

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. 6

Tuesday, January 15, 2008

Sixth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:26 o'clock P.M.

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

PRESENT – 38: The Honorable President Montalbano and Senators Algieri, Alves, Badeau, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 0:

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

COMMUNICATION

The Honorable President presents the following communication:

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

January 10, 2008

TO THE HONORABLE, THE SENATE:

Regarding the two appointments to the Public Finance Management Board – David Faucher of Portsmouth and Malcolm Moore Of Coventry – I would like to request that these names be withdrawn from consideration for advice an consent of the Seante.

Sincerely,

Frank T. Caprio
General Treasurer

Read and ordered to be placed on file.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 7016

BY Melo

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow the Honorable Isadore Ramos Jr. to join Alisha Pina and Chanseng Thounsavath)

Read and ordered placed on the Senate Consent Calendar.

NEW BUSINESS

Senate Resolution No. 2063

BY Senators Ciccone, Badeau, Felag, Ruggerio, Montalbano J

ENTITLED, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF CHARLES J. SHADOIAN, SR.

Senator Ciccone requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ciccone moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution No. 2064

BY Senator Paiva-Weed

ENTITLED, SENATE RESOLUTION HONORING JUDY KAY JONES ON THE OCCASION OF HER RETIREMENT

Senator Paiva Weed requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Paiva Weed moves passage, seconded by Senator Levesque.

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

Also:

Senate Bill No. 2065

BY Senators Maselli, Issa, Tassoni, Raptakis, Moura

ENTITLED, AN ACT RELATING TO PROPERTY -- MORTGAGES OF REAL PROPERTY (allow the full payment of mortgage loans to be made at any time without penalty)

Read and referred to the Senate Committee on Corporations

Also:

Senate Bill No. 2066

BY Senators Maselli, Issa, Tassoni, Raptakis, Moura

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS -- UNFAIR SALES PRACTICES (prohibit any person, firm or corporation from charging a surcharge of any kind relating to gift certificates and/or gift cards)

Read and referred to the Senate Committee on Corporations

Also:

Senate Bill No. 2067 (Business Regulation)

BY Senators Ciccone, Jabour, Tassoni, McCaffrey, Moura

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- TRAVEL AGENCIES (repeal the licensing of travel agencies)

Read and referred to the Senate Committee on Corporations

Also:

Senate Bill No. 2068 (Business Regulation)**BY** Senator Bates**ENTITLED**, AN ACT RELATING TO INSURANCE (require life insurance policies delivered or issued in the state on or after January 1, 2008 to contain certain standard provisions relating to return policies and grace periods)

Read and referred to the Senate Committee on Corporations

Also:

Senate Resolution No. 2069**BY** Senators Cote, Lenihan**ENTITLED**, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (INITIATIVE AND REFERENDUM)

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

Also:

Senate Bill No. 2070**BY** Senator Walaska**ENTITLED**, AN ACT RELATING TO TAXATION - SALES AND USE TAXES - LIABILITY AND COMPUTATION

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2071**BY** Senator Maselli**ENTITLED**, AN ACT RELATING TO EDUCATION (transfer the Johnston school department from the Providence vocational area to the William E. Davies vocational area)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2072**BY** Senators Raptakis, Issa, Maselli, Felag, DaPonte**ENTITLED**, AN ACT RELATING TO MILITARY AFFAIRS -- NATIONAL GUARD LIFE INSURANCE (raise the amount of life insurance the state would provide at no charge to Rhode Island National Guard members called up for federal duty to \$500,000)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2073

BY Senator Felag

ENTITLED, AN ACT RELATING TO TAXATION -- ESTATE AND TRANSFER TAXES --
COMPUTATION

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2074

BY Senators Felag, Ciccone, Tassoni, Doyle, Maselli

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2075

BY Senators Felag, Ciccone, Tassoni, Doyle, Maselli

ENTITLED, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2076

BY Senators Maselli, Felag, Fogarty P, Walaska, Blais

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - THE RHODE
ISLAND TAXPAYER AND CITIZEN PROTECTION ACT OF 2008

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

Also:

Senate Bill No. 2077

BY Senators Connors, Miller, Perry, Tassoni, Gallo

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- TRAFFIC CONTROL
DEVICES

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

Also:

Senate Bill No. 2078

BY Senator Sosnowski

ENTITLED, AN ACT RELATING TO THE KINGSTON WATER DISTRICT - BONDS

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

Also:

Senate Bill No. 2079

BY Senators Cote, Lenihan

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - - IMPERSONATION AND IDENTITY FRAUD

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2080

BY Senators Tassoni, Issa, Sosnowski, Fogarty P

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MISCELLANEOUS RULES

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2081

BY Senators Perry, Connors, Doyle, Sosnowski, Levesque C

ENTITLED, AN ACT RELATING TO ELECTIONS -- REGISTRATION OF VOTERS

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2082

BY Senators Raptakis, Maselli, McCaffrey, Sosnowski, Jabour

ENTITLED, AN ACT RELATING TO CRIMINALS -- CORRECTIONAL INSTITUTIONS

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2083

BY Senators Felag, Levesque C, Bates

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2084

BY Senators Tassoni, Sosnowski, Fogarty P, Issa

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- EMERGENCY VEHICLES

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2085

BY Senators Sosnowski, Raptakis, Gibbs, Felag

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGE - REGULATION OF SALES

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2086

BY Senators Sosnowski, Raptakis, Walaska, Moura, Gibbs

ENTITLED, AN ACT RELATING TO MOTOR VEHICLES -- MOBILE TELEPHONE USE

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2087

BY Senators Sosnowski, Perry, Raptakis, Gibbs

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - CHILDREN

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2088

BY Senators Raptakis, McCaffrey, Goodwin, Walaska, Bates

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2089

BY Senators Sosnowski, Perry, Walaska, Moura, Gibbs

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - RHODE ISLAND PROTECTION FROM SECONDHAND SMOKE FOR CHILDREN ACT OF 2008

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2090

BY Senator Walaska

ENTITLED, AN ACT RELATING TO EDUCATION

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 2091

BY Senators Cote, Sheehan, Lenihan, Maselli, Tassoni

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 2092

BY Senator Perry

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Placed on the Senate Consent Calendar

Also:

Senate Bill No. 2093

BY Senators Felag, Issa, Doyle, McBurney

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- REGISTRATION OF VEHICLES

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

Also:

Senate Bill No. 2094

BY Senators Cote, Lenihan

ENTITLED, AN ACT RELATING TO INITIATIVE AND REFERENDUM

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

Also:

Senate Bill No. 2095

BY Senators Sosnowski, Gallo, Breene, Raptakis

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES

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

Also:

Senate Bill No. 2096

BY Senators Tassoni, Sosnowski, Fogarty P, Issa

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- DOGS

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

Also:

Senate Bill No. 2097

BY Senators Tassoni, Ciccone, Jabour, Maselli

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY - PERMIT PROGRAM FOR CATS

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

CONSENT CALENDAR

In order for the day is taken up as follows:

Upon motion of Senate Majority Leader Paiva Weed, seconded by Senator Algieri, the following measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a voice vote:

1 2008-S 2060

BY Felag

ENTITLED, SENATE RESOLUTION HONORING ANISSA POLANDO ON THE OCCASION OF HER RETIREMENT`

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 Tassoni announces that the Committee on Housing and Municipal Government will meet tomorrow, at 2:00 o'clock P.M. in Room 313 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 Levesque announces that the Committee on Judiciary will meet today, at the rise of the Senate, in Room 313 of the State House.

RECESS

Upon motion of Senator Paiva Weed, seconded by Senator Algieri, and upon suggestion of Senator Ciccone, the Senate stands at recess at 4:32 o'clock P.M. in memory of Charles J. Shadoian.

CALLED TO ORDER

The Senate is called to order by the Honorable Joseph A. Montalbano, President of the Senate, on Wednesday, January 16, 2007, at 4:13 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. 7060

BY Carter, Gorham, Gallison, Lewiss, Malik

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- REGISTRATION OF VEHICLES (permit the registrar of motor vehicles to issue a war veteran sticker to eligible vehicles, commercial vehicles or motorcycles less than 10,000 pounds)

Read and referred to the Committee on Constitutional and Regulatory Issues

COMMITTEE ON JUDICIARY

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

House Bill No. 7006 SUB A

BY Senators Costantino, Williamson, Coderre E, Kilmartin, Lally

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS (allow any magistrate of the superior court as of 1/1/08 who serves /presiding justice of the superior court/magistrate of the family court in service as of 1/1/08 who serves/chief judge of the family court to be appointed for a term of 10 years) {LC251/1/A}

Read and ordered to be placed on the Calendar

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns at 4:14 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix**INVOCATION****SENATOR MARC A. COTE**

Dear God, please grant us the wisdom to be aware of the vital needs of the people we are here to serve. Please grant us the courage to meet those needs to the fullest extent of our ability. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR WEDNESDAY, JANUARY 16, 2008:

1 2008-H 7016

BY Melo

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Ordered to be placed on the Consent Calendar

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

CALENDAR

IN ORDER FOR TUESDAY, JANUARY 22, 2008:

1 2008-H 7006 SUB A

BY Costantino

**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 in concurrence.

RAYMOND T. HOYAS, JR.
Secretary of the Senate