

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.45

Tuesday, May 22, 2007

Forty-fifth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:30 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, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, McBurney, McCaffrey, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 2: Senators Lenihan and Metts

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Forty-fourth Legislative Day of the 2007 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Issa and by unanimous consent, the Honorable President, welcomes to the Chamber the Honorable Ricardo Patino, Councilman from the City of Central Falls.

Upon suggestion of Senator Tassoni and by unanimous consent, the Honorable President, welcomes to the Chamber Gregory C. Hitchcock, of the Lake Mishnock Fire Department in West Greenwich and Bernard Patenaude of the Cranston Fire Department.

Upon suggestion of Senator Sosnowski and by unanimous consent, the Honorable President, welcomes to the Chamber Stephen Alfred, Town Manager of the Town of South Kingstown.

Upon suggestion of Senator DaPonte and by unanimous consent, the Honorable President, welcomes to the Chamber Daniel Marcos and Monica Fonseca from Lisbon, Portugal and Melia Alves and Sao Miguel from the Azores, Portugal.

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**

May 9, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 31-13-1 of the Rhode Island General Laws, I have made the following appointment to the State Traffic Commission:

Chief Thomas P. Tighe of Jamestown
(representing the Rhode Island Police Chief's Association)

to serve at the pleasure of the Governor.

To this appointment 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 ENVIRONMENT AND AGRICULTURE**

Senator Sosnowski, from the Committee on Environment and Agriculture, reports back, with recommendation of passage of the following measure:

Senate Bill No. 397 SUB A (Environmental Management)

BY Senator Breene

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- INDUSTRIAL PROPERTY REMEDIATION AND REUSE (provide civil penalties against any person, firm or business that violates the provisions of this chapter or the rules, regulations and orders issued pursuant thereto) {LC1495/1/A}

Read and ordered to be placed on the Calendar

COMMITTEE ON FINANCE

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

Senate Bill No. 260

BY Senator Levesque C

ENTITLED, AN ACT AUTHORIZING THE TOWN OF PORTSMOUTH TO ISSUE GENERAL OBLIGATION BONDS AND/OR NOTES IN AN AMOUNT NOT TO EXCEED \$3,000,000 TO FINANCE THE ACQUISITION AND INSTALLATION OF A WIND TURBINE AT PORTSMOUTH HIGH SCHOOL AND/OR A WIND TURBINE AT PORTSMOUTH MIDDLE SCHOOL

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 859 as amended

BY Senators Felag, Levesque C, Paiva-Weed, Lanzi, Tassoni

ENTITLED, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION (would grant a veterans property tax exemption to persons who served at least twelve (12) months prior to the start of certain actions in certain places and who were honorably discharged due to a service related injury or illness) {LC2680/1}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 963 as amended

BY Senator Breene

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- OPTIONAL RETIREMENT FOR POLICE/FIRE FIGHTERS (amend the number of years of service required for the purposes of the retirement allowance payable to police officers in Richmond) {LC2962/1}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 994

BY Senators Levesque C, Bates, Felag

ENTITLED, AN ACT RELATING TO TAXATION -- SALES AND USE TAXES -- LIABILITY AND COMPUTATION (create an arts district within the town of Bristol where writers, composers and artists would be exempt from charging sales tax) {LC3044/1}

Read and ordered to be placed on the Calendar

NEW BUSINESS

Senate Bill No. 1039

BY Senators Lenihan, Raptakis

ENTITLED, AN ACT AUTHORIZING THE TOWN OF EAST GREENWICH TO FINANCE THE ACQUISITION, CONSTRUCTION, RENOVATION, IMPROVEMENT, REHABILITATION, EQUIPPING AND FURNISHING OF A NEW SENIOR AND COMMUNITY CENTER IN THE TOWN BY THE ISSUANCE OF NOT MORE THAN \$4,000,000 BONDS AND/OR NOTES THEREFOR {LC3100/1}

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

Also:

Senate Bill No. 1040

BY Senators Fogarty P, Levesque C, Tassoni, Connors, Gallo

ENTITLED, AN ACT RELATING TO THE GLENDALE ASSOCIATION, INC. {LC3136/1}

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

Also:

Senate Bill No. 1041

BY Senators Perry, Levesque C, Miller, Pichardo, Moura

ENTITLED, AN ACT RELATING TO HUMAN SERVICES -- UNCOMPENSATED CARE {LC3060/1}

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

Also:

Senate Bill No. 1042

BY Senators Lenihan, Raptakis

ENTITLED, AN ACT AUTHORIZING THE TOWN OF EAST GREENWICH TO FINANCE THE ACQUISITION, CONSTRUCTION, EQUIPPING AND FURNISHING OF A MIDDLE SCHOOL AND THE RENOVATION, ALTERATION, DEMOLITION, REPAIR, IMPROVEMENT, EQUIPPING, FURNISHING AND LANDSCAPING OF, AND/OR ADDITIONS TO, PUBLIC

SCHOOLS AND SCHOOL FACILITIES IN THE TOWN AND TO ISSUE NOT MORE THAN \$52,000,000 BONDS AND/OR NOTES THEREFOR {LC3099/1}

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 1043

BY Senators Fogarty P, Gallo

ENTITLED, AN ACT RELATING TO TAXATION {LC3070/1}

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 1044

BY Senator Tassoni

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC3076/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 1045

BY Senator Walaska

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC3059/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Resolution No. 1046

BY Senators Lanzi, Gallo, Miller

ENTITLED, SENATE RESOLUTION PROCLAIMING MAY 18TH OF 2007 TO BE "HUGH B. BAIN MIDDLE SCHOOL DAY" IN THE STATE OF RHODE ISLAND {LC3123/1}

Senator Lanzi requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Lanzi moves passage, seconded by Senators Gallo, Miller and the entire Senate.

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

GUESTS

Upon suggestion of Senators Lanzi, Gallo and Miller and by unanimous consent, the Honorable President, welcomes to the Chamber Thomas A. Barbieri, Principal of Hugh B. Bain Middle School, his wife, Charlene A. Barbieri, Kristin Hlady, Cheryl Anderson, Assistant Principals, Gilbert Bedetta Alumni Chair, Deb Turilli, Co-Chair School Improvement Team and Special Education Teacher, Kim Lebrun

Director, Bain+2 After School Program, Eileen D'Amico, Teacher Assistant, Brittany Lyons, President of the 8th grade class, and students Samuel Boadu, Gabriella Corvese, Jing Wang and Olive Swinski.

NOW PRESIDING

The Honorable President, yields the rostrum to the Honorable Daniel P. Connors, Deputy President Pro Tempore, at 4:40 o'clock P.M.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 6349

BY Lally, Caprio D

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Senator McCaffrey requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator McCaffrey moves passage, seconded by Senator Ruggerio.

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: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Issa, Lanzi, Levesque, Maselli, McBurney, McCaffrey, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

CONSENT CALENDAR

In order for the day is taken up as follows:

1 Nomination of J. Michael Costello (Appointment) of Providence to the Rhode Island Higher Education assistance Authority for a term expiring July 1, 2011..

2 2007-S 1034

BY Lenihan

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF THE INDIAN RIVER COMPANY

3 2007-H 6401

BY Murphy

ENTITLED, JOINT RESOLUTION RECOGNIZING THE RHODE ISLAND SCHOLARSHIP ALLIANCE

Upon motion of Senator Paiva Weed, seconded by Senator Algieri, the measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, McBurney, McCaffrey, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

NOW PRESIDING

The Honorable Deputy President Pro Tempore yields the rostrum to the Honorable Joseph A Montalbano, President of the Senate, at 4:42 o'clock P.M.

CALENDAR

IN ORDER FOR TUESDAY, MAY 22, 2007:

1 2007-S 54 SUB A

BY Bates

ENTITLED, AN ACT RELATING TO INDEBTEDNESS OF TOWNS AND CITIES

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

Upon suggestion of Senator Ruggerio, and without objection, ordered to be placed on the Calendar for Tuesday, May 29, 2007.

2 2007-S 869 SUB A

BY Cote

ENTITLED, AN ACT AUTHORIZING THE CITY OF WOONSOCKET TO FINANCE THE ACQUISITION OF LAND FOR SCHOOL FACILITIES, INCLUDING THE DEMOLITION OF EXISTING BUILDINGS AND SITE PREPARATION, AND THE CONSTRUCTION, FURNISHING AND EQUIPPING OF TWO NEW MIDDLE SCHOOLS AND RELATED SCHOOL FACILITIES AND THE REHABILITATION OF APPURTENANT HISTORIC BUILDINGS, IF ANY, IN THE CITY AND TO ISSUE NOT MORE THAN \$74,000,000 BONDS AND/OR NOTES THEREFOR INCLUDING, BUT NOT LIMITED TO, ANY BONDS OR NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION

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

Upon suggestion of Senator Ruggerio, and without objection, ordered to be placed at the bottom of the Calendar.

3 2007-S 254 SUB A

BY Gallo

**ENTITLED, AN ACT RELATING TO INSURANCE -- HEALTH
MAINTENANCE ORGANIZATIONS**

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Gallo moves passage, seconded by Senator Connors.

Senator Perry, seconded by Senator Gallo, offers the following written motion to amend.

F L O O R A M E N D M E N T

2007 -- S 254 SUBSTITUTE A

AN ACT RELATING TO INSURANCE -- HEALTH MAINTENANCE ORGANIZATIONS

Mr. President:

I hereby move to amend 2007 -- S 254 SUBSTITUTE A, entitled "AN ACT RELATING TO INSURANCE -- HEALTH MAINTENANCE ORGANIZATIONS", as follows:

(1) On page 2, line 12, by deleting the words "ambulatory quality association" and inserting in place thereof the words "AQA Alliance".

(2) On page 2, lines 13 and 14 by deleting the words "unless such program meets the principles and guidelines for pay-for-performance programs".

Respectfully submitted,
SENATOR PERRY
LC01395/5

The motion to amend prevails upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: 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, Levesque, Maselli, McBurney, McCaffrey, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Gallo moves passage of the act, as amended, seconded by Senators Connors and Perry.

The act is read and passed, by unanimous consent, as amended, 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, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Jabour, Lanzi, Levesque, Maselli, McBurney, McCaffrey, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

4 2007-S 636 SUB A as amended

BY McBurney

**ENTITLED, AN ACT RELATING TO BUSINESS AND PROFESSIONS -
OPTOMETRISTS**

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A as amended.

Senator McBurney, moves passage, seconded by Senator Doyle and others.

Senator Perry, seconded by Senator McBurney, offers the following written motion to amend.

F L O O R A M E N D M E N T

2007 -- S 636 SUBSTITUTE A, AS AMENDED

AN ACT RELATING TO BUSINESS AND PROFESSIONS - OPTOMETRISTS

Mr. President:

I hereby move to amend 2007 -- S 636 SUBSTITUTE A, AS AMENDED, entitled "AN ACT RELATING TO BUSINESS AND PROFESSIONS - OPTOMETRISTS", as follows:

(1) On page 1, line 18, by inserting a period "." after the words "of the eye" and by deleting the language ", or treating the effects of any disease or pathological".

(2) On page 1, line 19, by deleting the words "condition of the eye."

Respectfully submitted,
SENATOR PERRY
LC02123/2

The motion to amend prevails upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Ciccone, Connors, Cote, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, McBurney, McCaffrey, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator McBurney moves passage of the act, as amended, seconded by Senator Perry.

The act is read and passed, by unanimous consent, as amended, 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, Connors, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, McBurney, McCaffrey, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

5 2007-S 463 SUB A

BY Perry

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

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

Senator Perry, moves passage, seconded by Senators Tassoni and Goodwin.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Ciccone, Connors, Cote, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, McBurney, McCaffrey, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

6 2007-S 467 SUB A

BY McCaffrey

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

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

Senator McCaffrey, moves passage, seconded by Senators Blais.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, McBurney, McCaffrey, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

7 2007-S 469 SUB A

BY McCaffrey

**ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE
COMMISSION ON JUDICIAL TENURE AND DISCIPLINE**

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

Senator McCaffrey, moves passage, seconded by Senators Blais and Walaska.

Senator Gibbs, seconded by Senator Bates, offers the following written motion to amend.

F L O O R A M E N D M E N T

2007 -- S 469 SUBSTITUTE A

AN ACT RELATING TO COURTS AND CIVIL PROCEDURE COMMISSION ON JUDICIAL TENURE AND
DISCIPLINE

Mr. President:

I hereby move to amend 2007 -- S 469 SUBSTITUTE A, entitled "AN ACT RELATING TO COURTS AND CIVIL PROCEDURE COMMISSION ON JUDICIAL TENURE AND DISCIPLINE", as follows:

1. On page 1, line 11, after the language "representatives," by inserting the following language: "one of whom shall be from a list provided to the speaker of the house by the house minority leader;"

2. On page 1, line 12, after the language "senate;" by inserting the following language: "one of whom shall be from a list provided to the president of the senate by the senate minority leader;"

Respectfully submitted,
SENATOR GIBBS
LC00297/2

The motion to amend prevails upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: 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, Levesque, Maselli, McBurney, McCaffrey, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator McCaffrey moves passage of the act, as amended, seconded by Senator Gibbs.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: 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, Levesque, Maselli, McBurney, McCaffrey, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

8 2007-S 708

BY McCaffrey

ENTITLED, AN ACT RELATING TO ELECTIONS CANVASSING THE LISTS
OF QUALIFIED ELECTORS

Committee on Judiciary recommends passage.

Upon suggestion of Senator Ruggerio, and without objection, ordered to be placed on the Calendar for Tuesday, May 29, 2007.

9 2007-S 717

BY McCaffrey

ENTITLED, AN ACT RELATING TO ELECTIONS -- VOTING DISTRICTS AND
OFFICIALS

Committee on Judiciary recommends passage.

Senator McCaffrey moves passage, seconded by Senators Moura, Perry, Jabour and Raptakis

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: 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, Levesque, Maselli, McBurney, McCaffrey, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

10 2007-S 718

BY McCaffrey

ENTITLED, AN ACT RELATING TO ELECTIONS

Committee on Judiciary recommends passage.

Senator McCaffrey moves passage, seconded by Senators Goodwin and Ruggerio.

The act is read and passed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: 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, Levesque, Maselli, McBurney, McCaffrey, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

11 2007-H 6124

BY Coderre E

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

Committee on Finance recommends passage in concurrence.

Senator Doyle moves passage, seconded by Senator McBurney.

The act is read and passed, by unanimous consent, in concurrence, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: 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, Levesque, Maselli, McBurney, McCaffrey, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

12 2007-H 6304

BY Watson

ENTITLED, AN ACT IN AMENDMENT OF "AN ACT TO INCORPORATE THE 'TRUSTEES OF THE METHODIST EPISCOPAL CHURCH IN EAST GREENWICH'" PASSED AT THE JANUARY SESSION 1958

Ordered on the Calendar

Upon suggestion of Senator Ruggerio, and without objection, ordered to be placed on the Calendar for Tuesday, May 29, 2007.

AT EASE

Upon suggestion of Senator Ruggerio, and without objection, the Senate will stand at ease at 4:56 o'clock, until the call of the chair.

CALLED TO ORDER

The Senate is called to order by the Honorable Joseph A. Montalbano, President of the Senate, on Tuesday, May 22, 2007, at 5:35 o'clock P.M.

REPORTS OF COMMITTEES

COMMITTEE ON CONSTITUTIONAL AND REGULATORY ISSUES

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

Senate Bill No. 919

BY Senators Jabour, Ciccone, Perry, Pichardo, Ruggerio

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- NOTICE AND HEARING ON LICENSES (would eliminate the requirement that an advertisement or notice be given when an applicant or license holder applies for a temporary seasonal expansion of their liquor license)

Read and ordered to be placed on the desk.

CALENDAR

2 2007-S 869 SUB A

BY Cote

ENTITLED, AN ACT AUTHORIZING THE CITY OF WOONSOCKET TO FINANCE THE ACQUISITION OF LAND FOR SCHOOL FACILITIES, INCLUDING THE DEMOLITION OF EXISTING BUILDINGS AND SITE PREPARATION, AND THE CONSTRUCTION, FURNISHING AND EQUIPPING OF TWO NEW MIDDLE SCHOOLS AND RELATED SCHOOL FACILITIES AND THE REHABILITATION OF APPURTENANT HISTORIC BUILDINGS, IF ANY, IN THE CITY AND TO ISSUE NOT MORE THAN \$74,000,000 BONDS AND/OR NOTES THEREFOR INCLUDING, BUT NOT LIMITED TO, ANY BONDS OR NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION

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

Senator Cote, moves passage, seconded by Senator Badeau.

Senator Cote, seconded by Senator Badeau, offers the following written motion to amend.

F L O O R A M E N D M E N T

2007 -- S 869 SUBSTITUTE A

AN ACT AUTHORIZING THE CITY OF WOONSOCKET TO FINANCE THE ACQUISITION OF LAND FOR SCHOOL FACILITIES, INCLUDING THE DEMOLITION OF EXISTING BUILDINGS AND SITE PREPARATION, AND THE CONSTRUCTION, FURNISHING AND EQUIPPING OF TWO NEW MIDDLE SCHOOLS AND RELATED SCHOOL FACILITIES AND THE REHABILITATION OF APPURTENANT HISTORIC BUILDINGS, IF ANY, IN THE CITY AND TO ISSUE NOT MORE THAN \$74,000,000 BONDS AND/OR NOTES THEREFOR INCLUDING, BUT NOT LIMITED TO, ANY BONDS OR NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION

Mr. President:

I hereby move to amend 2007 -- S 869 SUBSTITUTE A, entitled "AN ACT AUTHORIZING THE CITY OF WOONSOCKET TO FINANCE THE ACQUISITION OF LAND FOR SCHOOL FACILITIES, INCLUDING THE DEMOLITION OF EXISTING BUILDINGS AND SITE PREPARATION, AND THE CONSTRUCTION, FURNISHING AND EQUIPPING OF TWO NEW MIDDLE SCHOOLS AND RELATED SCHOOL FACILITIES AND THE REHABILITATION OF APPURTENANT HISTORIC BUILDINGS, IF ANY, IN THE CITY AND TO ISSUE NOT MORE THAN \$74,000,000 BONDS AND/OR NOTES THEREFOR INCLUDING, BUT NOT LIMITED TO, ANY BONDS OR NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION", as follows:

(1) On page 1, by changing the title from "AN ACT AUTHORIZING THE CITY OF WOONSOCKET TO FINANCE THE ACQUISITION OF LAND FOR SCHOOL FACILITIES, INCLUDING THE DEMOLITION OF EXISTING BUILDINGS AND SITE PREPARATION, AND THE CONSTRUCTION, FURNISHING AND EQUIPPING OF TWO NEW MIDDLE SCHOOLS AND RELATED SCHOOL FACILITIES AND THE REHABILITATION OF APPURTENANT HISTORIC BUILDINGS, IF ANY, IN THE CITY AND TO ISSUE NOT MORE THAN \$74,000,000 BONDS AND/OR NOTES THEREFOR INCLUDING, BUT NOT LIMITED TO, ANY BONDS OR NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION", and substituting therefor the following: "AN ACT AUTHORIZING THE CITY OF WOONSOCKET TO FINANCE THE ACQUISITION OF LAND FOR SCHOOL FACILITIES, INCLUDING THE DEMOLITION OF EXISTING BUILDINGS AND SITE PREPARATION, AND THE CONSTRUCTION, FURNISHING

AND EQUIPPING OF TWO NEW MIDDLE SCHOOLS AND RELATED SCHOOL FACILITIES AND THE REHABILITATION OF APPURTENANT HISTORIC BUILDINGS, IF ANY, IN THE CITY AND TO ISSUE NOT MORE THAN \$80,000,000 BONDS AND/OR NOTES THEREFOR INCLUDING, BUT NOT LIMITED TO, ANY BONDS OR NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION".

(2) On page 1, line 2, by deleting the number "seventy-four" and inserting in place thereof the number "eighty".

(3) On page 1, line 3, by deleting the numeral "(\$74,000,000)" and inserting in place thereof the numeral "(\$80,000,000)".

(4) On page 5, line 21, by deleting the number "sixty-seven" and inserting in place thereof the number "seventy-four".

(5) On page 5, line 21, by deleting the numeral "(\$67,000,000)" and inserting in place thereof the numeral "(\$74,000,000)".

(6) On page 6, line 10 by deleting the numeral "\$74,000,000" and inserting in place thereof the numeral "\$80,000,000".

Respectfully submitted,
SENATOR COTE
LC020507/4

Senators Cote, Alves and Blais discuss the amendment.

The motion to amend fails of passage upon a roll call vote with 3 Senators voting in the affirmative and 29 Senators voting in the negative as follows:

YEAS- 3: Senators Badeau, Cote, Gibbs.

NAYS- 29: The Honorable President Montalbano and Senators Alves, Bates, Blais, Breene, Ciccone, Connors, DaPonte, Felag, Fogarty, Gallo, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

Senator Badeau, seconded by Senators Cote, Paiva Weed, Ruggerio and Alves, offers the following written motion to amend.

FLOOR AMENDMENT

2007 -- S 869 SUBSTITUTE A

AN ACT AUTHORIZING THE CITY OF WOONSOCKET TO FINANCE THE ACQUISITION OF LAND FOR

SCHOOL FACILITIES, INCLUDING THE DEMOLITION OF EXISTING BUILDINGS AND SITE PREPARATION, AND THE CONSTRUCTION, FURNISHING AND EQUIPPING OF TWO NEW MIDDLE SCHOOLS AND RELATED SCHOOL FACILITIES AND THE REHABILITATION OF APPURTENANT HISTORIC BUILDINGS, IF ANY, IN THE CITY AND TO ISSUE NOT MORE THAN \$74,000,000 BONDS AND/OR NOTES THEREFOR INCLUDING, BUT NOT LIMITED TO, ANY BONDS OR NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION

Mr. President:

I hereby move to amend 2007 -- S 869 SUBSTITUTE A, entitled "AN ACT AUTHORIZING THE CITY OF WOONSOCKET TO FINANCE THE ACQUISITION OF LAND FOR SCHOOL FACILITIES, INCLUDING THE DEMOLITION OF EXISTING BUILDINGS AND SITE PREPARATION, AND THE CONSTRUCTION, FURNISHING AND EQUIPPING OF TWO NEW MIDDLE SCHOOLS AND RELATED SCHOOL FACILITIES AND THE REHABILITATION OF APPURTENANT HISTORIC BUILDINGS, IF ANY, IN THE CITY AND TO ISSUE NOT MORE THAN \$74,000,000 BONDS AND/OR NOTES THEREFOR INCLUDING, BUT NOT LIMITED TO, ANY BONDS OR NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION", as follows:

(1) By deleting the title of said act and inserting in place thereof the following title:

"AN ACT AUTHORIZING THE CITY OF WOONSOCKET TO FINANCE THE ACQUISITION OF LAND FOR SCHOOL FACILITIES, INCLUDING THE DEMOLITION OF EXISTING BUILDINGS AND SITE PREPARATION, AND THE CONSTRUCTION, FURNISHING AND EQUIPPING OF TWO NEW MIDDLE SCHOOLS AND RELATED SCHOOL FACILITIES AND THE REHABILITATION OF APPURTENANT HISTORIC BUILDINGS, IF ANY, IN THE CITY AND TO ISSUE NOT MORE THAN \$74,000,000 BONDS AND/OR NOTES THEREFOR INCLUDING, BUT NOT LIMITED TO, ANY BONDS OR NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION, AND FURTHER PROVIDING THAT ONE HUNDRED PERCENT (100%) OF THE PROCEEDS FROM ANY FUTURE SALE OF THE EXISTING MIDDLE SCHOOL SHALL BE PAID TO THE STATE OF RHODE ISLAND GENERAL FUND IN THE FOLLOWING YEAR".

(2) On page 5, line 21, by deleting the number "sixty-seven" and inserting in place thereof the number "seventy".

(3) On page 5, line 21, by deleting the numeral "(\$67,000,000)" and inserting in place thereof the numeral "(\$70,000,000)".

(4) On page 6, between lines 2 and 3, by inserting the following language:

"SECTION 12. One hundred percent (100%) of the proceeds from any future sale of the existing middle school shall

be paid to the state of Rhode ISLAND general fund in the following year."

(5) On page 6, line 3, by deleting the numeral "12" and inserting in place hereof the numeral "13".

(6) On page 6, line 20, by deleting the numeral "13" and inserting in place thereof the numeral "14".

(7) On page 6, line 11, by deleting the word "therefore" and inserting in place hereof the following: "THEREFOR INCLUDING, BUT NOT LIMITED TO, ANY BONDS OR NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION, AND FURTHER PROVIDING THAT ONE HUNDRED PERCENT (100%) OF THE PROCEEDS FROM ANY FUTURE SALE OF THE EXISTING MIDDLE SCHOOL SHALL BE PAID TO THE STATE OF RHODE ISLAND GENERAL FUND IN THE FOLLOWING YEAR".

Respectfully submitted,
SENATOR BADEAU
LC02507/7

The motion to amend prevails upon a roll call vote with 31 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS- 31: The Honorable President Montalbano and Senators Alves, Badeau, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Issa, Jabour, Lanzi, Levesque, Maselli, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 1: Senator Goodwin

Senator Cote moves passage of the act, as amended, seconded by Senator Badeau.

The act is read and passed, by unanimous consent, as amended, 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, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, 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 Raptakis announces that the Committee on Environment and Agriculture will meet tomorrow, 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 tomorrow, 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 Tassoni announces that the Committee on Commerce, Housing and Municipal Government will meet today, at the rise of the Senate in the Senate Lounge of the State House.

Senator Ciccone announces that the Committee on Labor will meet tomorrow, at 3:00 o'clock P.M. in Room 212 of the State House.

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 Paiva Weed announces that the Senate will not meet on Thursday, May 24, 2007.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Ruggerio the Senate adjourns at 5:54 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR ROGER R. BADEAU

Dear Lord, keep our vision clear and our purpose pure as we take part in trying to help all of our people live in decency, dignity, and honor. Amen.

Appendix**CALENDAR****IN ORDER FOR WEDNESDAY, MAY 23, 2007:****1 2007-S 393****BY Gallo****ENTITLED, AN ACT RELATING TO EDUCATION - ESTABLISHMENT OF
CHARTER PUBLIC SCHOOLS**

Committee on Education recommends passage.

2 2007-S 556 SUB A as amended**BY Tassoni****ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
SCHOOL PUPIL TRANSPORT VEHICLE**

Committee on Education recommends indefinite postponement of the original bill and passage of Substitute A as amended.

3 2007-S 710 SUB A**BY Goodwin****ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE - DOMESTIC
VIOLENCE PREVENTION ACT**

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

4 2007-S 723**BY McCaffrey****ENTITLED, AN ACT RELATING TO ELECTIONS -- VOTING DISTRICTS**

Committee on Judiciary recommends passage.

5 2007-S 742 SUB A**BY Levesque C****ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE - DOMESTIC
VIOLENCE PREVENTION ACT**

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

6 2007-S 756 SUB A**BY Jabour****ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- HISTORICAL
ZONING**

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

7 2007-S 760 SUB A

BY Goodwin

ENTITLED, AN ACT RELATING TO ELECTIONS -- NOMINATION OF
PARTY AND INDEPENDENT CANDIDATES

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

8 2007-S 776

BY Doyle

ENTITLED, AN ACT RELATING TO ELECTIONS -- VOTING DISTRICTS AND
OFFICIALS

Committee on Judiciary recommends passage.

9 2007-S 797

BY Walaska

ENTITLED, AN ACT MOTOR AND OTHER VEHICLES

Committee on Judiciary recommends passage.

10 2007-S 799

BY Ruggerio

ENTITLED, AN ACT RELATING TO ELECTIONS -- STATE BOARD OF
ELECTIONS

Committee on Judiciary recommends passage.

11 2007-S 845

BY Maselli

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
ADJUDICATION OF TRAFFIC OFFENSES

Committee on Judiciary recommends passage.

12 2007-S 906 SUB A

BY Algieri

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -
HEAVY DUTY DIESEL VEHICLE EMISSION INSPECTIONS

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

13 2007-S 971 as amended**BY McCaffrey****ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- WEAPONS**

Committee on Judiciary recommends passage as amended.

14 2007-S 975**BY Goodwin****ENTITLED, AN ACT RELATING TO THE CONVENTION CENTER
AUTHORITY**

Committee on Judiciary recommends passage.

IN ORDER FOR TUESDAY, MAY 29, 2007:**1 2007-S 54 SUB A****BY Bates****ENTITLED, AN ACT RELATING TO INDEBTEDNESS OF TOWNS AND CITIES**

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

2 2007-S 708**BY McCaffrey****ENTITLED, AN ACT RELATING TO ELECTIONS CANVASSING THE LISTS
OF QUALIFIED ELECTORS**

Committee on Judiciary recommends passage.

3 2007-S 397 SUB A**BY Breene****ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- INDUSTRIAL
PROPERTY REMEDIATION AND REUSE**

Committee on Environment & Agriculture recommends indefinite postponement of the original bill and passage of Substitute A.

4 2007-S 260**BY Levesque C****ENTITLED, AN ACT AUTHORIZING THE TOWN OF PORTSMOUTH TO ISSUE
GENERAL OBLIGATION BONDS AND/OR NOTES IN AN AMOUNT
NOT TO EXCEED \$3,000,000 TO FINANCE THE
ACQUISITION AND INSTALLATION OF A WIND TURBINE AT
PORTSMOUTH HIGH SCHOOL AND/OR A WIND TURBINE AT
PORTSMOUTH MIDDLE SCHOOL**

Committee on Finance recommends passage.

5 2007-S 859 as amended**BY Felag****ENTITLED,** AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO
TAXATION

Committee on Finance recommends passage as amended.

6 2007-S 963 as amended**BY Breene****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- OPTIONAL
RETIREMENT FOR POLICE/FIRE FIGHTERS

Committee on Finance recommends passage as amended.

7 2007-S 994**BY Levesque C****ENTITLED,** AN ACT RELATING TO TAXATION -- SALES AND USE TAXES
-- LIABILITY AND COMPUTATION

Committee on Finance recommends passage.

8 2007-H 6304**BY Watson****ENTITLED,** AN ACT IN AMENDMENT OF "AN ACT TO INCORPORATE THE
'TRUSTEES OF THE METHODIST EPISCOPAL CHURCH IN EAST
GREENWICH'" PASSED AT THE JANUARY SESSION 1958

Ordered on the Calendar

RAYMOND T. HOYAS, JR.
Secretary of the Senate