

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.20

Wednesday, March 7, 2007

Twentieth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable John C. Revens, Jr., President Pro Tempore of the Senate, at 4:06 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, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 1: Senator Doyle

INVOCATION

The Honorable President Pro Tempore, by unanimous consent, presents Senator Maselli, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Eighteenth and Nineteenth Legislative Day's of the 2007 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Alves, and by unanimous consent, the Honorable President Pro Tempore, welcomes to the Chamber Mikaela Jordan, 2007 Miss Ireland, sponsored by the friendly sons of St. Patrick.

COMMUNICATION

The Honorable President Pro Tempore presents the following communication:

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

March 7, 2007

Honorable Joseph A. Montalbano
President of the Senate
318 State House
Providence, RI 02903

Dear President Montalbano:

Please accept this letter as notification that I will be unable to attend Senate Session today, Wednesday, March 7, 2007, due to being away on business.

Thank you.

Sincerely yours,

James E. Doyle, II
Senator – District 8
Pawtucket

Read and ordered to be placed on file.

APPOINTMENTS BY THE GOVERNOR

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

Appointment of William A. Brackett of Coventry to the Rhode Island State Council on the Arts for a term expiring March 1, 2008.

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

Also:

Reappointment of Regina A. Partridge of Providence to the Rhode Island State Council on the Arts for a term expiring March 1, 2010.

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

Also:

Reappointment of Nancy Chapman of Saunderstown to the Rhode Island State Council on the Arts for a term expiring March 1, 2010.

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

Also:

Reappointment of William McGowan of North Kingstown to the Board of Examination and Licensing of Telecommunication Systems Contractors, Technicians, and Installers for a term expiring August 1, 2012.

Read and referred to the Committee on Corporations.

Also:

Reappointment of M. Carl Heintzelman of North Kingstown to the State Retirement Board for a term expiring March 1, 2011.

Read and referred to the Committee on Judiciary.

Also:

Reappointment of Dr. Seth S. Macinko of Kingston to the Marine Fisheries Council for a term expiring April 1, 2010.

Read and referred to the Committee on Environment and Agriculture.

Also:

Appointment of Nancy R. Haley of West Kingstown to the State Crime Laboratory Commission for a term expiring January 1, 2009.

Read and referred to the Committee on Judiciary.

Also:

Appointment of Clay J. Choquette of Glocester to the State Crime Laboratory Commission for a term expiring January 1, 2009.

Read and referred to the Committee on Judiciary.

Also:

Appointment of G. Thomas Chabot of West Warwick to the Board of Examination and Licensing of Telecommunication Systems Contractors, Technicians, and Installers for a term expiring August 1, 2010.

Read and referred to the Committee on Corporations.

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. 267 (State Police)

BY Senators Gibbs, Algieri, Breene

ENTITLED, AN ACT RELATING TO HIGHWAYS (give the Traffic Tribunal jurisdiction over the penalty for the nonpayment of a toll and make the penalty a traffic violation) {LC1104/1}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 467

BY Senators McCaffrey, McBurney, Jabour, Levesque C, Paiva-Weed

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS (amend language in the general laws referring to the outdated term "administrative adjudication court" and replacing it with the term "traffic tribunal")

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 473 SUB A

BY Senator Gallo

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Nicole Lee Pard and Louis Anthony Tomaselli, Jr.) {LC1662/1/A}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 690

BY Senator Breene

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- GENERAL POWERS (allow the town of Hopkinton to establish a municipal court) {LC2208/1}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 766 (Corrections)

BY Senators Metts, Pichardo, Perry

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - CORRECTIONS DEPARTMENT (increase the amount a prisoner may maintain deposited in a bank account from \$500 to \$1,000) {LC1107/1}

Read and ordered to be placed on the Calendar

NEW BUSINESS

Senate Bill No. 828 (Secretary of State)

BY Senator Walaska

ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS, PARTNERSHIPS -- CONVERSIONS {LC2407/1}

Read and referred to the Senate Committee on Corporations

Also:

Senate Bill No. 829 (Secretary of State)

BY Senator Walaska

ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS -- BUSINESS CORPORATIONS {LC2409/1}

Read and referred to the Senate Committee on Corporations

Also:

Senate Bill No. 830 (Secretary of State)

BY Senator Walaska

ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS -- RHODE ISLAND BUSINESS CORPORATION ACT {LC2408/1}

Read and referred to the Senate Committee on Corporations

Also:

Senate Bill No. 831 (Secretary of State)

BY Senator Walaska

ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS -- LIMITED PARTNERSHIPS {LC2406/1}

Read and referred to the Senate Committee on Corporations

Also:

Senate Bill No. 832 (Secretary of State)

BY Senator Walaska

ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS
- THE RHODE ISLAND LIMITED LIABILITY COMPANY ACT {LC2403/1}

Read and referred to the Senate Committee on Corporations

Also:

Senate Bill No. 833 (Secretary of State)

BY Senator Walaska

ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS, AND
PARTNERSHIPS -- RHODE ISLAND BUSINESS CORPORATION ACT -- FEES {LC2405/1}

Read and referred to the Senate Committee on Corporations

Also:

Senate Bill No. 834 (Secretary of State)

BY Senator Walaska

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW - GENERAL REGULATORY
PROVISIONS - REGISTRATION AND PROTECTION OF TRADEMARKS {LC2402/1}

Read and referred to the Senate Committee on Corporations

Also:

Senate Bill No. 835 (Secretary of State)

BY Senator Walaska

ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS, AND
PARTNERSHIPS -- RHODE ISLAND BUSINESS CORPORATIONS ACT, AND RHODE ISLAND
LIMITED LIABILITY ACT {LC2404/1}

Read and referred to the Senate Committee on Corporations

Also:

Senate Resolution No. 836

BY Senators Goodwin, McBurney, Revens, Paiva-Weed

ENTITLED, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF
FORMER STATE SENATOR THE HONORABLE DONALD R. HICKEY {LC2487/1}

Senator McBurney requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator McBurney moves passage, seconded by the entire Senate.

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

CALENDAR**IN ORDER FOR WEDNESDAY, MARCH 7, 2007:****1 2007-S 91****BY Fogarty P**

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

Committee on Housing & Municipal Government recommends passage.

Senator Fogarty moves passage, seconded by Senators Tassoni and Levesque.

The act is read and passed, by unanimous consent, upon a roll call vote with 27 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 27: Senators Algieri, Alves, Bates, Blais, Breene, Cote, Felag, Fogarty, Gibbs, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McBurney, McCaffrey, Miller, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

2 2007-S 135**BY Algieri**

ENTITLED, AN ACT AUTHORIZING THE TOWN OF CHARLESTOWN TO FINANCE AFFORDABLE HOUSING INITIATIVES IN THE TOWN CONSISTENT WITH THE APPROVED CHARLESTOWN AFFORDABLE HOUSING PLAN BY THE ISSUANCE OF NOT MORE THAN \$1,000,000 BONDS AND/OR NOTES THEREFOR

Committee on Housing & Municipal Government recommends passage.

Senator Algieri moves passage, seconded by Senators Breene and Tassoni.

The act is read and passed, by unanimous consent, upon a roll call vote with 27 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 27: Senators Algieri, Alves, Bates, Blais, Breene, Cote, Felag, Fogarty, Gibbs, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McBurney, McCaffrey, Miller, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

3 2007-S 180**BY Felag****ENTITLED,** AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT
OF LOCAL TAXES

Committee on Housing & Municipal Government recommends passage.

Senator Felag moves passage, seconded by Senators Jabour, Tassoni, Sheehan and Levesque.

The act is read and passed, by unanimous consent, upon a roll call vote with 27 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 27: Senators Algieri, Alves, Bates, Blais, Breene, Cote, Felag, Fogarty, Gibbs, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McBurney, McCaffrey, Miller, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

4 2007-S 258**BY Tassoni****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- LOW AND
MODERATE INCOME HOUSING

Committee on Housing & Municipal Government recommends passage.

Senator Tassoni moves passage, seconded by Senators Fogarty, Blais and Miller.

The act is read and passed, by unanimous consent, upon a roll call vote with 27 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 27: Senators Algieri, Alves, Bates, Blais, Breene, Cote, Felag, Fogarty, Gibbs, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McBurney, McCaffrey, Miller, Paiva Weed, Perry, Pichardo, Raptakis, Revens, 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 Committee on Environment and Agriculture will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Sheehan announces that the Committee on Health and Human Services will meet today, at the rise of the Senate, in Room 212 of the State House.

Senator Paiva Weed announces that the Senate will not meet tomorrow, Thursday, March 8, 2007.

RECESS

Upon motion of Senator DaPonte, seconded by Senator Algieri, and upon suggestion of Senator McBurney, the Senate stands at recess at 4:21 o'clock P.M. in memory of the Honorable Donald R. Hickey, former State Senator.

CALLED TO ORDER

The Senate is called to order by the Honorable Joseph A. Montalbano, President of the Senate, on Tuesday, March 13, 2007, at 4:12 o'clock P.M.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 5114

BY Fox, Church, Naughton, Crowley, Dennigan

ENTITLED, AN ACT RELATING TO TAXATION (codify the present policy of the division of taxation that in determining the domicile of a taxpayer, charitable contributions to RI organizations shall not be considered)

Read and referred to the Senate Committee on Finance

Also:

House Bill No. 5083 SUB A

BY Senators Corvese

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- UNIFORM DEBT-MANAGEMENT SERVICES ACT (would amend a section of the Uniform Debt-Management Services Act to provide clarification of the definition for "affiliates" as used in this act) {LC496/1/A}

Read and referred to the Senate Committee on Corporations

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns at 4:13 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR CHRISTOPHER B. MASELLI

Heavenly Father, guide us in the ways of peace. May we show loyalty towards one another and be worthy of the trust you have placed in us. Amen.

Appendix

CALENDAR

IN ORDER FOR TUESDAY, MARCH 13, 2007:

1 2007-S 267

BY Gibbs

ENTITLED, AN ACT RELATING TO HIGHWAYS

Committee on Judiciary recommends passage.

2 2007-S 467

BY McCaffrey

**ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
COURTS**

Committee on Judiciary recommends passage.

3 2007-S 473 SUB A

BY Gallo

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

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

4 2007-S 690

BY Breene

**ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- GENERAL
POWERS**

Committee on Judiciary recommends passage.

5 2007-S 766

BY Metts

**ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -
CORRECTIONS DEPARTMENT**

Committee on Judiciary recommends passage.

RAYMOND T. HOYAS, JR.
Secretary of the Senate