

## 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. 61

Friday, July 15, 2005

Sixty-first 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 4:30 o'clock P.M.

The roll is called and a quorum is declared present with 33 Senators present and 5 Senators absent as follows:

**PRESENT** – 33: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lenihan, Levesque, McCaffrey, Paiva Weed, Perry, Pichardo, Polisená, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

**ABSENT** – 5: Senators Blais, Doyle, Lanzi, McBurney, Metts.

### 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 Journals of Monday, June 27 and Friday July 1, 2005 proceedings are read in part.

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

## COMMUNICATION

The Honorable President presents the following communication:

## STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

## OFFICE OF THE SENATE MINORITY LEADER

July 14, 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 absent from the Senate session on Friday, July 15, 2005, as I will be out of state on business. I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you for your attention to this matter.

Sincerely,  
Leo R. Blais  
DEPUTY PRESIDENT PRO TEMPORE

Read and ordered to be placed on file.

## FROM THE HOUSE OF REPRESENTATIVES

A message from the House of Representatives transmits with announcement of passage, of the following acts that were referred on July 6, 2005:

**Senate Bill No. 1123** SUB B as amended

**BY** Senator Badeau

**ENTITLED**, AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS -- ELECTRONIC REPORTING

Received and ordered to be placed on the Desk

Also:

**House Bill No. 6658**

**BY** Naughton, Watson, Kilmartin

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- STOPPING, STANDING AND PARKING RESTRICTIONS.

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

Also:

**House Bill No. 6362** SUB A

**BY** Moura, Almeida, Diaz, McCauley

**ENTITLED**, AN ACT STATE AFFAIRS AND GOVERNMENT (Providence Development Corporation)

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

Also:

**House Bill No. 6597** as amended

**BY** Costantino, Crowley, Fox, Church, Singleton

**ENTITLED**, AN ACT RELATING TO TAXATION - SALES AND USE TAXES - LIABILITY AND COMPUTATION (repeal the exemption of sales and use taxes for municipal economic development zones).

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

Also:

**House Bill No. 6518**

**BY** Gemma, Kilmartin, Moran, Singleton, Davey

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLES REPARATIONS ACT (law enforcement agencies who issue tickets for lack of evidence of financial responsibility to withhold submission of the traffic citation to the traffic tribunal for 24 hours in order to allow the motorist to submit evidence of financial responsibility).

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

Also:

**House Bill No. 6260** SUB A as amended

**BY** Costantino

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - REGISTRATION OF VEHICLES (create a special WaterFire license plate)

Read and referred to the Committee on Constitutional and Gaming Issues

Also:

**House Bill No. 5526** SUB A

**BY** Jacquard

**ENTITLED**, AN ACT RELATING TO PROPERTY SUBJECT TO TAXATION

Read and referred to the Committee on Finance

Also:

**House Bill No. 6569** as amended

**BY** Singleton

**ENTITLED**, AN ACT RELATING TO INSURANCE -- DUNCAN'S LAW (extend health insurance coverage for fanconi anemia).

Read and referred to the Committee on Health and Human Services

Also:

**House Bill No. 6633**

**BY** Singleton, Moran, Menard

**ENTITLED**, AN ACT RELATING TO TAXATION -- COLLECTION OF TAXES GENERALLY.

Read and referred to the Committee on Labor

### NEW BUSINESS

**Senate Resolution No. 1236**

**BY** Senators Montalbano J, Tassoni

**ENTITLED**, SENATE RESOLUTION EXTENDING SYMPATHY ON THE PASSING OF J. THOMAS CHELLEL.

Senator Tassoni requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Tassoni moves passage, seconded by the entire Senate.

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

### FROM THE HOUSE OF REPRESENTATIVES

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

**Senate Bill No. 1161** SUB A as amended

**BY** Senators Walaska, Bates, Montalbano J, Goodwin, Levesque C

**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES (establish several funds and entities designed to provide affordable energy costs to the people of the state)

Senator Walaska requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Walaska moves passage, seconded by Senators DaPonte, Levesque and many others.

The bill marked Substitute "A" is read and passed, as amended, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 33: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lenihan, Levesque, McCaffrey, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

#### FROM THE DESK

Upon suggestion of Senator Ruggerio, and without objection, the following act is removed from the desk and placed before the body:

**House Bill No. 5777** SUB A as amended

**BY** Gallison, Ucci, Moran, Malik, Rice

**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW -- UNFAIR SALES PRACTICES  
(exempt prepaid wireless telephone service from the requirements associated with gift certificates)

Senator Ruggerio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggerio moves passage, seconded by Senators Damiani and others.

The bill marked Substitute "A" is read and passed, as amended, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 33: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lenihan, Levesque, McCaffrey, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**FROM THE HOUSE OF REPRESENTATIVES**

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

**House Bill No. 6386**

**BY** Schadone, Corvese, San Bento, Wasylyk

**ENTITLED**, AN ACT RELATING TO TAXATION - ELDERLY EXEMPTION - NORTH PROVIDENCE (increase the exemption for valuation of taxation of real property from five thousand dollars (\$5,000) to ten thousand dollars \$10,000).

Senator Ruggerio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggerio moves passage, seconded by Senator Ciccone.

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

NAYS- 0:

**FROM THE HOUSE OF REPRESENTATIVES**

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

**House Bill No. 6659**

**BY** Lima, Jacquard, Palumbo, McNamara, Davey, Handy

**ENTITLED**, AN ACT EXEMPTING THE REAL, MIXED AND PERSONAL PROPERTY OF CRANSTON POLICE FRATERNAL ADVANCEMENT ASSOCIATION, INC..

Senator Gallo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Gallo moves passage, seconded by Senator Ruggerio.

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, Alves, Badeau, Bates, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lenihan, Levesque, McCaffrey, Paiva Weed, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 0:

## REPORTS OF COMMITTEES

### COMMITTEE ON COMMERCE, HOUSING AND MUNICIPAL GOVERNMENT

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

**House Bill No. 6034** as amended

**BY** Schadone, Corvese, San Bento, Wasylyk

**ENTITLED**, AN ACT RELATING TO THE TOWN OF NORTH PROVIDENCE.

Senator Cote requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Cote moves passage, seconded by Senator Ruggerio.

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

YEAS- 30: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Issa, Levesque, McCaffrey, Paiva Weed, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 0:

## FROM THE HOUSE OF REPRESENTATIVES

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

**House Bill No. 6675**

**BY** Lima

**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF TORO AUTO REPAIR, INC..

Senator Cote requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Cote moves passage, seconded by Senator Polisena.

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, Alves, Badeau, Bates, Breene, Ciccone, Connors, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lenihan, Levesque, McCaffrey, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 0:

#### FROM THE HOUSE OF REPRESENTATIVES

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

**House Bill No. 6673**

**BY** Shanley, Carter, Davey, Scott, Gallison

**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY -- PERMANENT JOINT COMMITTEE ON NAMING ALL NEW BUILDINGS, BRIDGES, EDIFICES AND OTHER STATE CONSTRUCTIONS.

Read and ordered to be placed on the desk.

#### RECESS

Upon motion of Senator Paiva Weed, and by unanimous consent, the Senate stands at recess at 4:48 o'clock P.M. until the call of the chair.

#### CALLED TO ORDER

The Senate is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 5:52 o'clock P.M.



**FROM THE HOUSE OF REPRESENTATIVES**

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

**House Bill No. 6677**

**BY** Slater, Diaz, Williams, Almeida

**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF GUARDIAN ANGELS INC..

Senator Paiva Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Paiva Weed moves passage, seconded by Senator Ruggerio and Algieri.

The act is read and passed, by unanimous consent, in concurrence, upon a roll call vote with 29 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 29: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Breene, Caprio, Ciccone, Connors, Damiani, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lenihan, Levesque, McCaffrey, Paiva Weed, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski.

NAYS- 0:

**NEW BUSINESS****Senate Resolution No. 1237**

**BY** Sheehan, Roberts, Tassoni, Lenihan, Paiva-Weed

**ENTITLED**, SENATE RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO AMEND THE CONSTITUTION IN LIEU OF THE RECENT SUPREME COURT DECISION ON EMINENT DOMAIN.

Senator Sheehan requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sheehan moves passage, seconded by Senator Roberts.

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

**FROM THE HOUSE OF REPRESENTATIVES**

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

**Senate Bill No. 970** SUB B as amended Chapter 322

**BY** Senators Montalbano J, Connors

**ENTITLED**, AN ACT ENABLING THE RHODE ISLAND LOTTERY COMMISSION'S ENTRY INTO A MASTER VIDEO LOTTERY TERMINAL CONTRACT WITH UTGR, INC.

Senator Goodwin requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Goodwin moves passage, seconded by Senators Tassoni, Polisena, Ruggerio, Breene, Alves, Bates, Damiani, Sosnowski, Felag, Sheehan, Ciccone, Connors and many others.

Senators Polisena, Alves and Ruggerio discuss the act.

The bill marked Substitute "B" is read and passed, as amended, in concurrence, and the original bill indefinitely postponed, upon a roll call vote with 29 Senators voting in the affirmative, and 1 Senator voting in the negative and 1 Senator abstaining as follows:

YEAS- 29: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Breene, Caprio, Ciccone, Connors, Damiani, DaPonte, Felag, Fogarty, Gallo, Goodwin, Issa, Lenihan, Levesque, McCaffrey, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 1: Senator Gibbs.

ABSTAINED- 1: Senator Paiva Weed.

**FROM THE HOUSE OF REPRESENTATIVES**

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

**House Bill No. 6285** SUB A as amended Chapter 323

**BY** San Bento, Petrarca, Jacquard, Lima, Schadone

**ENTITLED**, AN ACT ENABLING THE RHODE ISLAND LOTTERY COMMISSION'S ENTRY INTO A MASTER VIDEO LOTTERY TERMINAL CONTRACT WITH UTGR, INC.

Senator Goodwin requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Goodwin moves passage, seconded by Senators Polisen, Damiani, Bates, Ciccone, Felag, Sheehan, Alves and many others.

The bill marked Substitute "A" is read and passed, as amended, in concurrence, and the original bill indefinitely postponed, upon a roll call vote with 29 Senators voting in the affirmative, and 1 Senator voting in the negative and 1 Senator abstaining as follows:

YEAS- 29: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Breene, Caprio, Ciccone, Connors, Damiani, DaPonte, Felag, Fogarty, Gallo, Goodwin, Issa, Lenihan, Levesque, McCaffrey, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 1: Senator Gibbs

ABSTAINED- 1: Senator Paiva Weed

### **TRANSMITTAL**

By unanimous consent, all matters on the Secretary of the Senate'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 Tassoni, the Senate adjourns at 6:08 o'clock P.M. in memory of J. Thomas Chellel, Deputy Sheriff Captain for the State of Rhode Island. His long and distinguished record of representing the American Federation of State, County and Municipal Employees, Rhode Island's largest state and municipal employees' union, will long be remembered.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SENATOR HANNA M. GALLO**

Gracious God, we are grateful for the assurance of Your presence, available at all times, dependable in all circumstances, bracing when we need correction, and inspiring when we need courage. Lead on, Lord, as we press on. Amen