

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.5

Thursday, January 10, 2008

Fifth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:15 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, Bates, Blais, Ciccone, Connors, Cote, 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 – 3: Senators Badeau, Breene, DaPonte.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

COMMUNICATION

STATE OF RHODE ISLAND AND PROVIDENCE PLAMTATIONS
STATE HOUSE

January 10, 2008

TO THE HONORABLE, THE SENATE:

I am hereby withdrawing, without prejudice, the following appointments to the Rhode Island Resource Recovery Corporation:

The Honorable Scott Avedisian, dated February 13, 2007
Kenneth Aurecchia, dated February 13, 2007
Carole Bell, dated February 13, 2007
Douglas Jeffrey, dated February 13, 2007
Michael Salvatore, dated February 13, 2007
John Harpootian, dated March 22, 2007

Sincerely,



Donald L. Carcieri
Governor

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 10, 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 reappointment to the Board of Governors for Higher Education:

The Honorable Frank Caprio of Providence

for a term expiring January 31, 2011.

To this reappointment, I 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 10, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-99-4 of the Rhode Island General Laws, I have made the following appointment to the Convention Center Authority:

Robert T. Gormley of North Kingstown

VICE
Gerald Massa
(resigned)

for a term expiring June 30, 2008.

To this appointment, I respectfully request your Advice & Consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE

January 10, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-99-4 of the Rhode Island General Laws, I have made the following reappointment to the Convention Center Authority:

David Gavitt of Rumford

for a term expiring June 30, 2011.

To this reappointment, I respectfully request your Advice & Consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

Also:

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

January 10, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-99-4 of the Rhode Island General Laws, I have made the following reappointment to the Convention Center Authority:

David A. Duffy of North Kingstown

for a term expiring June 30, 2011.

To this reappointment, I respectfully request your Advice & Consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

NEW BUSINESS

Senate Bill No. 2037

BY Senators Fogarty P, Gibbs, Gallo, Breene

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES -- EXCAVATION NEAR UNDERGROUND UTILITY FACILITIES -- COSTS (require public utilities to be responsible for any cost incurred by municipal corporations associated with temporary or permanent relocation of utility infrastructure/public utility poles during public works projects within municipal rights of way)

Read and referred to the Senate Committee on Corporations

Also:

Senate Resolution No. 2038

BY Senators Walaska, Blais, Breene

ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THE UNITED STATES CONGRESS TO OPPOSE OPTIONAL FEDERAL CHARTER LEGISLATION

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

Also:

Senate Resolution No. 2039

BY Senators Walaska, Blais, Breene

ENTITLED, SENATE RESOLUTION OPPOSING FEDERAL LEGISLATION TO REPEAL OR MODIFY THE MCCARRAN-FERGUSON ACT

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

Also:

Senate Resolution No. 2040

BY Senators Fogarty P, Gallo, Breene

ENTITLED, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (GENERAL ASSEMBLY)

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

Also:

Senate Resolution No. 2041

BY Senators Ciccone, Felag, Ruggerio, Connors, Tassoni

ENTITLED, SENATE RESOLUTION RESPECTFULLY URGING THE UNITED STATES CONGRESS TO LIMIT THE NON-SUFFICIENT FUNDS FEE IMPOSED BY FINANCIAL INSTITUTIONS

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

Also:

Senate Resolution No. 2042

BY Senators Raptakis, Cote, Lenihan, Maselli, Sheehan

ENTITLED, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE -- PROCEDURE TO FILL VACANCY IN OFFICE OF THE LIEUTENANT GOVERNOR, THE SECRETARY OF STATE, ATTORNEY GENERAL OR GENERAL TREASURER

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

Also:

Senate Bill No. 2043

BY Senators Tassoni, Doyle, McBurney, Felag

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- REGULATION OF VICIOUS DOGS (add the director of the defenders of animals or his or her designee to the hearing panel which decides whether a dog should be declared vicious)

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

Also:

Senate Bill No. 2044

BY Senators Raptakis, McCaffrey, Doyle, Jabour, Goodwin

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- REGULATION OF SALES (provide that holders of Class A licenses would maintain, and produce on demand, records of receipts and invoices for the purchase of alcoholic beverages)

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

Also:

Senate Bill No. 2045

BY Senators Lanzi, Badeau, Ciccone, Tassoni, Gallo

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION -- DUTIES OF DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Read and referred to the Senate Committee on Environment and Agriculture

Also:

Senate Bill No. 2046

BY Senators Moura, Revens

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- RETIREMENT SYSTEM -- CONTRIBUTIONS AND BENEFITS

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2047

BY Senators Raptakis, Cote, Lenihan, Maselli, Sheehan

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ESTABLISHING AN OFFICE OF INSPECTOR GENERAL (establish the office of inspector general as an independent administrative agency charged with the purpose of preventing and detecting fraud, waste and abuse, and mismanagement in the expenditure of public funds)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2048

BY Senators Algieri, Breene

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- CHARLESTOWN (make certain state owned and operated properties eligible for payments in lieu of taxes)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2049

BY Senator Blais

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- RETIREMENT OF MUNICIPAL EMPLOYEES (allow retired firefighters and police officers to work an unlimited number of days in the service of the system)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2050

BY Senator Algieri

ENTITLED, AN ACT RELATING TO TAXATION - VETERANS' BENEFITS - WESTERLY (increase the amount of veterans, veterans' widows, totally disabled veterans, POW's, gold star parents exemptions and exemptions for the blind in Westerly)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2051

BY Senator Issa

ENTITLED, AN ACT RELATING TO TAXATION -- CLOTHING SALES (direct sales revenue generated by the sale of clothing items priced in excess of five hundred dollars (\$500) to the governor's office of energy assistance)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2052

BY Senators Lanzi, Badeau, Ciccone, Tassoni, Issa

ENTITLED, AN ACT RELATING TO DISABLED AMERICAN VETERANS -- EDUCATIONAL BENEFITS (amend and extend the space available requirement for the granting of higher education benefits to disabled American veterans)

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2053

BY Senators Lanzi, Badeau, Ciccone, Tassoni, Gallo

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY (require nursing home administrators to report abuse of residents to the state police or the police department of the municipality where the abuse occurred)

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

Also:

Senate Bill No. 2054

BY Senator Algieri

ENTITLED, AN ACT AUTHORIZING AN INCREASE IN THE HOLDINGS OF THE WATCH HILL CHAPEL SOCIETY (increase the limit on the amount of property that may be held by the Watch Hill Chapel Society)

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

Also:

Senate Bill No. 2055

BY Senator Algieri

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- ENABLING WESTERLY TO ENACT ORDINANCES (enable the town of Westerly to adopt ordinances which penalize property owners who would fail to complete construction of buildings on their property within a reasonable time as set by the town council)

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

Also:

Senate Bill No. 2056

BY Senators Tassoni, Doyle, McBurney, Felag

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS (prohibit the on-line purchase of tickets to events in RI/for reselling tickets at prices which exceed the face value of the ticket and those additional charges allowed under RI law)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2057**BY** Senators Doyle, Tassoni, McBurney, Connors**ENTITLED**, AN ACT RELATING TO PROPERTY - MORTGAGE FORECLOSURE AND SALE (require foreclosure deeds to be recorded within thirty days of the foreclosure sale and would also require that all outstanding real estate taxes be paid at the time of the recording of the foreclosure deed)
Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2058**BY** Senators Raptakis, Cote, Lenihan, Maselli, Revens**ENTITLED**, AN ACT RELATING TO ELECTIONS -- REGISTRATION OF VOTERS (reduce the waiting period required for disaffiliation with a political party from 90 days to 29 days)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2059**BY** Senators Raptakis, DaPonte, Ciccone, Tassoni, Maselli**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- MINIMUM WAGES (would adjust the minimum wage annually using the consumer price index)

Read and referred to the Senate Committee on Labor

Also:

Senate Resolution No. 2060**BY** Senators Felag, Bates, Levesque C, Paiva-Weed, Gibbs**ENTITLED**, SENATE RESOLUTION HONORING ANISSA POLANDO ON THE OCCASION OF HER RETIREMENT

Read and ordered to be placed on the Senate Consent Calendar

Also:

Senate Resolution No. 2061**BY** Senators Gallo, Issa**ENTITLED**, SENATE RESOLUTION RECOGNIZING JANUARY, 2008 AS "NATIONAL MENTORING MONTH"

Senator Gallo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Gallo moves passage, seconded by Senators Issa, Connors, Sheehan, Metts and Pichardo.

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

GUESTS

Upon suggestion of Senator Gallo and by unanimous consent, the Honorable President, welcomes to the Chamber Arlene McNutty, CEO and President of Rhode Island Mentoring Partnership, John Howell, Chairman of the Board, Susan Thomas, Director of Outreach and Training

NEW BUSINESS

Senate Resolution No. 2062

BY Senators Goodwin, Miller, Pichardo

ENTITLED, SENATE RESOLUTION EXTENDING CONDOLENCES ON THE PASSING OF FORMER STATE SENATOR RUTH GRIMES

Senator Goodwin requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Goodwin moves passage, seconded by Senators Paiva Weed Algieri and the entire Senate.

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

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 2036

BY Algieri

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.

ADJOURNMENT

Upon motion of Senator Ruggerio, seconded by Senator Algiere, and upon suggestion of Senator Goodwin, the Senate adjourns at 4:30 o'clock P.M. in memory of former State Senator Ruth Grimes, a long time resident of the West End of Providence, a charismatic woman, and well respected in her community. She will be greatly missed, but always remembered.

GABRIEL REI
Deputy Clerk of the Senate

Appendix

INVOCATION

SENATOR PAUL W. FOGARTY

Dear God, we thank Thee for the gift of this new day with its opportunities for growth in nobility of character and in service to others. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR TUESDAY, JANUARY 15, 2008:

1 2008-S 2060

BY Felag

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

Ordered to be placed on the Consent Calendar

GABRIEL REI
Deputy Clerk of the Senate