

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 third day of January in the year of Our Lord two thousand and six.

Volume 133, No. 4

Thursday, January 12, 2006

Fourth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:21 o'clock P.M.

The roll is called and a quorum is declared present with 35 Senators present and 3 Senators absent as follows:

PRESENT – 35: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Connors, Cote, Damiani, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisenia, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 3: Senator Issa, Raptakis, Revens.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

NEW BUSINESS

Senate Resolution No. 2039

BY Senators Paiva-Weed, Roberts, Levesque C, Perry, Gibbs

ENTITLED, SENATE RESOLUTION REQUESTING ACTION BY THE UNITED STATES CONGRESS TO ELIMINATE THE CO-PAYMENT REQUIREMENT OF MEDICARE PART D FOR "DUAL ELIGIBLE" PERSONS, PARTIALLY RESTORING THEIR MEDICATION BENEFIT TO THAT OF THE MEDICAID PROGRAM

Senator Paiva Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Paiva Weed moves passage, seconded by Senators Roberts, Paiva Weed, Blais and Walaska discuss the resolution.

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

Also:

Senate Resolution No. 2040

BY Senators Paiva-Weed, Gibbs

ENTITLED, SENATE RESOLUTION EXPRESSING PROFOUND SYMPATHY ON THE PASSING OF JANE A. MCMANUS

Senator Paiva Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Paiva Weed moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution No. 2041

BY Senators Metts, Pichardo, Perry

ENTITLED, SENATE RESOLUTION COMMEMORATING THE CELEBRATION OF THE BIRTH OF THE REVEREND DR. MARTIN LUTHER KING, JR.

Senator Metts requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Metts moves passage, seconded by the entire Senate.

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

Also:

Senate Bill No. 2042

BY Senators Cote, Tassoni, Doyle, Fogarty P, McBurney

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES (areas that a bicycle may be operated)

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

Also:

Senate Bill No. 2043

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

ENTITLED, AN ACT RELATING TO PROPERTY -- TAX CLASSIFICATION IN THE WEST GLOCESTER FIRE DISTRICT (property tax classification)

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

Also:

Senate Bill No. 2044

BY Senator Blais

ENTITLED, AN ACT RELATING TO MOTOR VEHICLES -- SIZE, WEIGHT AND LOAD LIMITS (prohibit commercial motor trucks and tractors, over 4 tons from using South Main Street in Coventry as a through route)

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

Also:

Senate Bill No. 2045

BY Senator Breene

ENTITLED, AN ACT RELATING TO EDUCATION (financial meeting time)

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

Also:

Senate Resolution No. 2046

BY Senators Revens, McCaffrey, Walaska, Alves

ENTITLED, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (GOVERNOR AND LIEUTENANT GOVERNOR TO APPEAR JOINTLY ON THE BALLOT)

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

Also:

Senate Bill No. 2047

BY Senator Cote

ENTITLED, AN ACT RELATING TO HUNTING AND HUNTING SAFETY (while hunting no person may possess a rifle larger than a 22 caliber rim fire rifle or muzzle loading rifle or a shotgun and shells loaded with ball, bullets, slugs or shot larger than number 2 shot)

Read and referred to the Senate Committee on Environment and Agriculture

Also:

Senate Bill No. 2048 (Lieutenant Governor)

BY Senators Sosnowski, Breene, Felag, Fogarty P

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- REFUSE DISPOSAL (include tree waste or stumps removed from a person's individual property for disposal at another property within the definition of solid waste)

Read and referred to the Senate Committee on Environment and Agriculture

Also:

Senate Bill No. 2049

BY Senators Blais, Breene, Fogarty P

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF ENVIRONMENTAL MANAGEMENT -- ELIMINATION OF MTBE AS A GASOLINE ADDITIVE

Read and referred to the Senate Committee on Environment and Agriculture

Also:

Senate Bill No. 2050

BY Senators Blais, Breene, Sosnowski

ENTITLED, AN ACT RELATING TO PROPERTY - PRESERVATION OF AGRICULTURAL LAND (limit the power of state and its agencies to develop, destroy or alter any prime agricultural land)

Read and referred to the Senate Committee on Environment and Agriculture

Also:

Senate Bill No. 2051

BY Senators Doyle, Tassoni, McBurney

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES (applicant for disability to file the application within six years of the occurrence that caused the injury)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2052

BY Senators Bates, Lenihan, Blais, Breene, Paiva-Weed

ENTITLED, AN ACT RELATING TO INDEBTEDNESS OF TOWNS AND CITIES (the criteria for the issuance of bonds for cities and towns)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2053

BY Senators Tassoni, Doyle, McBurney

ENTITLED, AN ACT RELATING TO HUMAN SERVICES AND PUBLIC MEDICAL ASSISTANCE (identifying all employers who employ 25 or more persons who are beneficiaries of state funded public health)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2054

BY Senators Revens, Paiva-Weed, McCaffrey, Walaska

ENTITLED, AN ACT RELATING TO ENERGY AND CONSUMER SAVINGS (set efficiency standards for residential furnaces and boilers and incandescent reflector lamps)

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

Also:

Senate Bill No. 2055

BY Senators Doyle, McBurney, Tassoni

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- CERTIFICATES OF TITLE AND SECURITY INTERESTS (authorize the registrar to establish and maintain an electronic data and communication system for the purpose of recording the existence of security interests)

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

Also:

Senate Bill No. 2056

BY Senators Montalbano J, Roberts, Walaska

ENTITLED, AN ACT RELATING TO INSURANCE - NONPROFIT HOSPITAL AND MEDICAL SERVICE CORPORATIONS (allow a person who is a licensee subject to regulation by the depart of health, to be a public appointee to the board of directors of a nonprofit hospital and/or medical service corporation, provided they are not state employees or elected state official)

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

Also:

Senate Bill No. 2057

BY Senators Doyle, McBurney, Tassoni

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- LICENSING OF RECREATIONAL FACILITIES (prohibit the use of tobacco products in any playground primarily used by children, and would impose fines from \$10.00 to \$100 per offense)

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

Also:

Senate Bill No. 2058

BY Senators Doyle, Tassoni, McBurney

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - SEXUAL ASSAULT (increase the penalty for first degree sexual assault to not less than 25 years and provide for lifetime electronic monitoring)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2059

BY Senator Sosnowski

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGE

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2060

BY Senators Doyle, Tassoni, McBurney

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- CORRECTIONS DEPARTMENT (persons placed on community confinement to notify their landlords of said status)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2061

BY Senators Doyle, Tassoni, McBurney

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES (person who harbors a convicted sex offender would, upon conviction, be guilty of a felony)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2062

BY Senators Badeau, Ciccone

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- USE OF ELECTRONIC DEVICES (unlawful the operation of nonhands-free mobile telephones while driving a motor vehicle or a bicycle)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2063

BY Senators Algieri, Damiani, Polisena, Tassoni
ENTITLED, AN ACT RELATING TO SEXUAL ASSAULT

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2064

BY Senators Tassoni, Doyle, McBurney
ENTITLED, AN ACT RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS (cell phone or credit card liability)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2065

BY Senators Bates, McCaffrey, Algieri, Ciccone, Blais
ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS -- CHILD SUPPORT ENFORCEMENT (order child support if the child has severe physical or mental impairment)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2066

BY Senators Gibbs, Paiva-Weed
ENTITLED, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE (court)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2067

BY Senators Doyle, McBurney, Tassoni
ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - HAZING (felony)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2068 (Attorney General)

BY Senators Polisena, Damiani, Algieri, McCaffrey, Sosnowski
ENTITLED, AN ACT RELATING TO MOTOR VEHICLE OFFENSES

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2069

BY Senators Doyle, McBurney

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- MANAGEMENT AND DISPOSAL OF PROPERTY (prohibit the land in Cranston occupied by RI Training School)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2070

BY Senator Paiva-Weed

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2071

BY Senators Paiva-Weed, McCaffrey, Damiani

ENTITLED, AN ACT RELATING TO ELECTIONS - ELECTION OFFENSES (recorded message)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2072 (Attorney General/Governor)

BY Senators Polisena, Damiani, Algieri, McCaffrey, Sosnowski

ENTITLED, AN ACT RELATING TO MOTOR VEHICLES (penalties for failure to submit to a chemical test)

Read and referred to the Senate Committee on Judiciary

CONSENT CALENDAR

In order for the day is taken up as follows:

Upon motion of Senator Algieri, seconded by Senator Blais, the following measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a voice vote:

IN ORDER FOR THURSDAY, JANUARY 12, 2006:

- 1 Appointment of Leo P. Thompson of Scituate VICE John Giusti to the Narragansett Bay Commission for a term expiring April 1, 2006.

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

- 2 Appointment of Alan Nathan of Barrington VICE Craig Baker to the Narragansett Bay Commission for a term expiring April 1, 2005.

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

APPOINTMENTS

The Honorable President presents the following communication transmitting the following appointments:

January 12, 2006

The Honorable Members of the Senate:

As President of the Rhode Island Senate, I hereby appoint Rhoda E. Perry as Chair of the Committee on Health and Human Services. In addition, I appoint Charles Levesque as Vice Chair and Juan Pichardo as Secretary.

Sincerely,
Joseph A. Montalbano
President of the Senate

Senators Roberts, Perry, Gibbs, Levesque, Sheehan and Blais discuss the appointments.

Read and ordered to be placed on file.

ANNOUNCEMENTS

Senator Polisena announces that the Committee on Judiciary will meet today, at the rise of the Senate, in Room 313 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, the Honorable Secretary of State or to the Honorable House of Representatives forthwith.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri and upon suggestion of Senator Paiva Weed, the Senate adjourns at 4:45 o'clock P.M. in memory of Jane A. McManus, a long-time dedicated and beloved public servant in the City of Newport.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR MARC A. COTE

Almighty God, we ask today that You help us to live wisely, to fight for justice and truth, and to always try to live up to the expectations of our constituents. Amen.