

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.8

Tuesday, January 23, 2007

Eighth 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 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, Issa, Jabour, Lanzi, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 2: Senators Lenihan and Perry

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

COMMUNICATION

The Honorable President presents the following communication:

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

January 23, 2007

Senator Joseph Montalbano
President's Office
Room 318

Dear Mr. President,

Please allow the Senate Journal to reflect that on Tuesday, January 23, 2007, I am unable to attend, as I am ill.

Sincerely,

Rhoda Perry
District 3

Read and ordered to be placed on file.

APPOINTMENTS

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

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

January 18, 2007

The Honorable Senate
State House
Providence, RI 02903

Dear Colleagues:

I hereby make the following appointments:

Senator Daniel P. Connors as *Deputy President Pro Tempore-Majority*
Senator Dominick J. Ruggerio as *Majority Whip*
Senator Daniel DaPonte as *Deputy Majority Whip*
Senator Paul W. Fogarty as *Deputy Majority Leader*
Senator Juan M. Pichardo as *Deputy Majority Leader*
Senator James E. Doyle as *Deputy Majority Leader*

Sincerely,

JOSEPH A. MONTALBANO
President of the Senate

Read and ordered to be placed on file.

Also:

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

January 17, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 35-10-1 of the Rhode Island General Laws, I have made the following appointment to the State Investment Commission:

Robert D. Giudici of Johnston.

for a term expiring January 17, 2009.

To this appointment, I request your advice and consent.

Sincerely,

Frank T. Caprio
General Treasurer

Read and ordered to the Committee on Judiciary.

Also:

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

January 17, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 35-10-1 of the Rhode Island General Laws, I have made the following reappointment to the State Investment Commission:

Marcia Reback of Providence

for a term expiring October 19, 2008.

To this reappointment, I request your advice and consent.

Sincerely,

Frank T. Caprio
General Treasurer

Read and ordered to the Committee on Judiciary.

Also:

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

January 17, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 35-10-1 of the Rhode Island General Laws, I have made the following appointment to the State Investment Commission:

Andrew K. Reilly of Newport

for a term expiring January 17, 2008.

To this appointment, I request your advice and consent.

Sincerely,

Frank T. Caprio
General Treasurer

Read and ordered 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. 5100

BY Watson, Fox

ENTITLED, AN ACT RELATING TO PUBLIC FINANCE -- STATE BUDGET (change the date for the governor to submit to the general assembly a supplemental budget for 2007 to not later than Wednesday, January 31, 2007)

Read and ordered to be placed on the Calendar

NEW BUSINESS

Senate Bill No. 81

BY Senators Sosnowski, Perry, Gibbs, Miller

ENTITLED, AN ACT RELATING TO EDUCATION - HEALTH AND SAFETY OF PUPILS (require all senior high schools to offer healthier snacks and beverages through their vending machines, effective as of January 1, 2008.)

Read and referred to the Senate Committee on Education

Also:

Senate Bill No. 82**BY** Senators Algieri, Sosnowski, Bates**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES (remove the language "organically produced" from the statute definition relating to biodiesel fuel the production of which results in employment in Rhode Island at a manufacturing facility.)

Read and referred to the Senate Committee on Environment and Agriculture

Also:

Senate Bill No. 83**BY** Senators Blais, Breene, Sosnowski**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - PRESERVATION OF AGRICULTURAL LAND (Neither the state nor any of its agencies shall develop, destroy or alter any prime agricultural land unless the state can substantiate that no alternative siting exists.)

Read and referred to the Senate Committee on Environment and Agriculture

Also:

Senate Bill No. 84**BY** Senator Blais**ENTITLED**, AN ACT RELATING TO THE REGULATION OF EARTH REMOVAL AND GRAVEL PROCESSING IN THE TOWN OF COVENTRY

Read and referred to the Senate Committee on Environment and Agriculture

Also:

Senate Bill No. 85**BY** Senators Blais, Gibbs**ENTITLED**, AN ACT RELATING TO TAXATION -- SALES AND USE TAXES -- EXEMPTIONS

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 86**BY** Senators Blais, Algieri**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF HUMAN SERVICES (authorize the department of human services to use up to ten percent (10%) of the sums appropriated for the purpose of administering the traumatic brain injury program)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 87**BY** Senators Perry, Metts, Miller, Pichardo, Sosnowski**ENTITLED**, AN ACT RELATING TO PUBLIC FINANCE -- STATE INVESTMENT COMMISSION -- INVESTMENTS IN SUDAN

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 88**BY** Senator Blais**ENTITLED**, AN ACT RELATING TO INSURANCE

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

Also:

Senate Bill No. 89**BY** Senators Lanzi, Ciccone, Badeau, Miller, Pichardo**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY

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

Also:

Senate Bill No. 90**BY** Senators Sosnowski, Walaska, Perry, Gibbs, Miller**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - RHODE ISLAND PROTECTION FROM SECONDHAND SMOKE FOR CHILDREN ACT OF 2007

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

Also:

Senate Bill No. 91**BY** Senators Fogarty P, Levesque C, Connors, Gallo**ENTITLED**, AN ACT IN AMENDMENT OF SECTIONS 3 AND 4 OF CHAPTER 905 OF THE PUBLIC LAWS OF 1912,**ENTITLED** "AN ACT TO INCORPORATE THE CHEPACHET FIRE DISTRICT, " AS AMENDED

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

Also:

Senate Bill No. 92**BY** Senator Sosnowski**ENTITLED**, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF SOUTH KINGSTOWN

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

Also:

Senate Bill No. 93

BY Senator Algieri

ENTITLED, AN ACT RELATING TO TAXATION -- TOWN OF WESTERLY

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

Also:

Senate Bill No. 94

BY Senators Sosnowski, Walaska, Perry, Gibbs, Raptakis

ENTITLED, AN ACT RELATING TO MOTOR VEHICLES -- MOBILE TELEPHONE USE

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 95

BY Senator Algieri

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 96

BY Senators Lanzi, Badeau, Ciccone, DaPonte, Tassoni

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- FIREFIGHTERS' ARBITRATION

Read and referred to the Senate Committee on Labor

Also:

Senate Resolution No. 97

BY Senators Sosnowski, Paiva-Weed, Felag, Algieri, Gallo

ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THE GOVERNOR OF RHODE ISLAND TO ENTER INTO THE REGIONAL GREENHOUSE GAS INITIATIVE (RGGI)

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sosnowski moves passage, seconded by Senator Paiva Weed and many others.

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

Also:

Senate Resolution No. 98

BY Senators Tassoni

ENTITLED, SENATE RESOLUTION EXTENDING CONDOLENCES ON THE PASSING OF
FORMER STATE SENATOR DR. F. DANIEL RUSSELL

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.

GUESTS

Upon suggestion of Senator Doyle and by unanimous consent, the Honorable President, welcomes to the Chamber Mr. Richard Petrella, President of Alliance Blackstone Valley Credit Union and Joe Cicione, Staff from Alliance Credit Union, who are both here today as part of the Rhode Island Credit Union Governmental Affairs Day.

TRANSMITTAL

By unanimous consent, all matters on the Secretary'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.

ANNOUNCEMENTS

Senator Raptakis announces that the Committee on Judiciary will meet today, 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 Tassoni, the Senate adjourns at 4:36 o'clock P.M. in memory of the Honorable Daniel F. Russell, a former State Senator, who was well respected and loved by both his family and his community. He was a true gentleman.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR MICHAEL J. MCCAFFREY

Dear God, please grant us the wisdom to be aware of the vital needs of the people we are here to serve. Please grant us the courage to meet those needs to the fullest extent of our ability. Amen.

Appendix

CALENDAR

IN ORDER FOR WEDNESDAY, JANUARY 24, 2007:

1 2007-H 5100

BY Watson

ENTITLED, AN ACT RELATING TO PUBLIC FINANCE -- STATE BUDGET

Ordered on the Calendar

RAYMOND T. HOYAS, JR.
Secretary of the Senate