

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 second day of January in the year of Our Lord two thousand and seven.

Volume 134, No. 7

Wednesday, January 17, 2007

Seventh Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:10 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, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Jabour, Lanzi, Lenihan, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni.

ABSENT – 2: Senators Issa, Walaska.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Sixth Legislative Day of the 2007 proceedings is read in part.

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

APPOINTMENTS

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

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
GENERAL ASSEMBLY**

January 17, 2007

The Honorable Senate
State House
Providence, RI 02903

Dear Colleagues:

Pursuant to Section 5.2 of the Senate Rules, I am making the following appointments to the Senate Committee Health & Human Services:

Senate Committee on Constitutional & Regulatory Issues

Maryellen Goodwin, *Chairperson*

Paul E. Moura, *Vice Chairperson*

Daniel DaPonte, *Secretary*

Stephen D. Alves

David E. Bates

Marc A. Cote

John J. Tassoni, Jr.

Paul V. Jabour

Senate Committee on Corporations

William A. Walaska, *Chairperson*

Marc A. Cote, *Vice Chairperson*

David E. Bates, *Secretary*

Joshua B. Miller

Daniel J. Issa

James C. Sheehan

V. Susan Sosnowski

Senate Committee on Education

Daniel J. Issa, *Chairperson*

Hanna M. Gallo, *Vice Chairperson*

Harold M. Metts, *Secretary*

Leo R. Blais

Beatrice A. Lanzi

James E. Doyle

Christopher B. Maselli

Senate Committee on Environment & Agriculture

V. Susan Sosnowski, *Chairperson*

Leonidas P. Raptakis, *Vice Chairperson*

Kevin A. Breene, *Secretary*

Walter S. Felag, Jr.

June N. Gibbs

Michael J. McCaffrey

John F. McBurney, Jr.

William A. Walaska

J. Michael Lenihan

Senate Committee on Finance

Stephen D. Alves, *Chairperson*
Walter S. Felag, Jr., *1st Vice Chairperson*
Beatrice A. Lanzi, *2nd Vice Chairperson*
Hanna M. Gallo, *Secretary*
Frank A. Ciccone, III
June N. Gibbs
Maryellen Goodwin
Juan M. Pichardo
Dominick J. Ruggerio
Paul E. Moura

Senate Committee on Government Oversight

J. Michael Lenihan, *Chairperson*
Frank T. Ciccone III, *Vice Chairperson*
James C. Sheehan, *Secretary*
Leo R. Blais
Daniel DaPonte
Daniel J. Issa
Charles J. Levesque
V. Susan Sosnowski
Daniel P. Connors
Paul E. Moura

Senate Committee on Health & Human Services

Rhoda E. Perry, *Chairperson*
James C. Sheehan, *Vice Chairperson*
Juan M. Pichardo, *Secretary*
Leo R. Blais
June N. Gibbs
V. Susan Sosnowski
Joshua B. Miller
Charles J. Levesque

Senate Committee on Housing & Municipal Government

John J. Tassoni Jr, *Chairperson*
Paul W. Fogarty, *Vice Chairperson*
James E. Doyle, *Secretary*
Daniel DaPonte
Kevin A. Breene
J. Michael Lenihan
Roger R. Badeau

Senate Committee on Judiciary

Michael J. McCaffrey, *Chairperson*
Charles J. Levesque, *Vice Chairperson*
Leonidas P. Raptakis, *Secretary*
Leo R. Blais
John F. McBurney, III
Harold M. Metts
Rhoda E. Perry
John C. Revens, Jr.
Daniel P. Connors
Christopher B. Maselli
Paul V. Jabour

Senate Committee on Labor
Roger R. Badeau, *Chairperson*
Dominick J. Ruggerio, *Vice Chairperson*
Frank A. Ciccone III, *Secretary*
David E. Bates
Paul W. Fogarty
Beatrice A. Lanzi
John C. Revens, Jr.
John J. Tassoni, Jr.

***President Montalbano, Majority Leader Paiva Weed and Minority Leader Algieri serve as ex-officio members of all committees.**

Sincerely,

JOSEPH A. MONTALBANO
President of the Senate

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 11, 2007

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 Transportation:

Jerome F. Williams of Barrington

VICE
James Capaldi

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

Sincerely,
Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

Also:

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

January 11, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-7.2-3 of the Rhode Island General Laws, I have made the following appointment:

**Jane A. Hayward
Secretary, Office of Health and Human Services**

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

Sincerely,
Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 5056

BY Mattiello, Schadone

ENTITLED, AN ACT TO VACATE FOR THE FORFEITURE OR REVOCATION OF THE CHARTER OF COURTS SPORTING GOODS, INCORPORATED

Received and ordered to be placed on the Desk.

NEW BUSINESS

Senate Bill No. 54

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

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

Read and referred to the Senate Committee on Corporations

Also:

Senate Bill No. 55

BY Senator Walaska

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- UNIFORM DEBT-MANAGEMENT SERVICES ACT (clarify definition for affiliates)

Read and referred to the Senate Committee on Corporations

Also:

Senate Resolution No. 56

BY Senators Fogarty P, Gallo, Connors, Goodwin, Blais

ENTITLED, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (GENERAL ASSEMBLY)

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

Also:

Senate Bill No. 57

BY Senators Blais, Raptakis

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- SPECIAL REGISTRATION PLATE -- COVENTRY -- POLICE CHIEF EMERITUS (Coventry Police Chief Emeritus)

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

Also:

Senate Bill No. 58

BY Senators Walaska, McCaffrey, Bates

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - EXCAVATION NEAR UNDERGROUND UTILITY FACILITIES (lengthen hours of advance notification to the Dig Safe Association)

Read and referred to the Senate Committee on Environment and Agriculture

Also:

Senate Bill No. 59

BY Senators Lanzi, Sosnowski, Ciccone, Badeau, Miller

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION -- DUTIES OF DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (require DEM to test lake waters for toxins)

Read and referred to the Senate Committee on Environment and Agriculture

Also:

Senate Bill No. 60**BY** Senators Blais, Gibbs, Fogarty P, Raptakis**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF ENVIRONMENTAL MANAGEMENT -- ELIMINATION OF MTBE AS A GASOLINE ADDITIVE (establish education campaign regarding the proper handling of gasoline)

Read and referred to the Senate Committee on Environment and Agriculture

Also:

Senate Bill No. 61**BY** Senators Blais, Fogarty P, Raptakis**ENTITLED**, AN ACT RELATING TO EDUCATION - - MANDATES (require that educational mandates be fully funded or unenforceable)

Read and referred to the Senate Committee on Education

Also:

Senate Bill No. 62**BY** Senators Ciccone, Badeau, Lanzi, Tassoni, Ruggerio**ENTITLED**, AN ACT RELATING TO INSURANCE -- ORTHOTIC AND PROSTHETIC SERVICES (reimbursement rate equal to those provided for under federal laws for aged and disabled persons)

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

Also:

Senate Bill No. 63**BY** Senator Algieri**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- GENERAL POWERS (Westerly Municipal Land Trust)

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

Also:

Senate Bill No. 64**BY** Senator Cote**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES (repeal sections regarding the definition of a bicycle trail or path and rules of the road for bikeways)

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

Also:

Senate Bill No. 65**BY** Senators Tassoni, Maselli, McBurney**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - REGISTRATION - FEES (fees for motorcycle and motor scooter licensing and creates a rider education committee)

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

Also:

Senate Bill No. 66**BY** Senators Ciccone, Badeau, Lanzi, Tassoni, Ruggerio**ENTITLED**, AN ACT RELATING TO POLICE AND FIRE FIGHTERS OPTIONAL RETIREMENT (change application process for disability benefits for police and fire personnel)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 67**BY** Senators Tassoni, Lanzi, Ruggerio, Ciccone**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES - RETIREMENT SYSTEM - CONTRIBUTIONS AND BENEFITS (reduce number of years to be vested in the state retirement system from ten to five)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 68**BY** Senators Tassoni, Ruggerio, Ciccone**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES (continue medical coverage after a disability pension is granted)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 69**BY** Senators Fogarty P, Tassoni, Cote, Gallo, Blais**ENTITLED**, AN ACT RELATING TO EDUCATION -- THE RHODE ISLAND STUDENT INVESTMENT INITIATIVE (increase school district aid by 5% over the amount distributed in FY2006)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 70**BY** Senators Fogarty P, Paiva-Weed**ENTITLED**, AN ACT RELATING TO EDUCATION (state aid to vocational education)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 71**BY** Senators Fogarty P, Blais, Tassoni, Breene**ENTITLED**, AN ACT RELATING TO EDUCATION (provide special grants to pay for cooperative service arrangements)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 72**BY** Senators Blais, Breene**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR FUEL TAX (exempt municipal vehicles, trucks and schools buses from motor fuel tax)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 73**BY** Senators Walaska, Blais, Bates**ENTITLED**, AN ACT RELATING TO SALES AND USE TAXES (allow retailers to retain an amount not to exceed \$600 from sales taxes collected to cover administration expenses)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 74**BY** Senator Blais**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES (prohibit persons with a prior drunk driving conviction from pleading to a current charge at the initial arraignment)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 75**BY** Senator Blais**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- BOARD OF MEDICAL LICENSURE AND DISCIPLINE (itemized list in settlements for economic damages, non-economic damages , medical expense and interest accrued)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 76**BY** Senator Blais**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- SENTENCE AND EXECUTION (presentence reports)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 77**BY** Senators Cote, Fogarty P, Badeau, Raptakis, Lenihan**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - - IMPERSONATION AND IDENTITY FRAUD (impose sentence for second conviction for impersonation or identity fraud)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 78**BY** Senator Bates**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 79**BY** Senators Badeau, Ruggerio, Ciccone, Tassoni, Connors**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- RELIEF OF FIRE FIGHTERS AND POLICE OFFICERS (allow fire and police officers to collect a salary when wholly or partially incapacitated during an emergency on or off duty)

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 80**BY** Senators Badeau, Ruggerio, Ciccone, Tassoni, Connors**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- OPTIONAL RETIREMENT FOR POLICE AND FIREFIGHTERS (accidental disability)

Read and referred to the Senate Committee on Labor

ANNOUNCEMENTS

Senator Goodwin announces that the Committee on Finance will meet today, at the rise of the Senate, in Room 211 of the State House.

Senator McCaffrey announces that the Committee on Judiciary will meet on Tuesday January 23, 2007, at the rise of the Senate, in Room 313 of the State House.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, and upon suggestion of Senator McBurney the Senate adjourns at 4:17 o'clock P.M. in memory of Helen E. Baron of Pawtucket.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SEANTOR JOHN J. TASSONI JR.

Dear God, we thank Thee for the gift of this new day with its opportunities for growth in nobility of character and in service to others. Amen.