

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.31

Tuesday, April 10, 2007

Thirty-First 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 4:12 o'clock P.M.

The roll is called and a quorum is declared present with 38 Senators present and 0 Senators absent as follows:

PRESENT – 38: 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, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 0:

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

GUESTS

Upon suggestion of Senators Gallo, Pichardo, Paiva Weed and by unanimous consent, the Honorable President Pro Tempore, welcomes to the Chamber members of Dorcas Place Adult and Family Learning Center.

Upon suggestion of Senator Tassoni, and by unanimous consent, the Honorable President Pro Tempore, welcomes to the Chamber from the City of Pawtucket, Mayor James E. Doyle.

FROM THE HOUSE OF REPRESENTATIVES

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

House Resolution No. 6232

BY Murphy, Fox, Mumford

ENTITLED, JOINT RESOLUTION INVITING HIS HONOR, THE PRESIDENT OF THE SENATE, AND THE HONORABLE SENATE TO JOIN THE HOUSE OF REPRESENTATIVES IN JOINT SESSION FOR THE PURPOSE OF HONORING MR. BERTIE AHERN, TD, PRIME MINISTER OF THE REPUBLIC OF IRELAND {LC2781/1}

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

Also:

House Bill No. 5728 as amended

BY Lima, Jacquard, Mattiello, Ucci, McNamara

ENTITLED, AN ACT RELATING TO CITIES AND TOWNS -- ZONING BOARDS {LC2164/1}

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

Also:

House Bill No. 6147

BY Walsh, Serpa, Silva

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Sarah Tass and Aaron Hiatt) {LC2586/1}

Received and referred to the Senate Committee on Judiciary

Also:

House Resolution No. 6253

BY Murphy, Kilmartin

ENTITLED, JOINT RESOLUTION WELCOMING AMBASSADOR JOHN GERARD BRUTON TO THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS {LC2808/1}

Senator Paiva Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Paiva Weed moves passage, seconded by Senators Algieri, Ruggerio.

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

REPORTS OF COMMITTEES

TRANSFER OF BILLS

Senator Badeau, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Labor, to the Committee on Health and Human Services:

Senate Bill No. 678

BY Senators Perry, Goodwin, Sosnowski, Paiva-Weed, Gallo

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- SEXUAL ASSAULT (delete the exception of a spouse from the definition of the accused in first degree sexual assault on a mentally incapacitated, disabled or physically helpless person) {LC1584/1}

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

Also:

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 Health and Human Services:

Senate Bill No. 670 (Health)

BY Senator Miller

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- LICENSING OF HEALTH CARE FACILITIES (require licensed health care facilities to comply with all laws with respect to certificates of need as an ongoing condition of licensure) {LC1103/1}

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

REPORTS OF COMMITTEES COMMITTEE ON CORPORATIONS

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

Reappointment of George W. Shuster of North Scituate to the Rhode Island Economic Development Corporation for a term expiring February 1, 2011.

Read and ordered to be placed on the Consent Calendar.

Also:

Reappointment of Cheryl Merchant of Lincoln to the Rhode Island Economic Development Corporation for a term expiring February 1, 2011.

Read and ordered to be placed on the Consent Calendar.

Also:

Reappointment of William McGowan (Representing video technicians) 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 ordered to be placed on the Consent Calendar.

Also:

Reappointment of Mario Bueno (Representing Community Based Organization) of Cranston to the Rhode Island Human Resource Investment Council for a term expiring January 1, 2010.

Read and ordered to be placed on the Consent Calendar.

Also:

Reappointment of Paul MacDonald (Representing Labor) of Harrisville to the Rhode Island Human Resource Investment Council for a term expiring January 1, 2010.

Read and ordered to be placed on the Consent Calendar.

Also:

Reappointment of William McGowan (Representing Labor) of North Kingstown to the Rhode Island Human Resource Investment Council for a term expiring January 1, 2010.

Read and ordered to be placed on the Consent Calendar.

Also:

Reappointment of Brandon Melton (Representing Business) of East Greenwich to the Rhode Island Human Resource Investment Council for a term expiring January 1, 2010.

Read and ordered to be placed on the Consent Calendar.

Also:

Reappointment of Martin Trueb (Representing Business) of East Greenwich to the Rhode Island Human resource Investment Council for a term expiring January 1, 2010.

Read and ordered to be placed on the Consent Calendar.

Also:

Appointment of Andrew Dzykewicz as the Commissioner of Energy Resources.

Read and ordered to be placed on the Calendar.

COMMITTEE ON HOUSING AND MUNICIPAL GOVERNMENT

Senator Tassoni, from the Committee on Housing and Municipal Government, reports back, with recommendation of passage of the following measure:

Senate Bill No. 855

BY Senators Gallo, Lanzi, Miller

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- ZONING BOARDS (would allow the city of Cranston to appoint four (4) alternate members to its zoning board of review) {LC2587/1}

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 measure:

Reappointment of Ashbel T. Wall, II of Providence as Director of the Department of Corrections.

Read and ordered to be placed on the Calendar.

NEW BUSINESS

Senate Bill No. 914

BY Senator Felag

ENTITLED, AN ACT RELATING TO TAXATION - HISTORIC RESIDENCE - TAX CREDIT (would allow owners of historic commercial structures in Warren to apply for tax credits even if the owner is depreciating the structure in accordance with federal law) {LC2758/1}

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 915

BY Senator Maselli

ENTITLED, AN ACT RELATING TO TAXATION - LEVY AND ASSESSMENT OF LOCAL TAXES (would allow the town of Johnston to implement a property tax deferred system for the benefit of senior citizens, disabled citizens, and disabled veterans.) {LC2797/1}

Read and referred to the Senate Committee on Finance

Also:

Senate Resolution No. 916

BY Senator Paiva-Weed

ENTITLED, SENATE RESOLUTION CONGRATULATING DAVID LEYS ON BEING A RECIPIENT OF THE NEWPORT DAILY NEWS COMMUNITY SERVICE AWARD {LC2807/1}

Senator Paiva Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Paiva Weed moves passage, seconded by Senator Gibbs.

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

Also:

Senate Resolution No. 917

BY Senator Paiva-Weed

ENTITLED, SENATE RESOLUTION CONGRATULATING SARAH M. PENER ON BEING SELECTED AS ONE OF THE 2007 NEWPORT DAILY NEWS COMMUNITY SERVICE AWARD WINNERS {LC2806/1}

Senator Paiva Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Paiva Weed moves passage, seconded by Senators Algiere and Gibbs.

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

Also:

Senate Resolution No. 918

BY Senator Paiva-Weed

ENTITLED, SENATE RESOLUTION PROCLAIMING APRIL, 2007 AS "PARKINSON'S DISEASE AWARENESS MONTH" IN THE STATE OF RHODE ISLAND {LC2629/1}

Senator McCaffrey requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator McCaffrey moves passage, seconded by Senators Paiva Weed and Algiere.

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

Also:

Senate Bill No. 919**BY** Senators Jabour, Ciccone, Perry, Pichardo, Ruggerio**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- NOTICE AND HEARING ON LICENSES {LC2775/1}

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

Also:

Senate Bill No. 920**BY** Senators Montalbano J, Paiva-Weed, Metts, McBurney, Revens**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY - - RENAMING THE NORTH WOODS RESIDENCE B {LC2721/1}

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

Also:

Senate Bill No. 921**BY** Senators Ciccone, Algieri, Levesque C, Ruggerio, Metts**ENTITLED**, AN ACT RELATING TO HOLIDAYS AND DAYS OF SPECIAL OBSERVANCE {LC2714/1}

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

Also:

Senate Bill No. 922**BY** Senators Sosnowski, McBurney, Lenihan, Sheehan, Algieri**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY -- RENAMING THE WEST SIDE SUITES {LC2722/1}

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

Also:

Senate Bill No. 923**BY** Senator Paiva-Weed**ENTITLED**, AN ACT RELATING TO EDUCATION -- TRANSPORTATION {LC2798/1}

Read and referred to the Senate Committee on Education

Also:

Senate Bill No. 924 (by request)**BY** Senators Walaska, Cote, Blais, Bates**ENTITLED**, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS -- SMALL BUSINESS {LC2502/1}

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 925

BY Senators Levesque C, Pichardo, Moura

ENTITLED, AN ACT RELATING TO EDUCATION -- UNIVERSAL BREAKFAST PROGRAM
{LC2777/1}

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 926 (by request)

BY Senator Sheehan

ENTITLED, AN ACT RELATING TO ELECTIONS - MEETINGS

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 927

BY Senator Paiva-Weed

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2856/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 928 (by request)

BY Senator Cote

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - ASSAULT {LC2787/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 929

BY Senator McCaffrey

ENTITLED, AN ACT RELATING TO PROPERTY -- MECHANICS LIENS {LC2700/1}

Read and referred to the Senate Committee on Judiciary

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 Felag announces that the Committee on Finance will meet today, at the rise of the Senate, in Room 211 of the State House.

Senator Doyle 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 Sosnowski announces that the Committee on Environment and Agriculture will meet tomorrow, at 3:00 o'clock P.M. in Room 211 of the State House.

RECESS

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate stands at recess at 4:23 o'clock P.M.

CALLED TO ORDER

The Senate is called to order by the Honorable Joseph A. Montalbano, President of the Senate, on Wednesday, April 11, 2007, at 4:18 o'clock P.M.

ADJOURNMENT

Upon motion of Senator Goodwin, seconded by Senator Gallo, the Senate adjourns at 4:19 o'clock P.M.

GABRIEL REI
Deputy Clerk of the Senate

Appendix

INVOCATION

SENATOR JUAN M. PICHARDO

Lord, grant us Your higher wisdom to our leaders and our people. By Your grace, enable us to work together with unity of spirit and bonds of peace. Amen.

Appendix**CONSENT CALENDAR****IN ORDER FOR WEDNESDAY, APRIL 11, 2007:****1 Reappointment of George W. Shuster of North Scituate to the Rhode Island Economic Development Corporation for a term expiring February 1, 2011.**

Committee on Corporations recommends that the Senate give its Advice and Consent to this reappointment.

2 Reappointment of Cheryl Merchant of Lincoln to the Rhode Island Economic Development Corporation for a term expiring February 1, 2011.

Committee on Corporations recommends that the Senate give its Advice and Consent to this reappointment.

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

Committee on Corporations recommends that the Senate give its Advice and Consent to this reappointment.

4 Reappointment of Mario Bueno (Representing Community Based Organization) of Cranston to the Rhode Island Human Resource Investment Council for a term expiring January 1, 2010.

Committee on Corporations recommends that the Senate give its Advice and Consent to this reappointment.

5 Reappointment of Paul MacDonald (Representing Labor) of Harrisville to the Rhode Island Human Resource Investment Council for a term expiring January 1, 2010.

Committee on Corporations recommends that the Senate give its Advice and Consent to this reappointment.

6 Reappointment of William McGowan (Representing Labor) of North Kingstown to the Rhode Island Human Resource Investment Council for a term expiring January 1, 2010.

Committee on Corporations recommends that the Senate give its Advice and Consent to this reappointment.

- 7 Reappointment of Brandon Melton (Representing Business) of East Greenwich to the Rhode Island Human Resource Investment Council for a term expiring January 1, 2010.**

Committee on Corporations recommends that the Senate give its Advice and Consent to this reappointment.

- 8 Reappointment of Martin Trueb (Representing Business) of East Greenwich to the Rhode Island Human resource Investment Council for a term expiring January 1, 2010.**

Committee on Corporations recommends that the Senate give its Advice and Consent to this reappointment.

GABRIEL REI
Deputy Clerk of the Senate

Appendix**CALENDAR****IN ORDER FOR THURSDAY, APRIL 12, 2007:****1 Appointment of Andrew Dzykewicz as the Commissioner of Energy Resources.**

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

2 Reappointment of Ashbel T. Wall, II of Providence as Director of the Department of Corrections.

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

3 2007-S 855

BY Gallo

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- ZONING BOARDS

Committee on Housing & Municipal Government recommends passage.

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.

GABRIEL REI
Deputy Clerk of the Senate