

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. 50

Tuesday, June 5, 2007

Fiftieth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:13 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, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McBurney, McCaffrey, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 2: Senators Ciccone, Metts.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

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**

June 5, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 29-3.1-2.2 of the Rhode Island General Laws, I have made the following appointment to the Library Board of Rhode Island:

Shirley Long of Hope Valley
(Representing Medium/Large Public Libraries)

VICE
Deborah Barchi

for a term expiring December 31, 2008.

To this appointment, I respectfully request your advice & consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Education.

Also:

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

June 5, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 24-15-10 of the Rhode Island General Laws, I have made the following appointment to the Scenic Highway Board:

Sue Lindholm Barker of Jamestown
(new seat)

for a term expiring January 31, 2010.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Environment and Agriculture.

Also:

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

June 5, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-15.1-2 of the Rhode Island General Laws, I have made the following appointment to the Water Resources Board:

Richard Mignanelli of East Greenwich
(Representative of Small Water User)
(New Seat)

for a term expiring March 1, 2010.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Environment and Agriculture.

Also:

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

June 5, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-140.1-4 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Energy Efficiency and Resource Management Council:

Ron Gerwatowski, Esq. of Franklin, MA
(Representing Electric Distributor)

for a term expiring April 1, 2012.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Environment and Agriculture.

Also:

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

June 5, 2007

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-140.1-4 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Energy Efficiency and Resource Management Council:

**Victor Allienello, Jr. of East Providence
(Representing the Fuel Oil/Heating Industry)**

for a term expiring April 1, 2012.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Environment and Agriculture.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 6441

BY Savage

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF COLONIAL MANOR INC. {LC3193/1}

Read and ordered to be placed on the Consent Calendar

Also:

House Bill No. 6442**BY** Murphy, Flaherty**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Lori Giaffa and James Zaun) {LC3094/1}

Read and referred to the Committee on Judiciary

**REPORTS OF COMMITTEES
COMMITTEE ON JUDICIARY**

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

Senate Bill No. 783 SUB A as amended (Attorney General)**BY** Senators Felag, Bates**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES (create a new section in the general laws which specifically criminalizes the "street racing" of motor vehicles) {LC1265/1/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 measure:

Senate Bill No. 974 SUB A as amended**BY** Senator Alves**ENTITLED**, AN ACT RELATING TO TAXATION - REAL ESTATE INVESTMENT TRUSTS {LC2979/3/A}

Read and ordered to be placed on the Calendar.

COMMITTEE ON HEALTH AND HUMAN SERVICES

Senator Roberts, from the Committee on Health and Human Services, reports back, with recommendation of passage of the following measures:

Senate Bill No. 131 SUB A**BY** Senators Doyle, Tassoni, McBurney, Ruggerio**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- RADON CONTROL (create penalties for unlicensed individuals or entities who perform radon screening, diagnostic sampling, testing or mitigation) {LC402/2/A}

Read and ordered to be placed on the Calendar.

Also:

House Bill No. 5736 SUB B**BY** Lewiss, Handy, Kennedy, Shanley, San Bento**ENTITLED**, AN ACT RELATING TO INSURANCE -- HEALTH MAINTENANCE

ORGANIZATIONS (require HMOs to reimburse providers for services rendered during the period of conditional credentials) {LC1300/1/B}

Read and ordered to be placed on the Consent Calendar.

Also:

House Bill No. 5956 as amended**BY** Lewiss, Kennedy, Costantino, McNamara, Gallison**ENTITLED**, AN ACT RELATING TO BUSINESS AND PROFESSIONS - NURSES (create the

Nurse Licensure Compact wherein every nurse practicing in a party state must comply with the state practice laws in which the patient is located at the time care is rendered) {LC2211/1}

Read and ordered to be placed on the Consent Calendar.

Also:

House Bill No. 6033 SUB B**BY** Kilmartin, Naughton**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - INSURANCE - HEALTH

INSURANCE POLICY COVERAGE (add the Intersocietal Accreditation Commission (IAC) is an entity that can accredit a magnetic resonance imaging examination to make it eligible for medical policy insurance reimbursement) {LC1966/1/B}

Read and ordered to be placed on the Calendar.

Also:

House Bill No. 5862 SUB A**BY** Slater, Almeida, Diaz, Dennigan, Naughton**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - THE

DEPARTMENT OF HUMAN SERVICES (implement a voluntary quality rating system to increase the quality of early care and education of school-age child care) {LC2084/1/A}

Read and ordered to be placed on the Consent Calendar.

Also:

House Bill No. 5678 SUB A**BY** Serpa, Mattiello, Williamson, Slater, Church**ENTITLED**, AN ACT RELATING TO BUSINESS AND PROFESSIONS - PHARMACIES (amend the definition of the practice of pharmacy to include the administration of prescribed injectable medications) {LC2029/3/A}

Read and ordered to be placed on the Consent Calendar.

Also:

House Bill No. 5735 SUB B**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- RADON CONTROL (create penalties for unlicensed individuals or entities who perform radon screening, diagnostic sampling, testing or mitigation) {LC857/1/B}

Read and ordered to be placed on the Calendar.

Also:

House Bill No. 5666 SUB A as amended**BY** San Bento, Winfield, Lewiss**ENTITLED**, AN ACT RELATING TO BUSINESS AND PROFESSIONS - OPTOMETRISTS (certain changes to licensing of optometrists) {LC2154/1/A}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 1051 SUB A**BY** Senator Fogarty P, Sosnowski, Blais, Breene, Gallo**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS -- SANITATION IN FOOD ESTABLISHMENTS {LC3146/2/A}

Read and ordered to be placed on the Calendar.

NEW BUSINESS**Senate Bill No. 1065****BY** Senator Levesque C**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF PORTSMOUTH TO ISSUE BONDS AND NOTES TO AN AMOUNT NOT EXCEEDING \$105,000,000 TO FINANCE THE CONSTRUCTION OF SEWERS AND SEWERAGE SYSTEMS IN THE TOWN INCLUDING THE ACQUISITION OF LAND THEREFOR AND AUTHORIZING THE IMPOSITION OF SEWER ASSESSMENTS AND SERVICE FEES {LC3233/1}

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

Also:

Senate Bill No. 1066**BY** Senator Levesque C**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF PORTSMOUTH TO ISSUE BONDS AND NOTES TO AN AMOUNT NOT EXCEEDING \$40,000,000 TO FINANCE THE CONSTRUCTION OF SEWERS AND SEWERAGE SYSTEMS IN THE TOWN INCLUDING THE ACQUISITION OF LAND THEREFOR AND AUTHORIZING THE IMPOSITION OF SEWER ASSESSMENTS AND SERVICE FEES {LC3232/1}

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

Also:

Senate Bill No. 1067

BY Senator Tassoni

ENTITLED, AN ACT RELATING TO EDUCATION -- COOPERATIVE SERVICE AMONG SCHOOL DISTRICTS (allow Northern R.I. Collaborative to purchase, take, receive, lease, take by gift, or otherwise acquire, own, hold, mortgage, finance, improve, or use realty and fixtures at 300 George Washington Highway Smithfield) {LC3152/1}

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

Also:

Senate Bill No. 1068

BY Senator Paiva-Weed

ENTITLED, AN ACT RELATING TO TAXATION -- SALES AND USE TAXES -- PERSONAL INCOME TAX -- EXEMPTIONS FOR WRITERS, COMPOSERS AND ARTISTS (extend exemption from sales taxes and modifications from personal income tax to writers, composers and artists within the Jamestown arts district as established by the town council of the town of Jamestown) {LC3240/1}

Read and referred to the Senate Committee on Finance

Also:

Senate Resolution No. 1069

BY Senator Tassoni

ENTITLED, JOINT RESOLUTION PROCLAIMING THE MONTH OF JUNE AS "RHODE ISLAND INTERNET SAFETY MONTH" {LC3213/1}

Senator Tassoni requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Tassoni moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution No. 1070

BY Senators Montalbano J, Paiva-Weed

ENTITLED, SENATE RESOLUTION EXTENDING CONDOLENCES ON THE PASSING OF FORMER RHODE ISLAND STATE SENATOR THE HONORABLE RICHARD R. PATTERSON {LC3261/1}

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 rising vote.

Also:

Senate Resolution No. 1071

BY Senators Raptakis, Sheehan, Paiva-Weed, Perry, Goodwin

ENTITLED, SENATE RESOLUTION RECOGNIZING SEPTEMBER AS LEUKEMIA, LYMPHOMA & MYELOMA AWARENESS MONTH {LC3125/1}

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 Bill No. 1072

BY Senator Blais

ENTITLED, AN ACT IN AMENDMENT OF SECTION 9 OF AN ACT PASSED AT THE JANUARY SESSION A.D. 1942 ENTITLED "AN ACT TO INCORPORATE THE WESTERN COVENTRY FIRE DISTRICT" AS AMENDED {LC3268/1}

Senator Blais requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Blais moves passage, seconded by Senator Bates.

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, Alves, Badeau, Bates, Blais, Breene, Cote, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, McCaffrey, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 6387**BY** Trillo**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Janet McCormick and John Godet in marriage) {LC3039/1}

Senator McCaffrey requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator McCaffrey moves passage, seconded by Senator Revens.

The act is read and passed, in concurrence, 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, Cote, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, 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 2007-S 970**BY** Revens**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**2 2007-S 1044****BY** Tassoni**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**3 2007-S 1045****BY** Walaska**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**4 2007-S 1048****BY** Gallo**ENTITLED**, AN ACT RELATING SOLEMNIZATION OF MARRIAGES

5 2007-H 5275 SUB A as amended**BY Ucci****ENTITLED,** AN ACT RELATING TO COMMERCIAL LAW -- THE RHODE ISLAND FAIR DEALERSHIP ACT**6 2007-H 5486****BY Serpa****ENTITLED,** AN ACT RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS -- PURCHASE AND SALE OF PRECIOUS METALS**7 2007-H 5909 SUB A as amended****BY Handy****ENTITLED,** AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS**8 2007-H 6226****BY Gallison****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**9 2007-H 6344****BY Slater****ENTITLED,** AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

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 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, Cote, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Maselli, McBurney, McCaffrey, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

CALENDAR**IN ORDER FOR TUESDAY, JUNE 5, 2007:****1 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.

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

2 2007-S 708

BY McCaffrey

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

Committee on Judiciary recommends passage.

Senator McCaffrey moves passage, seconded by Senator Jabour.

Senator Alves, seconded by Senators Ruggerio and McCaffrey, offers the following written motion to amend.

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

2007 -- S 708

AN ACT RELATING TO ELECTIONS CANVASSING THE LISTS OF QUALIFIED ELECTORS

Mr. President:

I hereby move to amend 2007 -- S 708, entitled "AN ACT RELATING TO ELECTIONS CANVASSING THE LISTS OF QUALIFIED ELECTORS", as follows:

1. On page 2, between lines 8 and 9, by inserting the following language:

"SECTION 3. Section 17-15-38 of the General Laws in Chapter 17-15 entitled "Primary Elections" is hereby amended to read as follows:

17-15-38. Vacancies among nominees. -- (a) Whenever the nominee of a party for a particular office dies after the primary, ~~or removes him or herself from the jurisdiction of or as a candidate for the office for which the nominee seeks election,~~ or becomes physically or mentally disabled, the state committee of that party or a duly authorized subcommittee of the state committee in the case of state officers, and the appropriate city, town, ward, or district committee or any duly authorized subcommittee of them in the case of candidates for the other offices covered by section 17-15-7, may file with the appropriate authority the name of its nominee for the office; provided, that except in the case of death, the appropriate committee shall file the name with the appropriate authority no later than four o'clock (4:00) p.m. of the third (3rd) day following the last day for the holding of the party primaries; and provided, further, that any appointed nominee shall have been eligible for the nomination on the dates as required by and pursuant to the requirements of sections 17-14-1.1, 17-14-2,

and 17-14-2.1. The person so named shall be the nominee of the party for the office, and if in case of the death of a nominee time will permit, the secretary of state shall place the name of the nominee upon the election ballot. When the ~~withdrawal or~~ death occurs after the third (3rd) day after the last day for holding primaries, the secretary of state shall not be required to remove from any computer ballot or mail ballot which has already been printed the name of any person who is no longer the nominee of a party for a particular office as provided in this subsection, and any votes cast in any election for that person shall not be counted.

(b) The provisions of this section shall not be construed to permit the state committee of the party, or a duly authorized subcommittee of the state committee in the case of state officers, or the appropriate city, town, ward, or district committee or any duly authorized subcommittee of them in the case of candidates for the other offices covered by section 17-15-7, to file the name of a nominee for a vacant office if the vacancy is the result of the failure of candidate(s) of the party to qualify for the public office through the timely filing of sufficient nomination papers."

2. On page 2, line 9, by deleting the numeral "3" and by inserting in place thereof the numeral "4".

Respectfully submitted,
SENATOR ALVES
LC1959/2

The motion to amend prevails upon a roll call vote with 31 Senators voting in the affirmative and 2 Senators voting in the negative as follows:

YEAS- 31: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Cote, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, McBurney, McCaffrey, Miller, Moura, Paiva Weed, Perry, Pichardo, Revens, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 2: Senators Raptakis and Sheehan.

Senator McCaffrey moves passage of the act, as amended, seconded by Senators Alves and Ruggerio.

The act is read and passed, as amended, upon a roll call vote with 30 Senators voting in the affirmative and 1 Senators voting in the negative as follows:

YEAS- 30: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Cote, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Maselli, McBurney, McCaffrey, Miller, Moura, Paiva Weed, Perry, Pichardo, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 1: Senator Raptakis

3 2007-S 259 SUB A as amended**BY Tassoni****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
PUBLIC BUILDINGS

Committee on Housing & Municipal Government recommends indefinite postponement of the original bill and passage of Substitute A as amended.

Senator Tassoni moves passage, seconded by Senators Paiva Weed, Breene, Pichardo and Miller.

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, upon a roll call vote with 30 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS- 30: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, McBurney, McCaffrey, Miller, Moura, Paiva Weed, Pichardo, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 1: Senator Cote

4 2007-S 1039**BY Lenihan****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

Committee on Housing & Municipal Government recommends passage.

Senator Lenihan moves passage, seconded by Senator Sheehan.

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, Cote, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McBurney, McCaffrey, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

5 2007-S 1052**BY Breene****ENTITLED,** AN ACT RELATING TO THE EXETER FIRE DISTRICT

Committee on Housing & Municipal Government recommends passage.

Senator Breene moves passage, seconded by Senators Tassoni and Algieri.

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, Cote, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McBurney, McCaffrey, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

6 2007-S 1053

BY Paiva-Weed

**ENTITLED, AN ACT RELATING TO EDUCATION -- HEALTH AND SAFETY
OF PUPILS**

Committee on Housing & Municipal Government recommends passage.

Senator Paiva Weed moves passage, seconded by Senators Tassoni and Algieri.

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, Bates, Blais, Breene, Cote, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McBurney, McCaffrey, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

7 2007-S 409 SUB A as amended

BY Alves

ENTITLED, AN ACT RELATING TO TAXATION

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

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

8 2007-H 5094

BY Petrarca

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

Committee on Finance recommends passage in concurrence.

Senator Alves moves passage, seconded by Senators Tassoni, Walaska and Ruggerio.

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

NAYS- 0:

9 2007-H 5578 SUB A

BY Ginaitt

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION - PUBLIC DRINKING WATER SUPPLIES

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

Senator Breene moves passage, seconded by Senators Sosnowski, Moura, Walaska, Lenihan and Paiva Weed.

The bill marked Substitute "A" is read and passed, in concurrence, and the original bill indefinitely postponed, 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, Cote, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McBurney, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

10 2007-H 6149 SUB A

BY Brien

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 \$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

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

Senator Cote moves passage, seconded by Senator Badeau.

The bill marked Substitute "A" is read and passed, in concurrence, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 30 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 30: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Cote, Doyle, Felag, Fogarty, Gallo, Gibbs, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McBurney, Miller, Paiva Weed, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

11 2007-H 6170

BY Vaudreuil

ENTITLED, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE CITY OF CENTRAL FALLS

Committee on Housing & Municipal Government recommends passage in concurrence.

Senator Issa moves passage, seconded by Senator Tassoni.

The act is read and passed, by unanimous consent, in concurrence, 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, Cote, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McBurney, Miller, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

12 2007-H 6305

BY Watson

ENTITLED, AN ACT RELATING TO THE EAST GREENWICH FIRE DISTRICT

Committee on Housing & Municipal Government recommends passage in concurrence.

Upon suggestion of Senator Ruggerio, and without objection, ordered to be placed on the Calendar for Thursday, June 7, 2007.

1 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.

Senator Goodwin moves passage, seconded by Senators Paiva Weed, Perry, Gallo and Jabour.

Senator Goodwin, seconded by Senators Paiva Weed, Perry, Gallo, Lanzi and Pichardo, offers the following written motion to amend.

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

2007 -- S 710 SUBSTITUTE A
AN ACT RELATING TO CRIMINAL PROCEDURE - DOMESTIC VIOLENCE PREVENTION ACT

Mr. President:

I hereby move to amend 2007 -- S 710 SUBSTITUTE A, entitled "AN ACT RELATING TO CRIMINAL PROCEDURE - DOMESTIC VIOLENCE PREVENTION ACT", as follows:

(1) On page 2, by adding the following language before line 1:

"(13) Burglary and Unlawful Entry (section 11-8-1 et seq.); and

(14) Arson (section 11-4-2 et seq.)".

Respectfully submitted,
SENATOR GOODWIN
LC1758/3

The motion to amend prevails upon a roll call vote with 30 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 30: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Breene, Cote, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McBurney, Miller, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Goodwin moves passage of the act, as amended, seconded by Senators Paiva Weed, Perry, Gallo, Lanzi and Pichardo.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 30 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 30: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Breene, Cote, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McBurney, Miller, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

TRANSMITTAL

By unanimous consent, all Senate matters and (07-H 6387) 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, before and at the rise of the Senate, in Room 212 of the State House.

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.

RECESS

Upon motion of Senator Ruggerio, seconded by Senator Algieri, and upon suggestion of Senator Paiva Weed the Senate stands at recess at 4:42 o'clock P.M. in memory of the Honorable Richard R. Patterson, former State Senator from the City of Providence.

CALLED TO ORDER

The Senate is called to order by the Honorable Joseph A. Montalbano, President of the Senate, on Wednesday, June 6, 2007, at 4:34 o'clock P.M.

**REPORTS OF COMMITTEES
COMMITTEE ON CORPORATIONS**

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

House Bill No. 5430 SUB A (by request)

BY Ginaitt

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW -- UNFAIR SALES PRACTICES (not limit food and beverage rebates to one per household) {LC1805/1/A}

Read and ordered to be placed on the Consent Calendar.

Also:

House Bill No. 5734 SUB B**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- THE USE OF THE NAME OF FINANCIAL INSTITUTIONS (protect the names of financial institutions recognized by Rhode Island regulators) {LC1371/2/B}

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:

House Bill No. 5093 as amended**BY** Petrarca, Menard, McManus**ENTITLED**, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION (increase the tax exemption for veteran residents of the town of Lincoln)

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 1043**BY** Senators Fogarty P, Gallo**ENTITLED**, AN ACT RELATING TO TAXATION (grant authority to the Burrillville town council to grant tax credits for the maintenance and rehabilitation of historical structures) {LC3070/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 1054**BY** Senator Alves**ENTITLED**, AN ACT RELATING TO TAXATION -- BUSINESS CORPORATION TAX {LC3196/1}

Read and ordered to be placed on the Calendar.

Also:

House Bill No. 5519 as amended**BY** Lally, Williamson, Jackson, O'Neill, Petrarca**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - JUDICIAL PENSIONS (provide that whenever a judge, justice or magistrate would be granted a leave of absence without pay, such absence would not be credited towards active service time for the purposes of retirement) {LC1237/1}

Read and ordered to be placed on the Calendar.

Also:

House Bill No. 6158 Act 29

BY Trillo

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF APPONAUG AREA IMPROVEMENT ASSOCIATION {LC2597/1}

Read and ordered to be placed on the Calendar.

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 PAUL V. JABOUR**

Dear Lord, please bestow your special blessing on our brave sons and daughters who have gone to fight in order to ensure a safer home for all of us to live and prosper. Keep our minds focused on what is truly important, the service to our people. Amen.

Appendix**CONSENT CALENDAR****IN ORDER FOR WEDNESDAY, JUNE 6, 2007:****1. 2007-H 6441****BY Savage****ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF COLONIAL MANOR INC.

Ordered to be placed on the Consent Calendar

IN ORDER FOR THURSDAY, JUNE 7, 2007:**1. 2007-H 5023****BY Gemma****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLES REPARATIONS ACT

Committee on Judiciary recommends passage in concurrence.

2. 2007-H 5135**BY Carter****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- REGISTRATION OF VEHICLES

Committee on Constitutional & Regulatory Issues recommends passage in concurrence.

3. 2007-H 5328**BY Lally****ENTITLED,** AN ACT RELATING TO ELECTIONS -- PARTY COMMITTEES AND CONVENTIONS

Committee on Judiciary recommends passage in concurrence.

4. 2007-H 5387**BY Lally****ENTITLED,** AN ACT RELATING TO CRIMINAL OFFENSES - LAW PRACTICE

Committee on Judiciary recommends passage in concurrence.

5. 2007-H 5666 SUB A as amended**BY San Bento****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 in concurrence.

6. 2007-H 5678 SUB A**BY Serpa****ENTITLED,** AN ACT RELATING TO BUSINESS AND PROFESSIONS -
PHARMACIES

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

7. 2007-H 5736 SUB B**BY Lewiss****ENTITLED,** AN ACT RELATING TO INSURANCE -- HEALTH
MAINTENANCE ORGANIZATIONS

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

8. 2007-H 5862 SUB A**BY Slater****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -
THE DEPARTMENT OF HUMAN SERVICES

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

9. 2007-H 5956 as amended**BY Lewiss****ENTITLED,** AN ACT RELATING TO BUSINESS AND PROFESSIONS - NURSES

Committee on Health & Human Services recommends passage as amended in concurrence.

10. 2007-H 5961**BY O'Neill****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
ADJUDICATION OF TRAFFIC OFFENSES

Committee on Judiciary recommends passage in concurrence.

11. 2007-H 6228**BY Lewiss****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
DEPARTMENT OF STATE

Committee on Judiciary recommends passage in concurrence.

Raymond T. Hoyas, Jr.
Secretary of the Senate

Appendix**CALENDAR****IN ORDER FOR WEDNESDAY, JUNE 6, 2007:****1. 2007-S 839 SUB A****BY Blais****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES -
REGISTRATION OF VEHICLES -- GENERAL OFFICERS
EMERITUS

Committee on Constitutional & Regulatory Issues recommends indefinite postponement of the original bill and passage of Substitute A.

2. 2007-S 1038**BY Lanzi****ENTITLED,** AN ACT RELATING TO CRIMINAL OFFENSES -- GAMBLING
AND LOTTERIES

Committee on Constitutional & Regulatory Issues recommends passage.

3. 2007-S 1040**BY Fogarty P****ENTITLED,** AN ACT RELATING TO THE GLENDALE ASSOCIATION, INC.

Committee on Housing & Municipal Government recommends passage.

4. 2007-S 476 SUB A**BY Connors****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -
SUPERSEDEAS BONDS

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

5. 2007-S 729 SUB A as amended**BY Miller****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- UNIFORM
ANATOMICAL GIFT ACT

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

6. 2007-S 752 SUB A**BY Maselli****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY - RHODE
ISLAND RESOURCE RECOVERY CORPORATION

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

7. 2007-S 765 SUB A**BY Raptakis****ENTITLED,** AN ACT RELATING TO ELECTIONS -- PRIMARIES FOR
ELECTION OF DELEGATES TO NATIONAL CONVENTIONS AND
FOR PRESIDENTIAL PREFERENCE

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

8. 2007-S 794 as amended**BY McCaffrey****ENTITLED,** AN ACT RELATING TO CRIMINAL OFFENSES - COMPUTER
CRIME

Committee on Judiciary recommends passage as amended.

9. 2007-S 875 SUB A as amended**BY Lanzi****ENTITLED,** AN ACT RELATING TO EDUCATION - DATING VIOLENCE
"LINDSAY ANN BURKE ACT"

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

10. 2007-S 892 SUB A**BY Blais****ENTITLED,** AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -
COURTS - JUDICIAL SELECTION

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

11. 2007-H 5523**BY Kennedy****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- GENERAL
POWERS

Committee on Judiciary recommends passage in concurrence.

12. 2007-H 5732 as amended**BY Lally****ENTITLED,** AN ACT RELATING TO PROPERTY - LABOR AND LABOR
RELATIONS - CONSTRUCTION TRUST

Committee on Labor recommends passage as amended in concurrence.

13. 2007-H 5964**BY McCauley****ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- WEAPONS**

Committee on Judiciary recommends passage in concurrence.

14. 2007-H 6161 SUB A**BY Lally****ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES**

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

15. 2007-H 6227 SUB A**BY Lewiss****ENTITLED, AN ACT RELATING TO ELECTIONS -- STATE BOARD OF ELECTIONS**

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

16. 2007-H 6332**BY Church****ENTITLED, AN ACT RELATING TO THE GLENDALE ASSOCIATION, INC.**

Committee on Housing & Municipal Government recommends passage in concurrence.

IN ORDER FOR THURSDAY, JUNE 7, 2007:**1. 2007-S 974 SUB A as amended****BY Alves****ENTITLED, AN ACT RELATING TO TAXATION - REAL ESTATE INVESTMENT TRUSTS**

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

2. 2007-S 131 SUB A**BY Doyle****ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- RADON CONTROL**

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

3. 2007-S 1051 SUB A**BY Fogarty P****ENTITLED,** AN ACT RELATING TO FOOD AND DRUGS -- SANITATION IN
FOOD ESTABLISHMENTS

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

4. 2007-S 783 SUB A as amended**BY Felag****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
MOTOR VEHICLE OFFENSES

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

5. 2007-H 5735 SUB B**BY Kilmartin****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- RADON
CONTROL

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

6. 2007-H 6033 SUB B**BY Kilmartin****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY - INSURANCE -
HEALTH INSURANCE POLICY COVERAGE

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

7. 2007-H 6305**BY Watson****ENTITLED,** AN ACT RELATING TO THE EAST GREENWICH FIRE DISTRICT

Committee on Housing & Municipal Government recommends passage in concurrence.

Raymond T. Hoyas, Jr.
Secretary of the Senate