

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.30

Tuesday, April 3, 2007

Thirtieth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:09 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, Cote, DaPonte, Doyle, Felag, Fogarty, 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 – 2: Senators Connors and Gallo.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

GUESTS

Upon suggestion of Senator Ruggerio, and by unanimous consent, the Honorable President, welcomes to the Chamber James Burchfield of Classic Entertainment, Matthew "Too Smooth" Godfrey, WBC Continental Americas and USNBC Cruiserweight Champion and Manager Bret Hallenbeck.

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. 375

BY Senator McBurney

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS (create the Uniform Multiple Person Accounts Act whereby a party would designate during their lifetime persons to inherit bank accounts) {LC1983/1}

Read and referred to the Committee on Judiciary.

NEW BUSINESS**Senate Resolution No. 912**

BY Senators Issa, Goodwin, Doyle, McBurney, Gallo

ENTITLED, SENATE RESOLUTION DESIGNATING APRIL, 2007 AS "FINANCIAL LITERACY MONTH" IN THE STATE OF RHODE ISLAND {LC2750/1}

Senator Issa requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Issa moves passage, seconded by Senator Goodwin.

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

Also:

Senate Bill No. 913

BY Senator Walaska

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2685/1}

Senator Walaska requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Walaska moves passage, seconded by Senator McCaffrey.

The act is read and passed, by unanimous consent, upon a roll call vote with 31 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 31: The Honorable President Montalbano and Senators Algieri, Badeau, Bates, Blais, Breene, Ciccone, Cote, DaPonte, Felag, Fogarty, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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 Appointment of Christopher M. Anderson of Providence VICE Andrew Tate to the Marine Fisheries Council for a term expiring April 1, 2008..

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

3 Reappointment of Dr. Joseph H. Hagan of Little Compton to the Board of Governors for Higher Education for a term expiring January 31, 2010..

4 2007-H 6141

BY Ajello

**ENTITLED, AN ACT RELATING TO EDUCATION -- EDUCATION EQUITY
AND PROPERTY TAX RELIEF ACT**

CALENDAR

IN ORDER FOR TUESDAY, APRIL 3, 2007:

1 2007-S 105

BY Walaska

**ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
PROCEDURE GENERALLY -- THE UNIFORM COMMERCIAL
CODE**

Committee on Corporations recommends passage.

Senator Walaska moves passage, seconded by Senator Cote.

The act is read and passed, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

2 2007-S 300

BY Badeau

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

Committee on Corporations recommends passage.

Senator Badeau moves passage, seconded by Senators Ciccone and Walaska.

The act is read and passed, by unanimous consent, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 33: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Ciccone, Cote, DaPonte, Doyle, Felag, Fogarty, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

3 2007-S 17

BY Sosnowski

ENTITLED, AN ACT RELATING TO TAXATION - TOWN OF NEW SHOREHAM
ARTS DISTRICT

Committee on Finance recommends passage.

Senator Sosnowski moves passage, seconded by Senators Moura, Algieri, Miller and Sheehan.

Senator Moura discusses the act.

The act is read and passed, by unanimous consent, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 33: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Ciccone, Cote, DaPonte, Doyle, Felag, Fogarty, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

4 2007-S 813

BY Sosnowski

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

Committee on Finance recommends passage.

Senator Sosnowski moves passage, seconded by Senators Algieri and Moura.

The act is read and passed, by unanimous consent, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Ciccone, Cote, DaPonte, Doyle, Felag, Fogarty, Gibbs, Goodwin, Jabour, Lanzi, Lenihan, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

5 2007-S 871

BY Doyle

ENTITLED, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO
TAXATION

Committee on Finance recommends passage.

Senator Doyle, moves passage, seconded by Senators Issa, Tassoni and DaPonte.

The act is read and passed, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

6 2007-S 79 SUB A

BY Badeau

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- RELIEF OF FIRE
FIGHTERS AND POLICE OFFICERS

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

Senator Badeau moves passage, seconded by Senators Ruggerio and Ciccone.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative and 1 Senator abstaining as follows as follows:

YEAS- 32: The Honorable President Montalbano and Senators Badeau, Bates, Blais, Breene, Ciccone, Cote, DaPonte, Doyle, Felag, Fogarty, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ABSTAINED- 1: Senator Algieri.

7 2007-S 80

BY Badeau

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- OPTIONAL
RETIREMENT FOR POLICE AND FIREFIGHTERS

Committee on Labor recommends passage.

Upon suggestion of Senator Ruggerio, seconded by Senator Bates, and without objection, ordered to be recommitted to the committee on Finance.

8 2007-S 96

BY Lanzi

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

Committee on Labor recommends passage.

Senator Lanzi moves passage, seconded by Senators Moura, Maselli, Badeau, Cote and Ciccone.

The act is read and passed, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

9 2007-S 495

BY Badeau

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -
BOILER INSPECTION AND PRESSURE VESSELS

Committee on Labor recommends passage.

Upon suggestion of Senator Badeau, and without objection, ordered to be placed on the Calendar for Tuesday, April 24, 2007.

10 2007-S 713

BY Sosnowski

**ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- SEARCH
WARRANTS -- MOTOR VEHICLE OFFENSES**

Committee on Judiciary recommends passage.

Senator Sosnowski moves passage, seconded by Senators Algieri, Moura, Raptakis and many others.

Senators Alves, McCaffrey, Algieri and Levesque discuss the act.

The act is read and passed, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

11 2007-S 826

BY Cote

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

Senator Cote moves passage, seconded by Senator McCaffrey.

The act is read and passed, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Ciccone, Cote, DaPonte, Doyle, Felag, Fogarty, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, 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 Bates announces that the Committee on Corporations will meet today, at the rise of the Senate, in Room 212 of the State House.

Senator Felag announces that the Committee on Finance 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 tomorrow, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Tassoni announces that the Committee on Housing and Municipal Government will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

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

Senator Ciccone announces that the Committee on Labor will meet tomorrow, at 2:30 o'clock P.M. in Room 212 of the State House.

Senator Issa announces that the Committee on Education will meet tomorrow, at the rise of the Senate, in Room 212 of the State House.

Senator Goodwin announces that the Committee on Constitutional and Regulatory Issues will meet tomorrow, at the rise of the Joint Committee.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns at 4:35 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR JOSHUA MILLER

Help us to acknowledge our dependence on You, Lord. Instill in us Your Truth so that we may be true public servants to the people of our State. Amen.

Appendix

CALENDAR

IN ORDER FOR TUESDAY, APRIL 24, 2007:

1 2007-S 495

BY Badeau

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -
BOILER INSPECTION AND PRESSURE VESSELS

Committee on Labor recommends passage.

RAYMOND T. HOYAS, JR.
Secretary of the Senate