

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.10

Wednesday, January 30, 2008

Tenth Legislative Day

In Memoriam

The Honorable Roger R. Badeau

October 30, 1936 – January 25, 2008

Rhode Island State Senator

1985 – 2008

May God Keep You In His Loving Care

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:22 o'clock P.M.

The roll is called and a quorum is declared present with 34 Senators present and 3 Senators absent as follows:

PRESENT – 34: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sosnowski, Tassoni, Walaska.

ABSENT – 3: Senators Lanzi, Lenihan, Sheehan.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

NEW BUSINESS**Senate Resolution No. 2149**

BY Senators Ruggerio, Montalbano J, Paiva-Weed, McBurney, Cote

ENTITLED, SENATE RESOLUTION EXTENDING CONDOLENCES ON THE PASSING OF
STATE SENATOR ROGER R. BADEAU

Senator Ruggerio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggerio moves passage, seconded by the entire Senate.

Senator Cote, Ruggerio, Metts and President Montalbano pay tribute to the Honorable Roger R. Badeau.

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

GUESTS

Upon suggestion of Senator Goodwin and by unanimous consent, the Honorable President, welcomes to the Chamber Megan Reynolds of Providence, guest speaker at the Right to Life Rally, along with Renee Doran and Mark Doran.

Upon suggestion of Senator Issa and by unanimous consent, the Honorable President, welcomes to the Chamber Carmen A. Mirabal of Central Falls, newly appointed clerk of the Senate Committee on Education.

Upon suggestion of Senator Breene and by unanimous consent, the Honorable President, welcomes to the Chamber Dr. J Mark Gilmore of Warwick, Chief Operating Officer at Pawtuxet Valley Pharmacy.

COMMUNICATION

The Honorable President presents the following communication:

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

January 29, 2008

Honorable Joseph A. Montalbano
President of the Senate
318 State House
Providence, RI 02903

Dear President Montalbano:

I am writing this letter to respectfully notify you that I will be absent from Senate Session on Wednesday, January 30, 2008.

Thank you.

Sincerely,

Beatrice A. Lanzi
Senator – District 26

Read and ordered to be placed on file.

Also:

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

January 30, 2008

Honorable Joseph A. Montalbano
President of the Senate
318 State House
Providence, RI 02903

Dear President Montalbano:

Please accept this letter as notification that I will be unable to attend Senate Session today, Wednesday, January 30, 2008.
Thank you.

Sincerely,

James C. Sheehan
Senator – District 36

Read and ordered to be placed on file.

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**

January 29, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-63-5 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island Economic Development Corporation:

Alexander J. Biliouris of North Smithfield

for a term expiring February 1, 2012.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Corporations.

Also:

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

January 29, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-63-5 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island Economic Development Corporation:

Keith W. Stokes of Newport

for a term expiring February 1, 2012.

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

Sincerely,

Donald L. Carcieri



Governor

Read and referred to the Committee on Corporations.

Also:

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

January 29, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-59-2 of the Rhode Island General Laws, I have made the following appointment to the Board of Governors for Higher Education:

**Brandon F. Brown of Kingston
(Student Representative)**

VICE
Sarah D. Courtemanch

for a term expiring January 31, 2010.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Education.

Also:

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

January 28, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-64.10-7 of the Rhode Island General Laws, I have made the following appointment to the Quonset Development Corporation:

Keith Stokes of Newport

VICE
M. Paul Sams
(deceased)

for a term to expire January 1, 2009.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Corporations.

Also:

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

January 28, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-64.10-7 of the Rhode Island General Laws, I have made the following appointment to the Quonset Development Corporation:

James Berson of North Kingstown

VICE
Robert Crowley
(resigned)

for a term to expire January 1, 2011.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Corporations.

NEW BUSINESS

Senate Bill No. 2117

BY Senators Fogarty P, Tassoni, Connors, Gallo, Breene

ENTITLED, AN ACT RELATING TO MOTOR VEHICLES - SALES (require all advertisements and window stickers on all new motor vehicles offered for sale to contain the city and highway fuel economy ratings, as determined by the federal environmental protection agency)

Read and referred to the Senate Committee on Corporations

Also:

Senate Bill No. 2118**BY** Senator Connors**ENTITLED**, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- CHECK CASHING (authorize the director of the department of business regulation in his or her discretion to require appropriate security measures at licensed check cashing facilities)

Read and referred to the Senate Committee on Corporations

Also:

Senate Resolution No. 2119**BY** Senator Moura**ENTITLED**, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (ELIMINATING THE OFFICE OF THE LIEUTENANT GOVERNOR ON THE FIRST TUESDAY OF JANUARY, 2010; AMENDING THE PROCEDURES FOR FILLING VACANCIES IN STATE GENERAL OFFICES)

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

Also:

Senate Resolution No. 2120**BY** Senators Gibbs, Cote, Jabour, Perry, Bates**ENTITLED**, SENATE RESOLUTION RESPECTFULLY REQUESTING THE REGISTRAR OF THE RHODE ISLAND DIVISION OF MOTOR VEHICLES TO REVIEW AND REVISE THE CURRENT RHODE ISLAND DRIVER'S MANUAL

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

Also:

Senate Resolution No. 2121**BY** Senators Metts, Pichardo**ENTITLED**, JOINT RESOLUTION CALLING UPON THE GOVERNMENTS OF KUWAIT, THE UNITED STATES OF AMERICA AND THE STATE OF RHODE ISLAND TO FORM A STATE RELATIONSHIP BETWEEN RHODE ISLAND AND KUWAIT

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

Also:

Senate Bill No. 2122**BY** Senators Goodwin, Alves, Ruggerio, Moura, Doyle**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- AUTOMOBILE BODY REPAIR SHOPS (provide that a customer of a body shop may designate a representative to authorize repairs to their vehicle)

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

Also:

Senate Bill No. 2123

BY Senators Goodwin, Alves, Ruggerio, Moura, Doyle

ENTITLED, AN ACT RELATING TO INSURANCE -- UNFAIR CLAIMS SETTLEMENT PRACTICES ACT (make it an unfair claims practice to fail to require an independent appraisal of vehicles which sustain damages in excess of fifteen hundred dollars)

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

Also:

Senate Bill No. 2124

BY Senators Pichardo, Gallo, Alves, Goodwin, Levesque C

ENTITLED, AN ACT RELATING TO EDUCATION -- ADULT EDUCATION (mandate the state lottery to conduct an instant game know as the Life- long Learning Game during the fiscal year ending June 30, 2009)

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

Also:

Senate Bill No. 2125

BY Senators Gibbs, Cote, Jabour, Tassoni, Perry

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - DIRECT WINE SHIPPING (permit the direct shipping of wine to consumers under the direction of the department of business regulations)

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

Also:

Senate Bill No. 2126

BY Senator Moura

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLE -- REGISTRATION OF VEHICLES (provide for the issuance of a special motor vehicle registration plate for any motor vehicle plate for any vehicle having a gross weight of less than 10,000 pounds to all active and retired IAFF firefighters)

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

Also:

Senate Bill No. 2127**BY** Senators Tassoni, Jabour, Doyle**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - REGISTRATION - FEES (provide new regulations and fees for motorcycle and motor scooter licensing and would create a rider education provider education committee)

Read and referred to the Senate Committee on Education

Also:

Senate Bill No. 2128**BY** Senators Tassoni, Jabour, Doyle**ENTITLED**, AN ACT RELATING TO EDUCATION - SCHOOL COMMITTEES AND SUPERINTENDENTS (provide that the accounts of regional education collaboratives be subject to the same system of accounting as other school districts in the state)

Read and referred to the Senate Committee on Education

Also:

Senate Bill No. 2129**BY** Senator Felag**ENTITLED**, AN ACT RELATING TO EDUCATION -- COOPERATIVE SERVICE AMONG SCHOOL DISTRICTS (reorganize and reconstitute the educational collaboratives in this state)

Read and referred to the Senate Committee on Education

Also:

Senate Bill No. 2130**BY** Senators Gallo, Pichardo, Fogarty P, Issa**ENTITLED**, AN ACT RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS (require schools to post a notice advising if there is a student in school that has an allergy to peanuts and prohibit the sale of peanuts and peanut based products in the cafeteria if an enrolled student has a peanut allergy)

Read and referred to the Senate Committee on Education

Also:

Senate Bill No. 2131**BY** Senators Moura, DaPonte**ENTITLED**, AN ACT RELATING TO EDUCATION -- RESIDENCE OF CHILDREN (give a presumption of validity to a school district in hearings before the dept of elementary and secondary education when a school district determines that a child is no longer a resident of that district for purposes of public education)

Read and referred to the Senate Committee on Education

Also:

Senate Bill No. 2132

BY Senators Gibbs, Jabour, Perry, Bates, Breene

ENTITLED, AN ACT RELATING TO EDUCATION - RESIDENCE OF CHILDREN FOR SCHOOL PURPOSES (increase group home reimbursements to forty-five thousand dollars (\$45,000) per bed)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2133

BY Senators Gibbs, Cote, Jabour, Bates, Breene

ENTITLED, AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS (allow city and town councils to seek waivers of any state law or regulation related to education/ regulations governing the education of children with disabilities, in order to reduce school budget increases to specified levels)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2134

BY Senators Pichardo, Gallo, Lanzi, Miller, Alves

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- BREAST CANCER ACT (provide additional funding for breast cancer screening)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2135

BY Senator Blais

ENTITLED, AN ACT RELATING TO PUBLIC FINANCE -- POST AUDIT OF ACCOUNTS (make audits of state departments or agencies discretionary with the director of administration rather than on a mandatory biennial basis)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2136

BY Senators Felag, Walaska, Bates

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- INSURANCE BENEFITS (reduce school district and municipal health insurance costs by requiring school districts and municipalities to participate in the state health insurance plan/one of two options where participation is less expensive to the jurisdiction)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2137

BY Senators Blais, Miller

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- OFFICE OF STATE MEDICAL EXAMINERS (add one non-voting member to the state medical examiners commission who shall be a representative from the New England Organ Bank and who need not be a Rhode Island resident)

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

Also:

Senate Bill No. 2138

BY Senators Gibbs, Cote, Jabour, Perry, Breene

ENTITLED, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE - UNCLAIMED INTANGIBLE AND TANGIBLE PROPERTY (allow city/town/state police/division of drug control to keep all property in its custody for six months or more/property presumed as abandoned/income used for police related community functions/replace stolen property)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2139

BY Senator Moura

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- AUTOMATED TRAFFIC VIOLATIONS MONITORING SYSTEMS (remove the sunset provision of July 19, 2008 from the Rhode Island Automated Traffic Violations Monitoring Systems Act of 2005)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2140

BY Senator Moura

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES (establish the funeral procession act)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2141**BY** Senators Issa, Lenihan, Cote, Metts, Pichardo**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY -- LEVY AND SALE ON EXECUTION (change the homestead exemption from three hundred thousand dollars (\$300,000) in land and buildings to four hundred thousand dollars (\$400,000))

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2142**BY** Senator Connors**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- LIABILITY OF THE RHODE ISLAND PUBLIC TRANSIT AUTHORITY FOR DAMAGES IN CIVIL LAWSUITS (limit damages to one hundred thousand dollars in any tort action against the Rhode Island public transit authority, including claims against its members and employees acting in their official capacity, to an amount of one hundred thousand dollars)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2143**BY** Senators Connors, Perry, Levesque C, McCaffrey**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - THE CIVIL RIGHTS ACT OF 1990 (set a three (3) year statute of limitations on any alleged violation of this chapter)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2144**BY** Senators Blais, Alves, McCaffrey, McBurney, Goodwin**ENTITLED**, AN ACT RELATING TO PUBLIC FINANCE -- PROHIBITING THE USE OF PUBLIC FUNDS FOR ABORTIONS (prohibit the use of public facilities, public employees and public funds for the purpose of performing, assisting or encouraging abortion) {LC1006/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2145**BY** Senators Bates, Blais, Breene, Felag, Levesque C**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES - EQUIPMENT AND ACCESSORIES - INSPECTIONS (establish fines applicable to individuals who install or adjust equipment on a motor vehicle, intended for highway use that would result in an unsafe vehicle as set forth in chapter 31-23 and 31-24)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2146

BY Senators Tassoni, Jabour, Doyle

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- RIGHT-OF-WAY (create additional penalties for certain motor vehicle violations. This act would also require state and municipal buildings to provide parking for motorcycles)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2147

BY Senators Lanzi, Ciccone, Badeau, Ruggerio, Maselli

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- FIREFIGHTERS' ARBITRATION (provide that all contractual benefits conferred under an existing contract would continue until a new agreement is reached through arbitration or by agreement between the parties)

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 2148

BY Senator Moura

ENTITLED, AN ACT RELATING TO WORKER'S COMPENSATION -- GENERAL PROVISIONS (remove arborists from the exemption provisions of the worker's compensation statutory scheme, and would therefore require arborists to provide worker's compensation insurance for their employees)

Read and referred to the Senate Committee on Labor

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 Issa announces that the Committee on Education will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Ciccone announces that the Committee on Government Oversight will meet on Monday, February 4, 2008, at 4:00 o'clock P.M. in Room 313 of the State House.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, and upon suggestion of Senator Cote, the Senate adjourns at 4:46 o'clock P.M. in memory of the Honorable Roger R. Badeau of Woonsocket, State Senator, 1985-2008. He was beloved by all he served and those who served with him.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix**INVOCATION****SENATOR JOHN C. REVENS JR.**

Lord, bless all of us who you have ordained to serve our country and all of humanity. Inspire us to be bearers of your truth, so we may illuminate the shadows of evil and penetrate the darkness of indifference. Amen