

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.26

Thursday, March 22, 2007

Twenty-sixth 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 4:15 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, Lenihan, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 1: Senator Lanzi

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Twenty-fifth Legislative Day of the 2007 proceedings is read in part.

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

COMMUNICATION

The Honorable President Pro Tempore presents the following communication:

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

March 22, 2007

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

Dear Mr. President:

Please be advised that I will be in at the NCSL conference in Chicago, IL from March 22nd to the 25th, 2007, and therefore will be absent from the Senate session.

I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you for your assistance.

Sincerely,



Charles J. Levesque
Senator District 11

Read and ordered to be placed on file.

GUESTS

Upon suggestion of Senator Fogarty and by unanimous consent, the Honorable President Pro Tempore, welcomes to the Chamber Paul Wright.

APPOINTMENT BY THE GOVERNOR

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

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

March 22, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-19-6 of the Rhode Island General Laws, I have made the following appointment of the Rhode Island Resource Recovery Corporation:

John M. Harpootian of West Warwick

for a term expiring July 1, 2010.

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 measures:

House Bill No. 5631

BY McManus

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Savanna Marie Torres and Justin James Hanson) {LC2218/1}

Senator Ruggerio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggerio moves passage, seconded by Senator Breene.

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

Also:

House Bill No. 6173

BY Ucci

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF SURPRISE - WOOLHOUSE POST HOME ASSOCIATION {LC2673/1}

Senator Ruggerio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggerio moves passage, seconded by Senator Breene.

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

TRANSFER OF BILLS

Senator Tassoni, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Housing and Municipal Government to the Committee on Government Oversight:

Senate Bill No. 263 (Transportation)

BY Senator Blais

ENTITLED, AN ACT RELATING TO TAXATION - EXCISE ON MOTOR VEHICLES AND TRAILERS (replace the director of the department of transportation or his/her designee from the vehicle value commission with the director of revenue or his/her designee)

Read and referred to the Committee on Government Oversight

**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. 481

BY Senator McBurney

ENTITLED, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE - LIMITED GUARDIANSHIP AND GUARDIANSHIP OF ADULTS (establish additional criteria when a guardian ad litem appointed by the court is not an attorney and would make other changes to the guardianship statutes) {LC1982/1}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 732

BY Senators Jabour, Connors, McBurney

ENTITLED, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE (create the Access to Decedents' Electronic Mail Accounts Act, in order to require e-mail service providers to give estate executors and administrators access to, or copies of, a decedents' email account) {LC1978/1}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 764

BY Senators Jabour, Connors, McBurney

ENTITLED, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE -- JUDICIAL REVIEW (outline various procedures regarding maintaining and obtaining the stenographic record of proceedings before the probate court) {LC1980/1}

Read and ordered to be placed on the Calendar

COMMITTEE ON CONSTITUTIONAL AND GAMING ISSUES

Senator Goodwin, from the Committee on Constitutional and Gaming Issues, reports back, with recommendation of passage of the following measures:

Senate Bill No. 305 (National Guard)

BY Senators Algieri, Tassoni, Pichardo

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -- DECORATIONS (add an additional period of service to give the adjutant general the authority to award the RI defense service medal for service from September 11, 2001 to a date to be determined)

Read and ordered to be placed on the Calendar.

Also: **Senate Resolution No. 38** as amended

BY Senators Cote, Paiva-Weed, Montalbano J

ENTITLED, SENATE RESOLUTION EXTENDING THE REPORTING DATE FOR PROPOSING A "REAL-TIME BILL TRACKING SYSTEM" (extend the reporting date from May 1, 2004 to May 1, 2007)

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Resolution No. 152

BY Senator Maselli

ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THE STATE TRAFFIC COMMISSION TO INSTALL A TRAFFIC LIGHT IN THE TOWN OF JOHNSTON

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Resolution No. 153

BY Senator Maselli

ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THE STATE TRAFFIC COMMISSION TO INSTALL A TRAFFIC LIGHT IN THE TOWN OF JOHNSTON (traffic light at the intersection of Nardolillo Street and Plainfield Pike (Route 14))

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Resolution No. 837

BY Senators Tassoni, Sosnowski, Paiva-Weed, Algieri

ENTITLED, SENATE RESOLUTION URGING THE DEPARTMENT OF ADMINISTRATION TO BEGIN CONSTRUCTION OF A NEW FIRE ACADEMY {LC2488/1}

Read and ordered to be placed on the Consent Calendar.

NEW BUSINESS

Senate Resolution No. 885**BY** Senators McBurney, Bates, Walaska, Felag**ENTITLED**, SENATE RESOLUTION CONGRATULATING PATRICIA S. ZACKS ON BEING SELECTED AS A 2007 PAWTUCKET FOUNDATION PERSON OF THE YEAR {LC2701/1}

Senator McBurney requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator McBurney moves passage, seconded by Senator Doyle.

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

Also:

Senate Resolution No. 886**BY** Senators McBurney, Bates, Walaska, Felag**ENTITLED**, SENATE RESOLUTION CONGRATULATING FRANCIS R. DIETZ ON BEING THE RECIPIENT OF THE 2007 PAWTUCKET FOUNDATION HERITAGE AWARD {LC2704/1}

Senator McBurney requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator McBurney moves passage, seconded by Senator Doyle.

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

Also:

Senate Resolution No. 887**BY** Senators McBurney, Bates, Walaska, Felag**ENTITLED**, SENATE RESOLUTION CONGRATULATING CONSUELO SHERBA ON BEING SELECTED AS A 2007 PAWTUCKET FOUNDATION PERSON OF THE YEAR {LC2706/1}

Senator McBurney requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator McBurney moves passage, seconded by Senator Doyle.

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

Also:

Senate Resolution No. 888**BY** Senators Walaska, Algieri, Breene, McBurney, Felag**ENTITLED**, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF ROBERT W. WATSON {LC2708/1}

Senator Algieri requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Algieri moves passage, seconded by the entire Senate.

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

FROM THE DESK

Upon the suggestion of Senator Ruggerio, and without objection, the following is removed from the desk and placed before the body.

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

Senator Ruggerio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggerio moves passage, seconded by Senator Breene.

The act 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 39 SUB A**BY** Walaska**ENTITLED**, JOINT RESOLUTION SUPPORTING THE APPLICATION OF THE REPUBLIC OF CHINA (TAIWAN) FOR OBSERVER STATUS AT THE WORLD HEALTH ORGANIZATION

2 2007-S 99**BY Tassoni**

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

3 2007-S 224**BY Bates**

ENTITLED, JOINT RESOLUTION EXTENDING THE REPORTING AND EXPIRATION DATES AND AMENDING THE SPECIAL LEGISLATIVE COMMISSION TO STUDY THE CURRENT STRENGTHS AND WEAKNESSES OF LIBRARY SERVICES IN THE STATE OF RHODE ISLAND

4 2007-S 517**BY Sosnowski**

ENTITLED, SENATE RESOLUTION EXTENDING THE REPORTING AND EXPIRATION DATES OF THE SPECIAL SENATE COMMISSION TO STUDY STATE TRADES CLASSIFICATIONS

5 2007-S 520**BY Sosnowski**

ENTITLED, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY THE TAXATION OF FARM, FOREST, AND OPEN SPACE LAND

6 2007-S 784 SUB A**BY Sosnowski**

ENTITLED, SENATE RESOLUTION PROCLAIMING JUNE 2, 2007 TO BE "TICK CONTROL AWARENESS DAY" IN THE STATE OF RHODE ISLAND

7 2007-S 785**BY Perry**

ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING ONGOING INFORMATION FROM THE DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES

8 2007-S 804**BY Issa**

ENTITLED, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY YOUTH FINANCIAL EDUCATION

9 2007-S 838**BY Revens**

ENTITLED, SENATE RESOLUTION URGING THE GOVERNOR TO PROVIDE MEANINGFUL ASSISTANCE TO HELP IDENTIFY AND ENROLL

CHILDREN WHO QUALIFY FOR MEDICAID AND RITECARE
PROGRAMS AND URGING RHODE ISLAND'S CONGRESSIONAL
DELEGATION TO ENSURE THAT CONGRESS PROMPTLY
REAUTHORIZES THE STATE CHILDREN'S HEALTH INSURANCE
PROGRAM (SCHIP) ASSURING FEDERAL FUNDING FOR THE
RITECARE PROGRAM IN RHODE ISLAND

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 Doyle announces that the Committee on Housing and Municipal Government will meet today, at the rise of the Senate, in Room 211 of the State House.

Senator Raptakis announces that the Committee on Judiciary will meet today, at the rise of the Senate, in Room 313 of the State House.

Senator Walaska announces that the Committee on Corporation will meet today, at the rise of the Senate, in Room 212 of the State House.

RECESS

Upon motion of Senator DaPonte, seconded by Senator Ruggerio, and upon suggestion of Senator Breene, the Senate stands at recess at 4:25 o'clock P.M in memory of Robert A Watson, father of House Minority Leader, Robert A. Watson.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 5184

BY Fox

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Katherine Broomfield and Anthony D'Imperio)

Received and referred to the Senate Committee on Judiciary

Also:

House Bill No. 5390**BY** Lally**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGE (authorize former probate judges in this state to solemnize marriages in this state) {LC1230/1}

Received and referred to the Senate Committee on Judiciary

Also:

House Bill No. 5189**BY** Walsh, Scott**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

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

TRANSFER OF BILLS

Senator Walaska, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Corporations, to the Committee on Judiciary.

Senate Bill No. 378**BY** Senator McBurney**ENTITLED**, AN ACT RELATING TO FIDUCIARIES -- POWERS OF FIDUCIARIES -- TRUSTS (allow corporate trustees to terminate any trust valued at less than \$200,000/the current level for termination is \$100,000) {LC1377/1}

Read and referred to the Committee on Judiciary.

Also:

Senate Bill No. 379**BY** Senator McBurney**ENTITLED**, AN ACT RELATING TO FIDUCIARIES -- QUALIFIED DISPOSITIONS IN TRUST (make technical amendments to the qualified dispositions in trust act) {LC1535/1}

Read and referred to the Committee on Judiciary.

CALLED TO ORDER

The Senate is called to order by the Honorable Joseph A. Montalbano, President of the Senate, on Tuesday, March 27, 2007, at 4:06 o'clock P.M.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns at 4:07 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix**INVOCATION****SENATOR DANIEL P. CONNORS**

Almighty God, may we pursue our tasks with a sense of Your presence. Give us the wisdom not to squander energy on things that do not matter nor put off until tomorrow that which can be done today. Amen.

Appendix**CONSENT CALENDAR****IN ORDER FOR TUESDAY, MARCH 27, 2007:****1 2007-S 38 as amended****BY Cote****ENTITLED,** SENATE RESOLUTION EXTENDING THE REPORTING DATE FOR PROPOSING A "REAL-TIME BILL TRACKING SYSTEM"

Committee on Constitutional & Regulatory Issues recommends passage as amended.

2 2007-S 152**BY Maselli****ENTITLED,** SENATE RESOLUTION RESPECTFULLY REQUESTING THE STATE TRAFFIC COMMISSION TO INSTALL A TRAFFIC LIGHT IN THE TOWN OF JOHNSTON

Committee on Constitutional & Regulatory Issues recommends passage.

3 2007-S 153**BY Maselli****ENTITLED,** SENATE RESOLUTION RESPECTFULLY REQUESTING THE STATE TRAFFIC COMMISSION TO INSTALL A TRAFFIC LIGHT IN THE TOWN OF JOHNSTON

Committee on Constitutional & Regulatory Issues recommends passage.

4 2007-S 837**BY Tassoni****ENTITLED,** SENATE RESOLUTION URGING THE DEPARTMENT OF ADMINISTRATION TO BEGIN CONSTRUCTION OF A NEW FIRE ACADEMY

Committee on Constitutional & Regulatory Issues recommends passage.

IN ORDER FOR WEDNESDAY, MARCH 28, 2007:**1 Appointment of Paul Wright of Burrillville VICE Jay Aron to the Fire Education and Training Coordinating Board for a term expiring January 31, 2009.**

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this appointment.

2 Reappointment of Joseph Bertholic of Pascoag to the Fire Education and Training Coordinating Board for a term expiring January 31, 2010.

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this reappointment.

Appendix

CALENDAR

IN ORDER FOR WEDNESDAY, MARCH 28, 2007:

1 2007-S 305

BY Algieri

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE --
DECORATIONS

Committee on Constitutional & Regulatory Issues recommends passage.

2 2007-S 481

BY McBurney

ENTITLED, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE
- LIMITED GUARDIANSHIP AND GUARDIANSHIP OF ADULTS

Committee on Judiciary recommends passage.

3 2007-S 732

BY Jabour

ENTITLED, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE

Committee on Judiciary recommends passage.

4 2007-S 764

BY Jabour

ENTITLED, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE
-- JUDICIAL REVIEW

Committee on Judiciary recommends passage.