

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

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Volume 133, No. 6

Thursday, January 19, 2006

Sixth Legislative 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 4:08 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 Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McBurney, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

**ABSENT** – 2: Senators Connors, Damiani

**INVOCATION**

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

(See Appendix for Invocation)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

COMMUNICATION

The Honorable President presents the following communications:


**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**  
**STATE HOUSE**

January 18, 2006

TO THE HONORABLE, THE SENATE:

I am hereby withdrawing, without prejudice, the March 22, 2005 appointment of Frank Caruso to the Board of Governors' for Higher Education

Sincerely,



Donald L. Carcieri  
Governor

Read and ordered to be placed on file.

Also:


**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**  
**STATE HOUSE**

January 18, 2006

TO THE HONORABLE, THE SENATE:

I am hereby withdrawing, without prejudice, the April 14, 2005 appointment of Danielle Etienne to the Rhode Island Public Transit Authority.

Sincerely,



Donald L. Carcieri  
Governor

Read and ordered to be placed on file.

**APPOINTMENTS BY THE GOVERNOR**

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

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
STATE HOUSE**

January 18, 2006

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-6-3 of the Rhode Island General Laws, I have made the following appointment as Director of the Department of Human Services:

**Ronald A. Lebel of Portsmouth**

VICE  
Jane A. Hayward

To this appointment, I respectfully request your advice and consent.

Sincerely,



Donald L. Carcieri  
Governor

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

**APPOINTMENTS**

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

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
STATE HOUSE**

January 19, 2006

TO THE HONORABLE MEMBERS OF THE  
SENATE COMMITTEE ON FINANCE

RE: Formation of new subcommittee

Effective this date, I hereby appoint a three (3) member subcommittee of the full Senate Committee on Finance consisting of the following members:

- Senator Frank A. Ciccone III, Chairman
- Senator Beatrice A. Lanzi
- Senator June D. Gibbs

This new subcommittee is charged with investigating and serving as a fact-finding body to the full Senate Committee on Finance on all issues regarding the Rhode Island Traffic Tribunal as established in Rhode Island General Laws Chapter 8-8.2. The subcommittee shall consider all matters including but not limited to:

- trends in case loads since the creation of the Traffic Tribunal
- adequacy of the allotment of judges and magistrates in relation to the current case load and future projections thereof
- adequacy of support staff in relation to the current case load and future projections thereof
- legal and constitutional issues involved in use of magistrates to adjudicate cases in the place of judges appointed pursuant to Article X of the Rhode Island Constitution
- whether the Traffic Tribunal should be a stand-alone court with separate administration

The subcommittee shall report back to the full Senate Committee on Finance on or before October 1, 2006.

Senator Stephen D. Alves, Chair  
Senate Committee on Finance

Read and ordered to be placed on file.

## REPORTS OF COMMITTEES

### COMMITTEE ON LABOR

Senator Badeau, from the Committee on Labor, reports back, with recommendation of passage of the following measure:

**Senate Bill No. 2009 SUB A**

**BY** Senators Badeau, Ruggerio, Ciccone, Bates, Revens

**ENTITLED**, AN ACT RELATING TO INSURANCE -- WORKERS' COMPENSATION  
INSURANCE FUND

Read and ordered to be placed on the Calendar

### FROM THE HOUSE OF REPRESENTATIVES

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

**House Bill No. 6728**

**BY** Carter, Gallison, Rose, Loughlin

**ENTITLED**, AN ACT RELATING TO TAXATION -- VETERANS' EXEMPTION

Senator Felag requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Felag moves passage, seconded by Senators Issa and Perry.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisen, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

**House Bill No. 6851**

**BY** Watson, Fox

**ENTITLED**, AN ACT RELATING TO THE STATE BUDGET -- REVENUE ITEMS

Senator Alves requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Alves moves passage, seconded by Senator Algieri.

The act is read and passed, in concurrence, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisen, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

**House Bill No. 6718**

**BY** Lima, Moura, Slater, Almeida, Diaz

**ENTITLED**, AN ACT RELATING TO LABOR -- MINIMUM WAGES (increase the minimum wage from \$6.75 to \$7.10 then effective 3/1/06/ to \$7.40)

Read and ordered to the Senate Committee on Labor

Also:

**House Bill No. 6759**

**BY** Moura, Faria

**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- EMPLOYMENT OF WOMEN AND CHILDREN (require that employees, other than those of licensed health care facilities, have sufficient opportunity for eating lunch for a work day/break of 20 min for a 6 hr day and 30 min for an 8 hr day)

Read and ordered to the Senate Committee on Labor

## NEW BUSINESS

**Senate Resolution No. 2095****BY** Senators Perry, Goodwin, Paiva-Weed, Ciccone, Metts**ENTITLED**, SENATE RESOLUTION PROCLAIMING THE MONTH OF MARCH, 2007 TO BE "COLONIAL HISTORY MONTH" IN THE STATE OF RHODE ISLAND

Senator Perry requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Perry moves passage, seconded by Senator Levesque.

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

Also:

**Senate Resolution No. 2096****BY** Senators DaPonte, Damiani, Paiva-Weed, Montalbano J, Algieri**ENTITLED**, SENATE RESOLUTION EXPRESSING OUR DEEPEST SYMPATHIES ON THE PASSING OF JAMES T. KANELOS

Senator DaPonte requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator DaPonte moves passage, seconded by Senators Paiva Weed, Algieri and the entire Senate.

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

Also:

**Senate Bill No. 2097****BY** Senator Paiva-Weed**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF JESSE PARVO & SON, 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 DaPonte.

The act is read and passed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Caprio, Ciccone, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Lanzi, Lenihan, Levesque, McCaffrey, Metts, Paiva Weed, Perry, Pichardo, Polisena, Raptakis, Revens, Roberts, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

**Senate Bill No. 2098**

**BY** Senators Raptakis, Polisena, Blais, Breene, Sosnowski

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES (refusals to submit to chemical test analysis criminal offenses)

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 2099**

**BY** Senators Raptakis, Polisena, Blais, Sheehan, Sosnowski

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

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 2100**

**BY** Senators Raptakis, Polisena, Blais, Breene, Sosnowski

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES (second and subsequent offenses of driving on a suspended license a felony, and any first suspended license charge where the license was suspended for a chemical test refusal or a DUI would be a felony on the first offense)

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 2101**

**BY** Senators Walaska, Polisena, Blais, Sheehan, Goodwin

**ENTITLED**, AN ACT RELATING TO ABORTION (prohibit any woman from being forced to have an abortion against her will)

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 2102**

**BY** Senators Tassoni, Perry, Polisena, Doyle

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - - HEALTH CARE FACILITIES STAFFING (establish a maximum workday for certain hourly wage employees in the health care field and provide penalties for violations)

Read and referred to the Senate Committee on Labor

Also:

**Senate Bill No. 2103**

**BY** Senators Ciccone, DaPonte, Levesque C, Badeau, Lanzi

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 2104**

**BY** Senators Blais, Breene, Walaska

**ENTITLED**, AN ACT RELATING TO CIGARETTE TAX -- SMOKELESS TOBACCO

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 2105**

**BY** Senators Revens, McCaffrey, Caprio F, Alves, Walaska

**ENTITLED**, AN ACT RELATING TO TAXATION -- ESTATE AND TRANSFER TAXES

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 2106**

**BY** Senators Ciccone, Lanzi, Badeau, Ruggerio, Felag

**ENTITLED**, AN ACT RELATING TO INSURANCE

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

Also:

**Senate Bill No. 2107** (Lieutenant Governor)

**BY** Senators Roberts, Walaska, Perry, Fogarty P, Algieri

**ENTITLED**, AN ACT RELATING TO INSURANCE

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



Also:

**Senate Bill No. 2108**

**BY** Senators Blais, Breene, Raptakis

**ENTITLED**, AN ACT RELATING TO STATE EDUCATION - - MANDATES

Read and referred to the Senate Committee on Education

Also:

**Senate Bill No. 2109** (Attorney General)

**BY** Senators Montalbano J, McCaffrey, Polisena, Paiva-Weed, Algieri

**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- SEARCH WARRANTS

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 2110** (Attorney General)

**BY** Senators Tassoni, Polisena, Doyle, Issa

**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE - VICTIM'S RIGHTS

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 2111**

**BY** Senators Walaska, McCaffrey, Raptakis, Lenihan, Revens

**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 2112**

**BY** Senators DaPonte, Ruggerio, Ciccone, Paiva-Weed, Raptakis

**ENTITLED**, AN ACT RELATING TO LABOR -- MINIMUM WAGES

Read and referred to the Senate Committee on Labor

Also:

**Senate Bill No. 2113**

**BY** Senators Raptakis, DaPonte, Cote, Blais, Breene

**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- MINIMUM WAGES

Read and referred to the Senate Committee on Labor

Also:

**Senate Bill No. 2114**

**BY** Senators Lanzi, DaPonte, Pichardo, Badeau, Ciccone

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - SAFETY AND HEALTH PROGRAMS FOR FIRE DEPARTMENTS

Read and referred to the Senate Committee on Labor

Also:

**Senate Bill No. 2115**

**BY** Senators Lanzi, Pichardo, Badeau, Ciccone, Ruggerio

**ENTITLED**, AN ACT RELATING TO FIREFIGHTERS' ARBITRATION

Read and referred to the Senate Committee on Labor

**CONSENT CALENDAR**

In order for the day is taken up as follows:

Upon motion of Senate Majority Leader Paiva Weed, seconded by Senator Algieri, the following measure on today's Consent Calendar, by unanimous consent, is read and passed, upon a voice vote:

**1 2006-S 2015**

**BY Ciccone**

**ENTITLED**, SENATE RESOLUTION CREATING A SPECIAL SENATE COMMISSION TO STUDY THE FINANCING OF NECESSARY REPAIRS AND RENOVATIONS TO MUNICIPAL EDUCATIONAL FACILITIES

**ANNOUNCEMENTS**

Senator Polisena announces that the Committee on Judiciary will meet on Tuesday, January 24, 2006, at the rise of the Senate, Room 313 of the State House.

Senator Paiva Weed announces that the Senate will meet on Wednesday, January 25, 2006, at 6:00 o'clock P.M., to attend the Governor's State of the State address at 7:00 o'clock P.M.

**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 Paiva Weed, seconded by Senator Algieri, and upon suggestion of Senator DaPonte, the Senate adjourns at 4:22 o'clock P.M. in memory the Honorable James T. Kanelos, of East Providence, who was loved and admired by everyone who knew him. He was a friend and mentor to all who sought his guidance, advice and words of wisdom. He will be greatly missed, but always remembered.

RAYMOND T. HOYAS, JR.  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SEANTOR WILLIAM A. WALASKA**

Almighty and Most Merciful Father, We ask you that you send down your strength in order for these men and woman to better serve this state and the constituents which whom they represent. We also ask for your continued guidance all the days of this Legislative Session. Amen.

**Appendix**

**CALENDAR**

**IN ORDER FOR WEDNESDAY, JANUARY 25, 2006:**

**1 2006-S 2009 SUB A**

**BY Badeau**

**ENTITLED, AN ACT RELATING TO INSURANCE -- WORKERS'  
COMPENSATION INSURANCE FUND**

Committee on Labor recommends indefinite postponement of the original bill and passage of Substitute A.

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