

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 first day of January in the year of Our Lord two thousand and eight.

Volume 135, No.2

Wednesday, January 2, 2008

Second Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:14 o'clock P.M.

The roll is called and a quorum is declared present with 35 Senators present and 3 Senators absent as follows:

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

ABSENT – 3: Senators DaPonte, Issa, Pichardo.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the First Legislative Day of the 2008 proceedings is read in part.

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

NEW BUSINESS**Senate Resolution No. 2002****BY** Senators Lenihan, Blais, Raptakis**ENTITLED**, SENATE RESOLUTION EXPRESSING SINCERE CONDOLENCES ON THE PASSING OF JACK EUGENE EVERLING

Senator Lenihan requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Lenihan moves passage, seconded by Senator Raptakis and the entire Senate.

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

Also:

Senate Resolution No. 2003**BY** Senators Montalbano J, Paiva-Weed, McCaffrey, Algiere, Alves**ENTITLED**, SENATE RESOLUTION WISHING ASSOCIATE JUSTICE ALLEN P. RUBINE A SPEEDY RECOVERY

Senator Alves requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Alves moves passage, seconded by the entire Senate.

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

Also:

Senate Bill No. 2004**BY** Senators Ciccone, Miller, Badeau, Tassoni, Goodwin**ENTITLED**, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- COMMUNITY OBLIGATIONS AND BANKING OFFENSES (limit the overdraft charge to \$5.00 for a check issued for insufficient funds)

Read and referred to the Senate Committee on Corporations

Also:

Senate Bill No. 2005**BY** Senators Tassoni, Felag, McBurney, Doyle**ENTITLED**, AN ACT RELATING TO SPORTS, RACING AND ATHLETICS -- THE RHODE ISLAND GAMING CONTROL AND REVENUE ACT (casinos implement a procedure to screen patrons who are of age for gambling purposes but not of age to consume alcohol)

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

Also:

Senate Bill No. 2006

BY Senator Felag

ENTITLED, AN ACT RELATING TO ANIMALS -- DOGS (citations to animal owners who are in violation of any animal control ordinance which may be paid by mail and also to prescribe pecuniary penalties)

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

Also:

Senate Bill No. 2007

BY Senators Tassoni, McBurney, Doyle

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES--REGISTRATION OF VEHICLES (a misdemeanor to sell or transfer any license plate issued by the department of motor vehicles)

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

Also:

Senate Bill No. 2008

BY Senators Tassoni, McBurney, Doyle

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY - CRUELTY TO ANIMALS (increase the various penalties related to animal cruelty)

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

Also:

Senate Bill No. 2009

BY Senators Moura, Goodwin, Maselli

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT (require the operation of video lottery games on a twenty-four hour basis at the Twin River and Newport Grand facilities)

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

Also:

Senate Bill No. 2010**BY** Senators Bates, Gallo**ENTITLED**, AN ACT RELATING TO LIBRARIES (would place the office of library and information services under the direction of a chief library officer. New name "office of library and information services". It would delete the position of chief information officer

Read and referred to the Senate Committee on Education

Also:

Senate Bill No. 2011**BY** Senators Raptakis, Sosnowski, Maselli, McCaffrey, Sheehan**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- SUSPENSION OR REVOCATION OF LICENSES (would require the license plates of a vehicle be confiscated if the owner was arrested for driving while their license was suspended, revoked or cancelled for refusing to submit to a chemical test)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2012**BY** Senators Tassoni, Felag, McBurney, Doyle**ENTITLED**, AN ACT RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS (expand the definition of student discipline codes to include electronic communications)

Read and referred to the Senate Committee on Education

Also:

Senate Bill No. 2013**BY** Senators Tassoni, Maselli, Doyle, McBurney**ENTITLED**, AN ACT RELATING TO TAXATION EXEMPTION FOR VETERANS (give cities and towns the option of entirely exempting the homestead real estate of a disabled veteran or his or her surviving spouse from taxation)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2014**BY** Senators Tassoni, McBurney, Doyle, Felag**ENTITLED**, AN ACT RELATING TO TAXATION (provide a tax credit of 10% of the expenses, up to \$200 to private businesses which participate in a "Qualified school-to-Career Program.") {LC5/1}

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2015**BY** Senators Raptakis, Walaska, Sheehan, Breene, Algiere**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- TAX REFUND FOR CONTRIBUTION TO CERTAIN NONPROFIT GROUPS (provide for a refund deduction for contributions to the Meals on Wheels Inc. Fund)

Read and referred to the Senate Committee on Finance

Also:

Senate Resolution No. 2016**BY** Senator Maselli**ENTITLED**, JOINT RESOLUTION APPROVING PROJECT STATUS FOR A. DUIE PYLE INC. (approves project status for A. Duie Pyle Inc. upon compliance with the conditions stated herein)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2017**BY** Senators Tassoni, Maselli, Doyle, McBurney**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- PUBLIC BUILDINGS (require public buildings to provide designated parking spaces for motorcycles at the rate of one space per total of thirty (30) spaces)

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

Also:

Senate Bill No. 2018**BY** Senators Tassoni, McBurney, Doyle, Felag**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- PHYSICIANS (would grant physicians immunity from ordinary negligence when they offer free care in free clinics for the poor) {LC9/1}

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

Also:

Senate Bill No. 2019**BY** Senators Tassoni, Maselli, Goodwin, Doyle, McBurney**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS (would require a court to issue animal protective orders against persons found guilty of abusing animals)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2020

BY Senators Tassoni, Felag, McBurney, Doyle

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- GRAVES AND CORPSES

(increase the fines to \$5,000 for the defacing or any injury to the Soldiers' and Sailors' Monument, any public statue or monument or any grave site/cemetery and would provide for full restitution of the amount of the cost of the damages incurred)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2021

BY Senators Tassoni, McBurney, Doyle, Felag

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- COMPUTER CRIME (would prohibit "cyberharassing" as well as cyberstalking and would define harassing conduct. This act would also eliminate the requirement that prohibited communication be part of a course of conduct) {LC1/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2022

BY Senators Doyle, Tassoni, McBurney

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - OPERATORS' AND CHAUFFEURS' LICENSES (would raise the age in which a drivers' license must be issued biennially from age 70 to 75. Renewal fees would also be discounted at age 75.)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2023

BY Senators Tassoni, McBurney, Doyle

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS (prohibit the on-line purchase of tickets to events in Rhode Island for reselling such tickets at prices which exceed the face value of the ticket/additional charges allowed under Rhode Island law, regardless of where the resale would take place)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2024**BY** Senators Tassoni, McBurney, Doyle**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES (procedures to be followed by a driver when operating in the presence of an emergency vehicle or roadside assistance vehicle)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2025**BY** Senators Tassoni, Maselli, Goodwin, Doyle, McBurney**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- DOMESTIC VIOLENCE PREVENTION ACT (require training for new law enforcement officers to include techniques to aid investigating officers to become aware of incidents or crimes of domestic violence and other abuse crimes and how to react and investigate them) {LC3/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2026**BY** Senators Bates, Blais, Breene, Cote, Walaska**ENTITLED**, AN ACT RELATING TO DOMESTIC RELATIONS -- CHILD SUPPORT ENFORCEMENT (allow the Family Court to order child support if the child has a severe physical or mental impairment, beyond an average child's emancipation event)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2027**BY** Senators Bates, Sosnowski, Lenihan, Walaska, McCaffrey**ENTITLED**, AN ACT RELATING TO PROPERTY (provide that any land held or preserved by a nonprofit corporation for purposes of conservation or open space is not subject to adverse possession or prescription)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2028**BY** Senators Sheehan, Connors, Levesque C**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (join Katherine Anne Robertson and Ethan Frederick French)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2029

BY Senators Issa, Connors

ENTITLED, AN ACT ELECTIONS - LOCAL REFERENDA AND BOARDS (require local boards of canvassers to notify and educate voters of all local referendum and bond question elections)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2030

BY Senators Tassoni, Maselli, Doyle, McBurney

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS (provide for mandatory imprisonment for convictions related to animal fighting)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2031

BY Senators Tassoni, Maselli, Goodwin, Doyle, McBurney

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- FAILURE TO PAY CHILD SUPPORT (decrease the amount of child support arrearage constituting a felony) {LC4/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2032

BY Senators Raptakis, Sosnowski, Maselli, McCaffrey, Sheehan

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- SUSPENSION OR REVOCATION OF LICENSES (felony to operate a motor vehicle when an individual's license to operate is suspended, revoked/ cancelled for operating under the influence of a narcotic drug or intoxicating liquor or refusing to submit to a chemical test)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2033

BY Senators Tassoni, McBurney, Doyle, Felag

ENTITLED, AN ACT RELATING TO BUSINESSES - TICKET SPECULATORS (explicitly make Internet sales of tickets for Rhode Island events subject to the ticket speculators law)

Read and referred to the Senate Committee on Judiciary

FROM THE HOUSE OF REPRESENTATIVES

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

House Resolution No. 7000

BY Fox, Kilmartin, Lima, Coderre E

ENTITLED, JOINT RESOLUTION OF ADJOURNMENT

Senator Connors requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Connors moves passage, seconded by Senator Walaska.

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

Also:

House Bill No. 7001

BY Malik, Gablinske

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF HERITAGE REMODELING, LTD.

Read and ordered to be placed on the Senate Consent Calendar

Also:

House Resolution No. 7010

BY Murphy, Fox, Coderre E, Lima, Church

ENTITLED, JOINT RESOLUTION HONORING MARION DEPALMA ON THE OCCASION OF HER RETIREMENT

Read and ordered to be placed on the Senate Consent Calendar

House Bill No. 7009

BY Costantino, Fox, Shanley, Kilmartin, Jackson

ENTITLED, AN ACT RELATING TO EDUCATION -- PAUL W. CROWLEY RHODE ISLAND STUDENT INVESTMENT INITIATIVE

Read and referred to Senate Committee on Education

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.

ANNOUNCEMENT

Senator Paiva Weed announces that the Senate will not meet tomorrow, Thursday, January 3, 2008.

ADJOURNMENT

Upon motion of Senator Paiva Weed, seconded by Senator Algieri, and upon suggestion of Senator Lenihan, the Senate adjourns at 4:22 o'clock P.M. in memory of Jack Eugene Everling.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix**INVOCATION****SENATOR DAVID E. BATES**

Almighty and Most Merciful Father, We ask that you send down your strength in order for these men and women to better serve this state and the constituents whom they represent. We also ask for your continued guidance all the days of this Legislative Session. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR TUESDAY, JANUARY 8, 2008:

1. 2008-H 7001

BY Malik

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF HERITAGE REMODELING, LTD.

Ordered to be placed on the Consent Calendar

2. 2008-H 7010

BY Murphy

ENTITLED, JOINT RESOLUTION HONORING MARION DEPALMA ON THE
OCCASION OF HER RETIREMENT

Ordered to be placed on the Consent Calendar