

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.9

Wednesday, January 24, 2007

Ninth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:16 o'clock P.M.

The roll is called and a quorum is declared present with 37 Senators present and 1 Senator absent as follows:

PRESENT – 37: 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, Lenihan, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 1: Senator Perry.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

GUESTS

Upon suggestion of Senator Badeau and by unanimous consent, the Honorable President, welcomes to the Chamber Mike O'Connel, CEO of Rhode Island Resource Recovery and former CEO, Sherry Mulherarn.

Upon suggestion of Senator Doyle, Walaska, Gallo and Sheehan and by unanimous consent, the Honorable President, welcomes to the Chamber Mary F. Dwyer, President of the Rhode Island State Nurses Association; Donna M. Policastro, Executive Director of the Rhode Island State Nurses Association and Sylvia Weber.

Upon suggestion of Senators Issa and by unanimous consent, the Honorable President, welcomes to the Chamber Ms. Lynn Curran, President of the Rhode Island Association of Nurses Anesthetists.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 5157

BY Fox

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF KENNETH, MANZI AND ASSOCIATES, INC.

Read and ordered to be placed on the Consent Calendar.

**REPORTS OF COMMITTEES
COMMITTEE ON JUDICIARY**

Senator McCaffrey, from the Committee on Judiciary, reports back, with recommendation of passage of the following measures:

Senate Bill No. 50

BY Senators Montalbano J, McCaffrey, McBurney, Maselli, Jabour

ENTITLED, AN ACT RELATING TO COURTS -- COLLECTION OF FINES AND COSTS

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 22

BY Senator Sosnowski

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC5/1}

Read and ordered to be placed on the Consent Calendar

Also:

Senate Bill No. 25

BY Senators Sheehan, Cote, Sosnowski, Paiva-Weed

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Read and ordered to be placed on the Consent Calendar

Also:

Senate Bill No. 26

BY Senators Sheehan, Cote, Sosnowski, Paiva-Weed

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Read and ordered to be placed on the Consent Calendar

Also:

Senate Bill No. 27

BY Senator Cote

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Read and ordered to be placed on the Consent Calendar

Also:

Senate Bill No. 78

BY Senator Bates

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Read and ordered to be placed on the Consent Calendar

NEW BUSINESS

Senate Resolution No. 99

BY Senators Tassoni, Issa, Maselli, Doyle

ENTITLED, SENATE RESOLUTION CREATING A SPECIAL SENATE COMMISSION TO STUDY AND MAKE RECOMMENDATIONS RELATED TO THE PROBLEM OF CYBERTHREATS AND CYBERBULLYING FROM AN EDUCATOR'S PERSPECTIVE

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

Also:

Senate Resolution No. 100**BY** Senators Miller, Levesque C, Moura, Sosnowski, Metts**ENTITLED**, SENATE RESOLUTION OPPOSING TROOP ESCALATION IN IRAQ

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

Also:

Senate Bill No. 101**BY** Senators Doyle, McBurney, Ruggerio**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS

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

Also:

Senate Bill No. 102**BY** Senators Tassoni, Issa, Maselli**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- REGULATION OF VICIOUS DOGS

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

Also:

Senate Bill No. 103**BY** Senators Walaska, Bates**ENTITLED**, AN ACT RELATING TO INSURANCE -- INSURANCE INSOLVENCY FUND

Read and referred to the Senate Committee on Corporations

Also:

Senate Bill No. 104**BY** Senators Walaska, Bates, McCaffrey, McBurney**ENTITLED**, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- LICENSED ACTIVITIES

Read and referred to the Senate Committee on Corporations

Also:

Senate Bill No. 105**BY** Senator Walaska**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY -- THE UNIFORM COMMERCIAL CODE

Read and referred to the Senate Committee on Corporations

Also:

Senate Bill No. 106

BY Senators Doyle, McBurney, Tassoni, Ruggerio

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 107

BY Senators Felag, Gallo, McCaffrey, McBurney, Badeau

ENTITLED, AN ACT RELATING TO PERSONAL INCOME TAX

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 108

BY Senators Doyle, McBurney, Ruggerio

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 109

BY Senators Felag, Gallo, McCaffrey, McBurney, Badeau

ENTITLED, AN ACT RELAITNG TO TAXATION -- ESTATE AND TRANSFER TAXES --
COMPUTATION

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 110

BY Senators Lanzi, Ciccone, Badeau, Felag, Miller

ENTITLED, AN ACT RELATING TO DISABLED AMERICAN VETERANS -- EDUCATIONAL
BENEFITS

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 111

BY Senators Felag, Lanzi, Gallo, McCaffrey, McBurney

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 112

BY Senators McCaffrey, Walaska, McBurney

ENTITLED, AN ACT RELATING TO TAXATION -- SALES AND USE TAXES -- LIABILITY AND COMPUTATION

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 113

BY Senators Sosnowski, Perry, Blais, Lanzi

ENTITLED, AN ACT RELATING TO FOOD AND DRUGS -- SANITATION IN FOOD SERVICE ESTABLISHMENTS

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

Also:

Senate Bill No. 114

BY Senators Cote, Algieri

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- HEALTHCARE ACCESSIBILITY -- ASSURANCE

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

Also:

Senate Bill No. 115

BY Senators Tassoni, Doyle, Maselli

ENTITLED, AN ACT RELATING TO INSURANCE-INDIVIDUAL HEALTH INSURANCE COVERAGE

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

Also:

Senate Bill No. 116

BY Senator Cote

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES

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

Also:

Senate Bill No. 117

BY Senators Doyle, McBurney, Tassoni, Ruggerio

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 118

BY Senator Walaska

ENTITLED, AN ACT RELATING TO PROPERTY - ELECTRONIC RECORDING

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 119

BY Senators Bates, Tassoni

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- REPRODUCTIVE HEALTH CARE

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 120

BY Senators Tassoni, Doyle, McBurney, Pichardo

ENTITLED, AN ACT RELATING TO FIDUCIARIES

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 121

BY Senator McBurney

ENTITLED, AN ACT RELATING TO ELECTIONS -- PARTY COMMITTEES AND CONVENTIONS

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 122

BY Senators Blais, Maselli, Walaska

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS - INTEREST AND USURY

Read and referred to the Senate Committee on Corporations

Also:

Senate Bill No. 123

BY Senators Sheehan, Lenihan

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ECONOMIC DEVELOPMENT CORPORATION

Read and referred to the Senate Committee on Corporations

Also:

Senate Bill No. 124

BY Senators Sheehan, Lenihan

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ECONOMIC DEVELOPMENT CORPORATION

Read and referred to the Senate Committee on Corporations

Also:

Senate Bill No. 125

BY Senators Maselli, Raptakis, Tassoni, Ruggerio, Goodwin

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS -- UNFAIR SALES PRACTICES

Read and referred to the Senate Committee on Corporations

Also:

Senate Bill No. 126

BY Senators Ciccone, Moura, Tassoni, Badeau, Ruggerio

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE RHODE ISLAND CARBON FUEL REDUCTION AND AIR POLLUTION CONTROL ACT

Read and referred to the Senate Committee on Environment and Agriculture

Also:

Senate Bill No. 127

BY Senators Ciccone, Maselli, Badeau, Ruggerio

ENTITLED, AN ACT RELATING TO HUMAN SERVICES -- HEALTH CARE FOR ELDERLY AND DISABLED RESIDENTS ACT

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 128

BY Senator Blais

ENTITLED, AN ACT RELATING TO EDUCATION - SCHOOL AND MUNICIPAL PLAYGROUND SAFETY

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 133

BY Senators Blais, Raptakis

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- LOW AND MODERATE INCOME HOUSING

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

Also:

Senate Bill No. 136

BY Senator Blais

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- SCIENTIFIC AND TECHNICAL EVIDENCE

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 137

BY Senators Connors, DaPonte, Maselli, McCaffrey, Goodwin

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- RELIEF OF INJURED AND DECEASED FIREFIGHTERS AND POLICE OFFICERS

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 138

BY Senator Blais

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- MEDICAL MALPRACTICE

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 139**BY** Senators Connors, DaPonte, Maselli, McCaffrey, Goodwin**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 140**BY** Senators Maselli, Moura, Ciccone, Ruggerio, Jabour**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 141**BY** Senators Tassoni, Maselli, Ciccone, Moura**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- RIGHT-OF-WAY

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 142**BY** Senators Ciccone, Maselli, Moura, Badeau, Ruggerio**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- OPEN MEETINGS

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 143**BY** Senators Sheehan, Tassoni, Paiva-Weed, Lenihan, McCaffrey**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- EMINENT DOMAIN

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 144**BY** Senators Bates, Breene, Blais, Gibbs**ENTITLED**, AN ACT RELATING TO PROPERTY BY POSSESSION AND PRESCRIPTION

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 145

BY Senators Doyle, Tassoni, McBurney

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - TAXATION AND TOBACCO - DELIVERY AND SALE OF TOBACCO PRODUCTS

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 146

BY Senator Sosnowski

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF WAKEFIELD BUILDING & INVESTMENT CORP.

Read and ordered to be placed on the Consent Calendar

Senate Bill No. 147

BY Senator Connors

ENTITLED, SENATE RESOLUTION ADOPTING THE RULES OF THE SENATE {LC1024/1}

Read and referred to the Senate Committee on Rules

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

Senator Alves moves passage, seconded by Senators Felag and Paiva Weed.

The act is read and passed, by unanimous consent, in concurrence, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 37: 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, Lenihan, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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 Sosnowski announces that the Committees on Government Oversight and Environment and Agriculture 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, the Senate adjourns at 4:26 o'clock P.M.

GABRIEL REI
DEPUTY CLERK OF THE SENATE

Appendix

INVOCATION

SENATOR PAUL W. FOGARTY

Lord, with your guidance, may we be kind in our judgments, diligent in our wisdom, and humble in our power. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR TUESDAY, JANUARY 30, 2007:

1 2007-S 22

BY Sosnowski

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

2 2007-S 25

BY Sheehan

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

3 2007-S 26

BY Sheehan

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

4 2007-S 27

BY Cote

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

5 2007-S 78

BY Bates

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

6 2007-S 146

BY Sosnowski

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF WAKEFIELD BUILDING & INVESTMENT
CORP.

Ordered to be placed on the Consent Calendar

7 **2007-H 5157**

BY Fox

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF KENNETH, MANZI AND ASSOCIATES, INC.

Ordered to be placed on the Consent Calendar

GABRIEL REI
DEPUTY CLERK OF THE SENATE

Appendix

CALENDAR

IN ORDER FOR TUESDAY, JANUARY 30, 2007:

1 2007-S 50

BY Montalbano J

**ENTITLED, AN ACT RELATING TO COURTS -- COLLECTION OF FINES AND
COSTS**

Committee on Judiciary recommends passage.

**GABRIEL REI
DEPUTY CLERK OF THE SENATE**