

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.14

Thursday, February 7, 2008

Fourteenth 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 37 Senators present and 0 Senators absent as follows:

PRESENT – 37: The Honorable President Montalbano and Senators Algieri, Alves, 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 Issa, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

GUESTS

Upon suggestion of Senators Issa, Alves and Gallo and by unanimous consent, the Honorable President, welcomes to the Chamber in honor of National School Counseling Week, William Izzi, West Warwick School District, Leslie Conley, Cranston District, Barbara Crudale, South Kingstown School District, Susan Weber, Cranston School District, Donna Tobin, Warwick School District, Don Labossiere, Central Falls School District, Carolyn Rizzo, Westerly School District, Karl Squier, Arthur Lisi, Coventry School District, and Patricia Nailor.

NEW BUSINESS**Senate Resolution No. 2248**

BY Senator Gallo

ENTITLED, SENATE RESOLUTION PROCLAIMING JANUARY OF 2008 AS "NATIONAL MENTORING MONTH" IN THE STATE OF RHODE ISLAND {LC1325/1}

Senator Gallo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Gallo moves passage, seconded by Senator Fogarty and the entire Senate.

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

Also:

Senate Resolution No. 2249

BY Senator Issa

ENTITLED, SENATE RESOLUTION PROCLAIMING FEBRUARY 4-8, 2008 AS "NATIONAL SCHOOL COUNSELING WEEK" IN THE STATE OF RHODE ISLAND {LC1317/1}

Senator Issa requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Issa moves passage, seconded by Senator Gallo and the entire Senate.

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

Also:

Senate Resolution No. 2250

BY Senators Sosnowski, Walaska, Revens, Algiere, Tassoni

ENTITLED, SENATE RESOLUTION EXPRESSING PROFOUND SYMPATHY ON THE PASSING OF JUDITH S. NEWMAN {LC1612/1}

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sosnowski moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution No. 2251

BY Senator McCaffrey

ENTITLED, SENATE RESOLUTION REQUESTING THE AUDITOR GENERAL TO PERFORM A PROACTIVE FORENSIC AUDIT ON THE SEWER CHARGES ASSESSED BY THE WARWICK SEWER AUTHORITY

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

Also:

Senate Resolution No. 2252

BY Senators Pichardo, Metts, Issa, Miller

ENTITLED, SENATE RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO TAKE EMERGENCY ACTION TO PROTECT HOMEOWNERS AND BANKS {LC1483/1}

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

Also:

Senate Bill No. 2253

BY Senator Blais

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- SPECIAL REGISTRATION PLATE -- COVENTRY -- POLICE CHIEF EMERITUS (authorize a special registration plate for former Coventry police chief, Bruce Germani)

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

Also:

Senate Bill No. 2254

BY Senators Tassoni, Maselli, Cote

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS (increase the penalties for mistreatment or cruelty to animals) {LC1210/1}

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

Also:

Senate Bill No. 2255**BY** Senators Tassoni, Moura, Bates, Issa**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- THE CRUELTY TO ANIMALS (add definitions of proper food, proper water and proper veterinary care to the chapter on cruelty to animals) {LC1538/1}

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

Also:

Senate Bill No. 2256**BY** Senators Tassoni, Moura, Bates, Issa**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS (permit forfeiture of all rights of an owner who mistreats, fails to feed, etc. an animal and would require an appropriate and adequate shelter for a dog in accordance with his or her size or breed) {LC1537/1}

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

Also:

Senate Resolution No. 2257**BY** Senators Walaska, Issa**ENTITLED**, JOINT RESOLUTION SUPPORTING THE APPLICATION OF THE REPUBLIC OF CHINA (TAIWAN) FOR OBSERVER STATUS AT THE WORLD HEALTH ORGANIZATION {LC1286/1}

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

Also:

Senate Resolution No. 2258**BY** Senators Ciccone, Jabour, Levesque C, Connors, Moura**ENTITLED**, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (LEGISLATIVE POWER) {LC1364/1}

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

Also:

Senate Resolution No. 2259**BY** Senators Walaska, Issa**ENTITLED**, JOINT RESOLUTION SUPPORTING A TAIWAN-UNITED STATES FREE TRADE AGREEMENT (TUFTA) {LC1287/1}

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

Also:

Senate Bill No. 2260

BY Senators Breene, Blais, Sosnowski, Fogarty P, Algieri

ENTITLED, AN ACT RELATING TO MOTOR VEHICLES - REGISTRATION OF VEHICLES - STAR OF LIFE LICENSE PLATES (make available special "Star of Life" license plates for emergency medical personnel)

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

Also:

Senate Bill No. 2261

BY Senator Walaska

ENTITLED, AN ACT RELATING TO INSURANCE (require insurers who make modifications give written notice to the insured by separate mailing entitled in bold "IMPORTANT NOTICE) {LC1328/1}

Read and referred to the Senate Committee on Corporations

Also:

Senate Bill No. 2262

BY Senator Gallo

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS - MOTOR VEHICLES - DECEPTIVE TRADE PRACTICES (contract to finance the sale of a motor vehicle must display the term and rate of interest and the borrower's initials must appear adjacent to such on the agreement) {LC1472/1}

Read and referred to the Senate Committee on Corporations

Also:

Senate Bill No. 2263 (by request)

BY Senators Bates, Cote, McCaffrey, Walaska, Algieri

ENTITLED, AN ACT RELATING TO TAXATION -- STATE TAX OFFICIALS (authorize the tax administrator to require paid tax return preparers that prepare large numbers of Rhode Island tax returns for their clients to file such returns electronically with the division of taxation)

Read and referred to the Senate Committee on Corporations

Also:

Senate Bill No. 2264

BY Senators McCaffrey, Raptakis, Maselli, Blais

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- RETAIL SALE OF GASOLINE (mandate retailers of gasoline to maintain a compressed air pump at no cost to a consumer during business hours)

Read and referred to the Senate Committee on Corporations

Also:

Senate Bill No. 2265

BY Senators Walaska, Blais

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS - INTEREST AND USURY (exempt certain loans to or by a commercial entity from the usury laws if the loan exceeds one million dollars (\$1,000,000) and where repayment is not secured by a mortgage against the principal residence of any borrower)

Read and referred to the Senate Committee on Corporations

Also:

Senate Bill No. 2266

BY Senators Moura, Walaska

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - UNIFORM RELOCATION EXPENSES (impose special requirements upon the state or local agency, designated as a "Relocation Agency", with regard to the acquisition and relocation of any petroleum marine terminal) {LC1121/1}

Read and referred to the Senate Committee on Corporations

Also:

Senate Bill No. 2267

BY Senators Blais, Raptakis

ENTITLED, AN ACT RELATING TO EDUCATION - - MANDATES (require that educational mandates be fully funded or else unenforceable)

Read and referred to the Senate Committee on Education

Also:

Senate Bill No. 2268

BY Senators Walaska, Bates, Cote

ENTITLED, AN ACT RELATING TO EDUCATION - HEALTH AND SAFETY OF PUPILS (restrict the mandatory providing of school bus monitors to grades kindergarten through five (5), and would provide for an explicit elimination for the provision of school bus monitors for secondary and middle school pupils)

Read and referred to the Senate Committee on Education

Also:

Senate Bill No. 2269

BY Senators Blais, Breene, Bates, Gibbs

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - PRESERVATION OF AGRICULTURAL LAND (limit the power of state and its agencies to develop, destroy or alter any prime agricultural land)

Read and referred to the Senate Committee on Environment and Agriculture

Also:

Senate Bill No. 2270

BY Senator Levesque C

ENTITLED, AN ACT RELATING TO TAXATION (raise the tax credit to taxpayers providing adult or child day care services to its employees or provides real property for child day care services from thirty percent (30%) to seventy-five percent (75%) of the total amount expended)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2271

BY Senators Levesque C, Perry

ENTITLED, AN ACT RELATING TO HUMAN SERVICES -- FAMILY INDEPENDENCE ACT (allow a parent to receive childcare assistance if the parent works at paid employment or attends an education or training program provided that the parent is employed for at least twenty-five (25) hours per week)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2272

BY Senators Walaska, Bates, McCaffrey, Connors

ENTITLED, AN ACT RELATING TO TAXATION -- LOCAL REAL PROPERTY ASSESSMENT (reduce the frequency of updated real estate revaluation from one every three (3) years to once every five (5) years for the post transition periods) {LC1382/1}

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2273

BY Senators Gallo, Lanzi, Miller

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES (require the state to make additional funds available to the city of Cranston when there is an increase in the population at the adult correctional institution) {LC1291/1}

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2274

BY Senators Blais, Miller, McCaffrey, Perry, Paiva-Weed

ENTITLED, AN ACT RELATING TO TAXATION - PERSONAL INCOME TAX (allow an individual to subtract from federal adjusted gross income up to ten thousand dollars (\$10,000) if he or she, while living, donates one of his or her organs to another human being for human organ transplantation) {LC1019/1}

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2275

BY Senators Blais, Breene

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR FUEL TAX (exempt municipal vehicles, trucks and school buses from the motor fuel tax)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2276

BY Senators Levesque C, Alves

ENTITLED, AN ACT RELATING TO TAXATION -- ESTATE AND TRANSFER TAXES -- LIABILITY AND COMPUTATION (limit the valuation of farmland and other real and tangible property associated with the agricultural operations on such farmlands to \$2,500,000 for purposes of imposition of taxes by the state upon transfer of the estates of decedent farmers)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2277

BY Senators Levesque C, Miller, Blais

ENTITLED, AN ACT RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS (require school departments to develop policies and procedures for administering injections to diabetic students in the event of an emergency/policy would include parent authorization and the training of school personnel)

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

Also:

Senate Bill No. 2278

BY Senator Blais

ENTITLED, AN ACT RELATING TO FOOD AND DRUGS - CONTROLLED SUBSTANCES - PRESCRIPTIONS (eliminate the limitation that prescriptions for schedule II controlled substances be submitted for up to a maximum of a 30 day supply and a maximum of 250 dosage units) {LC1300/1}

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

Also:

Senate Bill No. 2279**BY** Senator Blais**ENTITLED**, AN ACT RELATING TO INSURANCE (create an independent committee to review the cost-effectiveness, medical efficacy and social need for mandated health insurance benefits)

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

Also:

Senate Bill No. 2280**BY** Senators Levesque C, Bates, Miller**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY (create the Patient Safety and Medical Error Reduction Act/require each hospital in the state to participate in a comprehensive program to improve patient safety and reduce medical errors in the respective hospitals)

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

Also:

Senate Bill No. 2281**BY** Senator Levesque C**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- PHARMACIES (provide that pharmacies provide a list of twenty (20) prescribed health maintenance drugs in electronic format to the department of health with current selling prices)

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

Also:

Senate Bill No. 2282 (Lieutenant Governor)**BY** Senators Perry, Goodwin, Levesque C, Miller, Gallo**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES - MEDICAL ASSISTANCE - LONG-TERM CARE SERVICE AND FINANCE REFORM (those in need of long-term care/support services receive them/least restrictive setting appropriate to their needs/avoid unnecessary institutionalization persons during full eligibility determination process for Medicaid community-based care) {LC1333/1}

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

Also:

Senate Bill No. 2283**BY** Senators Perry, Moura, Sosnowski, Gallo, Pichardo**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - BREASTFEEDING - PROMOTES THE INTERESTS OF MATERNAL AND CHILD HEALTH (allow a woman to feed her child by bottle or breast in any place open to the public and would allow her a private cause of action for denial of this right) {LC1477/1}

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

Also:

Senate Bill No. 2284 (Lieutenant Governor)

BY Senators Paiva-Weed, Algieri, Perry, Gibbs

ENTITLED, AN ACT RELATING TO HEALTH CARE QUALITY PROGRAM -- MONITORING THE OCCURRENCE OF PRESSURE ULCERS IN HEALTH CARE FACILITIES (add the occurrence of pressure ulcers to the list of subjects on which the health care quality steering committee shall advise)

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

Also:

Senate Bill No. 2285

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

ENTITLED, AN ACT RELATING TO INSURANCE (provide insurance coverage for treatment of infertility for unmarried, as well as married, persons) {LC1625/1}

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

Also:

Senate Bill No. 2286

BY Senators Sheehan, Perry, Sosnowski, Paiva-Weed, Walaska

ENTITLED, AN ACT RELATING TO INSURANCE -- HEALTH INSURANCE MARKET EXPANSION (establish a regional health insurance market between Rhode Island, Massachusetts and Connecticut) {LC1673/1}

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

Also:

Senate Bill No. 2287

BY Senators Blais, Raptakis

ENTITLED, AN ACT RELATING TO THE COVENTRY FIRE DISTRICT

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

Also:

Senate Bill No. 2288

BY Senators Gallo, Fogarty P, Levesque C

ENTITLED, AN ACT RELATING TO TAXATION -- COLLECTION OF TAXES GENERALLY (require towns and cities to notify taxpayers by regular mail if they are delinquent in any quarterly payment) {LC1294/1}

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

Also:

Senate Bill No. 2289 (Lieutenant Governor)**BY** Senators Tassoni, Miller, Maselli**ENTITLED**, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -- DEFENSE CIVIL PREPAREDNESS (raise the number of ex-officio members RI emergency mgmt council from 19 to 22/director Providence emergency mgmt agency/executive director E-911 emergency tele system/federal security director transp. security adm for RI) {LC1440/1}

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

Also:

Senate Bill No. 2290**BY** Senators Levesque C, Miller**ENTITLED**, AN ACT RELATING TO CITIES AND TOWNS -- ZONING ORDINANCES (authorize an accessory family dwelling unit in a single -family residence as a reasonable accommodation for family members with disabilities)

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

Also:

Senate Bill No. 2291**BY** Senators Tassoni, Moura, Algiere, Issa**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- FIRE SAFETY CODE-GENERAL PROVISIONS (require private dwellings occupied by one and/or two (2) families to be equipped with smoke and carbon monoxide detectors in accordance with standards established by the fire safety code board of appeal and review) {LC1403/1}

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

Also:

Senate Bill No. 2292**BY** Senator Tassoni**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF SMITHFIELD TO ESTABLISH BY ORDINANCE A TAX EXEMPTION FOR REAL AND PERSONAL PROPERTY OWNED BY THE GRODEN CENTER, INC., LOCATED IN THE TOWN OF SMITHFIELD {LC1387/1}

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

Also:

Senate Bill No. 2293**BY** Senators Ciccone, Ruggerio, Lanzi**ENTITLED**, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -- ARMORIES AND CAMPGROUNDS (give priority for rental of the Cranston Street Armory to motion picture productions) {LC1262/1}

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

Also:

Senate Bill No. 2294

BY Senator McCaffrey

ENTITLED, AN ACT RELATING TO LABOR RELATIONS -- ARBITRATION (acknowledge arbitration as the preferred alternative labor dispute resolution mechanism and limit instances when an arbitration award can be vacated) {LC1289/1}

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 2295

BY Senators Metts, Pichardo

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- APPRENTICESHIP PROGRAMS IN TRADE AND INDUSTRY (permit one apprentice in each trade to work under the direct supervision of a licensed journeyman in that trade) {LC1265/1}

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 2296

BY Senator Walaska

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- PAYMENT OF WAGES (provide that the frequency of payment of wages under a collective bargaining agreement would not be subject to the provisions of the general laws requiring employees to be paid weekly, bi-weekly or semi-monthly) {LC1380/1}

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 2297

BY Senators Ruggerio, Goodwin, McCaffrey, Connors, DaPonte

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION -- BENEFITS (raise workers' compensation payments for specific injuries)

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 2298

BY Senators Ruggerio, Goodwin, Connors, Perry, Issa

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION -- BENEFITS (clarify employees' right to choose an initial treating physician)

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 2299

BY Senators Ruggerio, Goodwin, McCaffrey, Gallo, Connors

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION -- BENEFITS (change the spendable base wage calculation from seventy-five percent (75%) to eighty-five percent (85%) under the workers' compensation law)

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 2300

BY Senators Ruggerio, Goodwin, Connors, Perry, Issa

ENTITLED, AN ACT RELATING TO WORKERS' COMPENSATION -- GENERAL PROVISIONS (change the definition of special employers under workers' compensation)

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 2301

BY Senators Ruggerio, Goodwin, Perry, Connors, DaPonte

ENTITLED, AN ACT RELATING TO WORKERS' COMPENSATION -- MEDICAL SERVICES (require employers to pay the reasonable transportation costs for employees that travel to receive workers' compensation health care services)

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 2302

BY Senators Ruggerio, Goodwin, Connors, Doyle, McCaffrey

ENTITLED, AN ACT RELATING TO WORKERS' COMPENSATION BENEFITS (repeal the section of the law relating to continuation of workers' compensation benefits for partial incapacity)

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 2303

BY Senators Ruggerio, Perry, Connors, McCaffrey, Goodwin

ENTITLED, AN ACT RELATING TO WORKERS' COMPENSATION -- BENEFITS (require an employee, after an injury, to submit to an examination by a physician no earlier than four (4) month intervals after the injury if requested to do so by his or her employer)

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 2304

BY Senators Ruggerio, Goodwin, Tassoni, Lanzi, Doyle

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS - WORKERS COMPENSATION (make various amendments to the statutes applicable to workers' compensation) {LC1668/1}

Read and referred to the Senate Committee on Labor

Also:

Senate Bill No. 2305

BY Senators Perry, Miller, Sosnowski, Goodwin, Fogarty P

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- CONFIDENTIALITY OF HEALTH CARE COMMUNICATIONS AND INFORMATION ACT (allow for the release or transfer of confidential health care information of a parent or guardian of a child who is the suspected victim of physical, psychological, or sexual abuse and/or neglect) {LC1343/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2306

BY Senator Blais

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- SENTENCE AND EXECUTION (require the inclusion of any written statements by the victim including injuries sustained by the victim in presentence reports) {LC1004/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2307

BY Senator Blais

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- WEAPONS (prohibit cities and towns from providing the name, address or date of birth of any person who has applied for a license or permit to carry a concealed pistol or revolver)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2308

BY Senator Levesque C

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- GRAND JURIES (require the prosecutor in any grand jury proceeding to notify the grand jury of any exculpatory evidence)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2309

BY Senators Levesque C, Jabour

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- IDENTIFICATION AND APPREHENSION OF CRIMINALS (establish procedures for identification lineups in criminal investigations, specifically including requirements of photographing or otherwise recording the identification)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2310 (by request)

BY Senator McCaffrey

ENTITLED, AN ACT RELATING TO MENTAL HEALTH, RETARDATION, AND HOSPITALS - INCOMPETENCY TO STAND TRIAL AND PERSONS ADJUDGED NOT GUILTY BY REASONS OF INSANITY (amend provisions of the general laws relative to the filing of a petition setting forth that an incarcerated person is mentally ill and requires special care or treatment)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2311

BY Senators McCaffrey, Jabour, Maselli

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- THEFT, EMBEZZLEMENT, FALSE PRETENSES, AND MISAPPROPRIATION (punish a person guilty of a larceny upon a person 65 years old or older with a fine of not more than \$50,000, or 3 times the value of the property, imprisonment of up to 25 years, or both)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2312

BY Senators Tassoni, Issa, Maselli, Cote

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY - CRUELTY TO ANIMALS (allow for civil action remedie s for owners of injured animals owners) {LC1204/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2313

BY Senator Blais

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- SCIENTIFIC AND TECHNICAL EVIDENCE (establish guidelines for the admissibility of scientific and technical evidence)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2314

BY Senator McCaffrey

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE - BAIL AND RECOGNIZANCE (set forth and clarify the method of bail a court may order, and would prohibit a court from requiring a full cash bail as the only method for a person to post bail)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2315

BY Senators Jabour, Maselli

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- OPEN MEETINGS (amend the advertising requirements necessary for school committees under the open meetings law)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2316

BY Senators McCaffrey, Jabour, Raptakis, Maselli

ENTITLED, AN ACT RELATING TO ELECTIONS -- NOMINATION PAPERS (provide that nomination papers would not be necessary for any candidate for any election in which there are no other declared candidates for that particular office)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2317

BY Senator McCaffrey

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS -- SOLEMNIZATION OF MARRIAGES {LC1128/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2318**BY** Senators McCaffrey, Jabour**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - DOMESTIC VIOLENCE (transfer the domestic violence training and monitoring unit from the court system to the police officers commission on standards and training/transfer the domestic abuse court advocacy project to the Rhode Island justice commission)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2319**BY** Senators Levesque C, McCaffrey**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE - SENTENCE AND EXECUTION (require the automatic quashing of records of any complaint, indictment or information once a defendant has completed five year term of a deferred sentence/not require defendant to wait until ten years after the expiration of deferred sentence) {LC1149/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2320 (by request)**BY** Senator McCaffrey**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE (make technical changes concerning the municipal courts as a result of the recent creation of the position of chief magistrate of the traffic tribunal)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2321 (by request)**BY** Senator McCaffrey**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - JUSTICES OF SUPREME, SUPERIOR, AND FAMILY COURTS (delete an outdated reference to a department of administration personnel office regulation which does not apply to the judiciary)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2322**BY** Senators Metts, Pichardo, Levesque C**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- CORRECTIONS DEPARTMENT (further define the standards by which an inmate might earn early release from a prison sentence for good behavior)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2323

BY Senators McCaffrey, Levesque C, Maselli

ENTITLED, AN ACT RELATING TO CAUSES OF ACTION -- SURETY BONDS (create a new civil cause of action for a surety's bad faith refusal to pay a claim made under any bond of suretyship)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2324

BY Senators Jabour, Maselli, Tassoni, Issa

ENTITLED, AN ACT RELATING TO ELECTIONS -- FEDERAL ELECTIVE OFFICERS (require a special election to fill all federal senatorial vacancies and take away from the governor the power to make temporary appointments to fill the vacancies) {LC1589/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2325

BY Senator McCaffrey

ENTITLED, AN ACT RELATING TO PROPERTY -- MORTGAGE FORECLOSURE AND SALE (provide a technical amendment to resolve any ambiguity regarding advertising of a mortgage foreclosure sale) {LC1474/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2326

BY Senator Levesque C

ENTITLED, AN ACT RELATING TO CRIMINALS - CORRECTIONS INSTITUTIONS - PAROLE (require the parole board to consider an inmate's likelihood of recidivism as determined by a risk assessment when deciding whether an inmate should be paroled)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2327

BY Senator McCaffrey

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE IN PARTICULAR ACTIONS INDIGENT DEFENSE SERVICES (transfer payment for indigent defense services from the court to the department of administration consistent with the doctrine of separation of powers)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2328

BY Senators Gallo, Goodwin

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- SEXUAL OFFENDER REGISTRATION (make it a felony for any registered sex offender to be within five hundred feet of any school) {LC1290/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2329 (by request)

BY Senator McCaffrey

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- JURY LISTS (transfer the authority for setting the jury commissioner's salary to the state court administrator)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2330

BY Senator Blais

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT (provide that regulations promulgated through the Administrative Procedures Act are not effective until they are made available electronically to the public)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2331

BY Senator McBurney

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS (create provisions with respect to the designation of person who are to inherit a bank account) {LC1305/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2332 (by request)

BY Senator McCaffrey

ENTITLED, AN ACT RELATING TO PUBLIC FINANCE - ACCOUNTS AND CONTROL (allow the imposition of interest on overdue court costs, fines and fees that are delinquent for more than ninety (90) days)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2333

BY Senator Levesque C

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- MERIT SYSTEM (eliminate the provision that prohibits classified employees or members of the personnel appeal board from seeking nomination or becoming a candidate for elective state office)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2334

BY Senator Levesque C

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE - SENTENCE AND EXECUTION (change sentencing laws regarding sentencing violators of probation and suspended sentences, limiting the amount of time a defendant may be sentenced to jail on violation of sentence/time remaining on their original sentence, or less)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2335

BY Senators Levesque C, Miller, Connors

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- RESTRICTION ON POLITICAL SURVEILLANCE (require state/municipal law enforcement agencies may not collect or maintain info about political, religious, social view associations or activities of anyone unless reasonable grounds to suspect subject of the info is involved in criminal conduct)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2336

BY Senator McCaffrey

ENTITLED, AN ACT RELATING TO PROPERTY -- MECHANICS' LIENS (provide notice of a mechanics' lien effective as to any retainage earned but not paid, for work furnished pursuant to section 34-28-1 et. seq.) {LC1373/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2337

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

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- INFORMED CONSENT FOR ABORTION (permit internist/family care physician/psychiatrist to determine if a pregnant woman less

than 18 would suffer physical abuse/ mental injury if she seeks consent of parents/abortion be performed without parental consent/judicial authorization) {LC1028/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2338

BY Senator McCaffrey

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- BURGLARY AND BREAKING AND ENTERING (expand the list of vehicles that would subject a person to a felony sentence of ten (10) years in prison if the person broke into any of the types of vehicles named with the intent to commit a larceny or other crime) {LC1334/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2339

BY Senator McCaffrey

ENTITLED, AN ACT RELATING TO PROPERTY -- MECHANICS LIENS (provide notice of a mechanics lien effective as to any retainage earned but not paid, for work furnished pursuant to the mechanics lien statutes) {LC386/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2340

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

ENTITLED, AN ACT RELATING TO HUMAN SERVICES - PUBLIC ASSISTANCE ACT -- MEDICAL ASSISTANCE AND ABORTIONS (require general public assistance/medical assistance benefits be provided to eligible beneficiaries, including victims of rape or incest, for the performance of abortions) {LC1067/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2341

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

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- REPRODUCTIVE HEALTH CARE (prohibit the state from interfering with certain personal decisions of a woman regarding pregnancy/including her decision to terminate a pregnancy prior to fetal viability/any time if termination is necessary to protect the life or health of the woman) {LC1068/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2342**BY** Senators Ciccone, Sosnowski, Tassoni, Jabour, Levesque C**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF STATE GOVERNMENT (require the governor to appoint another person to a directorship within ten (10) days, if he or she withdraws the reappointment of a sitting director. His or her failure to do so would leave the office vacant)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2343**BY** Senators Tassoni, McCaffrey, McBurney**ENTITLED**, AN ACT RELATING TO STATE GOVERNMENT DEPARTMENTS - DIRECTORS (require that all governor appointees to department directors, who are disapproved by a vote of the senate, shall relinquish their positions, not later than thirty (30) days after the vote)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2344**BY** Senators Maselli, Ciccone, Lanzi, Tassoni, Moura**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES-ACTIONS**BY** Senators AND AGAINST TOWNS (require cities, towns, and fire districts to indemnify officials for claims arising out of the performance of their official duties) {LC1384/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2345**BY** Senators Levesque C, Sosnowski, Perry**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE

GENERALLY - WITNESSES (include domestic partners under various provisions of relative to courts, civil procedure, and various requirements related thereto)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2346**BY** Senators Jabour, Tassoni**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF N.A.H. INVESTMENTS, INC. {LC1473/1}

Read and ordered to be placed on the Senate Consent Calendar

Also:

Senate Bill No. 2347

BY Senators Levesque C, Perry, Gallo, Sosnowski, Alves

ENTITLED, AN ACT RELATING TO EDUCATION -- UNIVERSAL BREAKFAST PROGRAM (establish a Universal Breakfast Program for all Rhode Island school students regardless of family income)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2348

BY Senators Blais, Paiva-Weed

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF HUMAN SERVICES (authorize the department of human services to use up to ten percent (10%) of the sums appropriated for the purpose of administering the traumatic brain injury program)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2349

BY Senators McCaffrey, Raptakis

ENTITLED, AN ACT RELATING TO TAXATION - SALES AND USE TAXES - LIABILITY AND COMPUTATION (prohibit the lessor of a leased motor vehicle from charging a lessee any sales tax on that portion of a lease payment that is comprised of taxes payable by the lessor on the leased motor vehicle)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2350

BY Senator McCaffrey

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES -- PUBLIC BUILDINGS (require the state and municipalities to award bids for purchases of goods or services to the lowest responsive and responsible bidder whose bids is the lowest price) {LC1059/1}

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2351

BY Senator Levesque C

ENTITLED, AN ACT RELATING TO EDUCATION -- RESIDENCE OF CHILDREN FOR SCHOOL PURPOSES (allow city and town school systems in which students are placed because of DCYF activity an increase in compensation for the additional costs)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2352

BY Senator Levesque C

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- MERIT SYSTEM (repeal the provisions of the general laws requiring classified employees to reside within the state of Rhode Island)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2353

BY Senator Levesque C

ENTITLED, AN ACT RELATING TO INSURANCE (amend various statutes in order to provide affordable health care in Rhode Island.)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2354

BY Senators Walaska, McCaffrey, Bates, Cote, Alves

ENTITLED, AN ACT RELATING TO TAXATION - PERSONAL INCOME TAX (clarify that state employee pension payments would be subject to state tax even if the person collecting were an out-of-state resident) {LC1027/1}

Read and referred to the Senate Committee on Finance

CONSENT CALENDAR

Upon motion of Senator 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 2028

BY Sheehan

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

2 2008-S 2083

BY Felag

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

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 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 DaPonte, seconded by Senator Algieri, and upon suggestion of Senator Sosnowski, the Senate adjourns at 4:28 o'clock P.M. in memory of Judith S. Newman.

CALLED TO ORDER

The Senate is called to order by the Honorable Joseph A. Montalbano, President of the Senate, on Tuesday February 11, 2008, at 4:16 o'clock P.M.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns at 4:17 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR DANIEL J. ISSA

Almighty God, we ask today that You help us to live wisely, to fight for justice and truth, and to always try to live up to the expectations of our constituents. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR TUESDAY, FEBRUARY 12, 2008:

1 2008-S 2346

BY Jabour

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF N.A.H. INVESTMENTS, INC.

Ordered to be placed on the Consent Calendar

RAYMOND T. HOYAS, JR.
Secretary of the Senate