

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. 12

Tuesday, February 5, 2008

Twelfth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:12 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, Bates, 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.

ABSENT – 3: Senators Alves, Blais, Walaska

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

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**

February 1, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 20-3-1 of the Rhode Island General Laws, I have made the following reappointment to the Marine Fisheries Council:

Kenneth Ketcham of Narragansett
(Representing Commercial Fishing Industry)

for a term expiring April 1, 2010.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Environment and Agriculture.

Also:

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

February 1, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following appointment to the State Building Codes Standards Committee:

James R. Fink of Exeter
(Representing Electrical Engineers)

VICE
John Gaskell
(resigned)

for a term expiring May 1, 2008.

To this appointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

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

Also:

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

February 1, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

David F. Palmisciano of Chepachet
(Representing Building Trades Council)

for a term expiring May 1, 2008.

To this reappointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

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

Also:

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

February 1, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following appointment to the State Building Codes Standards Committee:

Doris Aschman
(Representing Health Interest)

VICE
Marie Stoeckel

for a term expiring May 1, 2010.

To this appointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

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

Also:

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

February 4, 2008

TO THE HONORABLE, THE SENATE:

I am hereby withdrawing, without prejudice, the January 10, 2008 appointment of Robert T. Gormely to the Convention Center Authority.

Sincerely,



Donald L. Carcieri
Governor

Read and ordered to be placed on file.

NEW BUSINESS

Senate Resolution No. 2208

BY Senators Montalbano J, Ruggerio, Ciccone

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

Senator Ruggerio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggerio moves passage, seconded by Senators McBurney, Algieri, Bates, Ciccone, Lanzi Issa, Jabour, Fogarty, Goodwin, McCaffrey, and Paiva Weed.

The act is read and passed, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: The Honorable President Montalbano and Senators Algieri, Bates, 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.

NAYS- 0:

Senators Ruggerio, McBurney, Ciccone, pay tribute to Marion DaPalma for almost four decades of dedicated service to all the citizens of the State of Rhode Island, and the General Assembly.

CONSENT CALENDAR

In order for the day is taken up as follows:

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

1 2008-S 2207

BY Algieri

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF CROSS'S MILL'S VOL. FIRE DEPT.

CALENDAR

IN ORDER FOR TUESDAY, FEBRUARY 5, 2008:

1 Nomination of The Honorable Frank Caprio (reappointment) of Providence to the Board of Governors for Higher Education for a term expiring January 31, 2011.

Committee on Education recommends that the Senate give its Advice and Consent to this nomination.

Senator Issa seconded by Senators Jabour, Gallo, Levesque, Fogarty, Raptakis, Tassoni, Algieri, Moura, Bates, Lenihan, Lanzi, Ciccone, Metts, Sosnowski, Paiva Weed moves that advice and consent of the Senate be given this appointment.

The advice and consent of the Senate is given this appointment, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: The Honorable President Montalbano and Senators Algieri, Bates, 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.

NAYS- 0:

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.

GUESTS

Upon suggestion of Senator Algieri and by unanimous consent, the Honorable President welcomes to the Chamber Brittany Kmetz, a Senior at Westerly High School, and Andrew Lynch, a Sophomore at Providence College.

NEW BUSINESS**Senate Resolution No. 2209**

BY Senator Paiva-Weed

ENTITLED, SENATE RESOLUTION EXPRESSING PROFOUND SYMPATHY ON THE PASSING OF ELLEN SARAH MURPHY {LC1379/1}

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 rising vote.

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.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, and upon suggestion of Senator Paiva Weed, the Senate adjourns at 4:38 o'clock P.M. in memory of Ellen Sarah Murphy.

GABRIEL REI
Deputy Clerk of the Senate

Appendix

INVOCATION**SENATOR WALTER S. FELAG JR.**

Almighty God, may we pursue our tasks with a sense of Your presence. Give us the wisdom not to squander energy on things that do not matter nor put off until tomorrow that which can be done today. Amen.