

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.22

Wednesday, March 14, 2007

Twenty-second Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:14 o'clock P.M.

The roll is called and a quorum is declared present with 34 Senators present and 4 Senators absent as follows:

PRESENT – 34: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Ciccone, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 4: Senators Connors, Doyle, Lenihan, Revens

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal's of the Twentieth and Twenty-first Legislative Day of the 2007 proceedings are read in part.

Upon suggestion of Senator DaPonte, and by unanimous consent, further reading of the Journals are dispensed with and the Journal's approved as recorded.

GUESTS

Upon suggestion of Senator Raptakis and by unanimous consent, the Honorable President, welcomes to the Chamber Annie Rondoni of Minnesota, a sophomore attending Providence College, who will be serving as an intern this year.

COMMUNICATION

The Honorable President presents the following communication:

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

March 14, 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 14, 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 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**

March 9, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-102-2 of the Rhode Island General Laws, I have made the following reappointment of the Rhode Island Human resource Investment Council:

Martin Trueb of East Greenwich
(Representing Business)

for a term expiring January 1, 2010.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Corporations.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE

March 9, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-102-2 of the Rhode Island General Laws, I have made the following appointment of the Rhode Island Human resource Investment Council:

Cathy Streker of North Kingstown
(Representing Business)

VICE
Deborah Wilson
(resigned)

for a term expiring January 1, 2010.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Corporations.

Also:

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

March 13, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-64-8 of the Rhode Island General Laws, I have made the following reappointment of the Rhode Island Economic Development Corporation:

Cheryl Merchant of Lincoln

for a term expiring February 1, 2011.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Corporations.

Also:

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

March 2, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-75-2 of the Rhode Island General Laws, I have made the following reappointment of the Rhode Island State Council on the Arts:

Carrie Zaslow of Providence

for a term expiring March 1, 2008.

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

Sincerely,



Donald L. Carcieri
Governor

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

Also:

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

March 2, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-75-2 of the Rhode Island General Laws, I have made the following reappointment of the Rhode Island State Council on the Arts:

Andrea Valentini of Cranston

for a term expiring March 1, 2009.

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

Sincerely,



Donald L. Carcieri
Governor

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

Also:

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

March 2, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 17-7-3 of the Rhode Island General Laws, I have made the following appointment to the State Board of Elections:

Richard H. Pierce, Esquire of Cranston

VICE
Raymond Xavier

for a term expiring June 1, 2017.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

REPORTS OF COMMITTEES**COMMITTEE ON FINANCE**

Senator Alves, from the Committee on Finance, reports back, with recommendation of passage of the following measures:

Senate Bill No. 87 (General Treasurer)

BY Senators Perry, Metts, Miller, Pichardo, Sosnowski

ENTITLED, AN ACT RELATING TO PUBLIC FINANCE -- STATE INVESTMENT COMMISSION -- INVESTMENTS IN SUDAN (limit state investment in the country of Sudan)

Read and ordered to be placed on the Calendar

Also:

House Resolution No. 5066

BY Naughton, Kilmartin, Corvese, Petrarca, Shanley

ENTITLED, JOINT RESOLUTION MAKING AN APPROPRIATION TO PAY CERTAIN CLAIMS

Read and ordered to be placed on the Calendar

Also:

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 ordered to be placed on the Calendar

COMMITTEE ON CORPORATIONS

Senator Walaska, from the Committee on Corporations, reports back, with recommendation of passage of the following measures:

Senate Bill No. 55 SUB A

BY Senator Walaska

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- UNIFORM DEBT-MANAGEMENT SERVICES ACT (clarify definition for affiliates) {LC486/1/A}

Read and ordered to be placed on the Calendar

Also:

House Bill No. 5083 SUB A**BY** 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 ordered to be placed on the Calendar

COMMITTEE ON JUDICIARY

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

Appointment of Jerome F. Williams of Barrington VICE James Capaldi as Director of the Department of Transportation

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 48**BY** Senators Bates, Cote, McCaffrey, Walaska, Blais**ENTITLED**, AN ACT RELATING TO DOMESTIC RELATIONS -- CHILD SUPPORT ENFORCEMENT (would allow the Family Court to order child support if the child has a severe physical or mental impairment, beyond the child's emancipation event. The onset of the disability must have occurred prior to the emancipation event.

Read and ordered to be placed on the Calendar

NEW BUSINESS**Senate Bill No. 852****BY** Senators Sosnowski, Lenihan, Raptakis, Paiva-Weed, Walaska**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION - SEPARATION OF POWERS - COASTAL RESOURCES MANAGEMENT COUNCIL {LC2461/1}

Read and referred to the Senate Committee on Government Oversight

Also:

Senate Resolution No. 853**BY** Senators Raptakis, Paiva-Weed, Algiere, McBurney, Gallo**ENTITLED**, SENATE RESOLUTION CELEBRATING MARCH 25, 2007 AS THE 186TH ANNIVERSARY OF GREEK INDEPENDENCE DAY {LC2614/1}

Senator Raptakis requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Raptakis moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution No. 854

BY Senators Paiva-Weed, Gibbs, Levesque C

ENTITLED, SENATE RESOLUTION CONGRATULATING REVEREND FRANCIS A. O'LOUGHLIN ON BEING SELECTED "CITIZEN OF THE YEAR" BY THE NEWPORT ELKS LODGE #104 {LC2631/1}

Senator Paiva Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Paiva Weed moves passage, seconded by the entire Senate.

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

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 measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a voice vote:

1 2007-S 848

BY Levesque C

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF RICHMOND EQUIPMENT CO., INC.

2 2007-S 849

BY Levesque C

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF HOME CREDIT CORPORATION OF RHODE ISLAND

3 2007-S 850

BY Revens

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF APPONAUG AREA IMPROVEMENT ASSOCIATION

4 2007-S 851**BY Fogarty P****ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF SAND DAM RESERVOIR ASSOCIATION**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 Goodwin announces that the Committee on Constitutional and Gaming Issues will meet today, at the rise of the Senate, in Room 211 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 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.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri the Senate adjourns at 4:21o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR DANIEL DAPONTE

Lord, we ask you to show us our place in this chamber, to define our duties, to direct our energies for the common good, and to always guide us as we work. Amen.

Appendix**CALENDAR****IN ORDER FOR TUESDAY, MARCH 20, 2007:****1 Appointment of Jerome F. Williams of Barrington VICE James Capaldi as Director of the Department of Transportation.**

Committee on Judiciary recommends that the Senate give its Advice and Consent to this appointment.

2 2007-S 48**BY Bates****ENTITLED,** AN ACT RELATING TO DOMESTIC RELATIONS -- CHILD SUPPORT ENFORCEMENT

Committee on Judiciary recommends passage.

3 2007-S 55 SUB A**BY Walaska****ENTITLED,** AN ACT RELATING TO FINANCIAL INSTITUTIONS -- UNIFORM DEBT-MANAGEMENT SERVICES ACT

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

4 2007-S 87**BY Perry****ENTITLED,** AN ACT RELATING TO PUBLIC FINANCE -- STATE INVESTMENT COMMISSION -- INVESTMENTS IN SUDAN

Committee on Finance recommends passage.

5 2007-H 5066**BY Naughton****ENTITLED,** JOINT RESOLUTION MAKING AN APPROPRIATION TO PAY CERTAIN CLAIMS

Committee on Finance recommends passage in concurrence.

6 2007-H 5083 SUB A**BY Corvese****ENTITLED,** AN ACT RELATING TO FINANCIAL INSTITUTIONS -- UNIFORM DEBT-MANAGEMENT SERVICES ACT

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute A in concurrence.

7 2007-H 5114

BY Fox

ENTITLED, AN ACT RELATING TO TAXATION

Committee on Finance recommends passage in concurrence.

RAYMOND T. HOYAS, JR.
Secretary of the Senate