED**, SENATE RESOLUTION CONGRATULATING THE ELEANOR SLATER  
HOSPITAL/ZAMBARANO UNIT ON THE RECOGNITION OF ZAMBARANO DAY.

Senator Fogarty requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Fogarty moves passage, seconded by the entire Senate.

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

**GUESTS**

Upon suggestion of Senators Fogarty and Paiva Weed and by unanimous consent, the Honorable President welcomes to the Chamber in recognition of Zambarano Day, Hospital Participants Residents: Frank Beazley, William Feole, Roy Shovelton, Rene Demers, John Holmes. Hospital Employees Paul Despres, Administrator, Barbara Waterman, Prof. Services Coordinator, Debbie Stockwell, Maintenance & Plant Operations, Irene Nichlos, Steve Westerman, Therapeutic Recreation, William McMahon, Therapeutic Recreation, Carol Krause-Ferraioli.

## CALENDAR

## IN ORDER FOR THURSDAY, MARCH 31, 2005:

**1 2005-S 430****BY Caprio F****ENTITLED, AN ACT RELATING TO PROBATE PRACTICE**

Committee on Judiciary recommends passage.

Senator Caprio moves passage, seconded by Senators McCaffrey and Paiva Weed.

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

NAYS- 0:

**2 2005-S 431****BY Caprio F****ENTITLED, AN ACT RELATING TO PROPERTY -- POWERS**

Committee on Judiciary recommends passage.

Senator Caprio moves passage, seconded by Senator McCaffrey.

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

NAYS- 0:

**3 2005-S 133****BY Blais****ENTITLED, AN ACT RELATING TO MILITARY SERVICE -- ACTIVE DUTY  
TAX EXEMPTION**

Committee on Commerce, Housing &amp; Municipal Government recommends passage.

Upon suggestion of Senator Blais and without objection, ordered to be placed on the Calendar for Thursday, April 7, 2005.

**4 2005-S 247 as amended**

**BY Lenihan**

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

Ordered on the Calendar

Senator Lenihan moves passage, seconded by Senator Sheehan.

The act is read and passed, by unanimous consent, as amended, in concurrence, 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, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Ruggiero, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

#### ANNOUNCEMENTS

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 Polisena 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, and upon suggestion of Senator Pichardo, the Senate adjourns at 4:45 o'clock P.M. in memory of Cesar Estrada Chavez.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SENATOR HANNA M. GALLO**

Heavenly Father, we ask you to teach us to give and not count the cost, and to labor and not ask for rewards. Above all, teach us that it is only what we give in love and service to others which endures forever. Amen.

**Appendix****CALENDAR****IN ORDER FOR TUESDAY, APRIL 5, 2005:**

- 1 Appointment of Rafael A. Ovalles of Providence VICE Associate Justice Robert K. Pirraglia as Associate Justice of the Rhode Island District Court.

Committee on Judiciary recommends that the Senate give its Advice and Consent to this appointment.

2 **2005-S 713**

**BY Blais**

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

Committee on Judiciary recommends passage.

3 **2005-S 189**

**BY Tassoni**

**ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

4 **2005-S 216**

**BY Bates**

**ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

5 **2005-S 585**

**BY McCaffrey**

**ENTITLED,** AN ACT RELATING TO CHILDREN

Committee on Judiciary recommends passage.

**IN ORDER FOR WEDNESDAY, APRIL 6, 2005:**

1 **2005-S 489**

**BY Bates**

**ENTITLED,** AN ACT RELATING TO INSURANCE

Committee on Financial, Technology, Regulatory recommends passage.



**2 2005-S 541**

**BY Bates**

**ENTITLED,** AN ACT RELATING TO THE INTERSTATE COMPACT ON INSURANCE PRODUCT REGULATION

Committee on Financial, Technology, Regulatory recommends passage.

**3 2005-S 542**

**BY Bates**

**ENTITLED,** AN ACT RELATING TO INSURANCE -- AGENTS, BROKERS AND SOLICITORS

Committee on Financial, Technology, Regulatory recommends passage.

**4 2005-S 546**

**BY Bates**

**ENTITLED,** AN ACT RELATING TO INSURANCE -- FIRE AND MARINE INSURANCE RATING

Committee on Financial, Technology, Regulatory recommends passage.

**5 2005-S 549**

**BY Bates**

**ENTITLED,** AN ACT RELATING TO INSURANCE

Committee on Financial, Technology, Regulatory recommends passage.

**6 2005-S 774**

**BY Bates**

**ENTITLED,** AN ACT RELATING TO INSURANCE

Committee on Financial, Technology, Regulatory recommends passage.

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

**Thursday, March 31, 2005**