

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.15

Tuesday, February 12, 2008

Fifteenth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, 4:18 at 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 The Reverend Stephen Robinson of the New Beginnings Praise and Worship Center in Newport, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

NATIONAL ANTHEM

The National Anthem is performed by Jahelia Olivero a student from Classical High School.

GUESTS

Upon suggestion of Senator Paiva Weed and by unanimous consent, the Honorable President, welcomes to the Chamber The Reverend Stephen Robinson, Mary Robinson, Isaiah Robinson, and the Honorable J Clement Bud Cicilline, former State Senator from the City of Newport.

Upon suggestion of Senators Metts and Lanzi and by unanimous consent, the Honorable President, welcomes to the Chamber The Reverend Dr. Ernest Ward, Cheryl Burrell, Dr. Richie Brown, the Honorable Maria Lopes former State Representative, from the city of East Providence, Jim Vincent and Darrell Lee.

Upon suggestion of Senator DaPonte and by unanimous consent, the Honorable President, welcomes to the Chamber The Honorable Dr. Isador Ramos, Mayor, from the City of East Providence.

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 11, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-28-5 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island Rivers Council:

Guy Lefebvre of Warwick

for a term to expire January 1, 2011.

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 11, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-102-2 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island Human Resource Investment Council:

Lorna Ricci of Warwick
(Representing Small Employer Specializing in Employing the Disabled)

for a term expiring January 1, 2011.

To this reappointment, I 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**

February 11, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-102-2 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island Human Resource Investment Council:

George Nee of Cranston
(Representing Labor)

for a term expiring January 1, 2011.

To this reappointment, I 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**

February 11, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-102-2 of the Rhode Island General Laws, I have made the following reappointment as Chairman to the Rhode Island Human Resource Investment Council:

Joseph J. MarcAurele of Warwick

for a term expiring January 1, 2011.

To this reappointment, I 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**

February 11, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-61-4 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island Public Telecommunications Authority:

Lisa A. Pelosi of East Greenwich

for a term expiring January 31, 2011.

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**

February 11, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-61-4 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island Public Telecommunications Authority:

Michael Isaacs of East Greenwich
Chairman

for a term expiring January 31, 2011.

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**

February 12, 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:

Michael A. Newman of Barrington
(Representing Master Plumbers)

VICE
Leonard Gemma

for a term expiring May 1, 2009.

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 11, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 39-18-1 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Public Transit Authority:

Rochelle Bates Lee of Providence

VICE
Sharon Conard-Wells

for a term expiring April 1, 2010.

To this appointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

**REPORTS OF COMMITTEES
COMMITTEE ON JUDICIARY**

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

Nomination of Thomas E. Deller (reappointment) of Providence to the Public Transit Authority for a term expiring April 1, 2009.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Edward J. Field (appointment) of East Greenwich to the Public Transit Authority for a term expiring April 1, 2008.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of William C. Kennedy (reappointment) of Coventry to the Public Transit Authority for a term expiring April 1, 2008.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of John J. MacDonald Jr. (appointment) of Pawtucket to the Public Transit Authority for a term expiring April 1, 2010.

Read and ordered to be placed on the Consent Calendar.

NEW BUSINESS

Senate Resolution No. 2355

BY Senators Metts, Pichardo, Montalbano J, Algieri, Paiva-Weed

ENTITLED, SENATE RESOLUTION PROCLAIMING THE MONTH OF FEBRUARY AS "BLACK HISTORY MONTH" IN THE STATE OF RHODE ISLAND

Senator Metts requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Metts moves passage, seconded by 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:

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.

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:

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 McCaffrey 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, the Senate stands at recess at 4:35 o'clock P.M.

CALLED TO ORDER

The Senate is called to order by the Honorable Joseph A. Montalbano, President of the Senate, on Wednesday, February 13, 2008, at 4:14 o'clock P.M.

**REPORTS OF COMMITTEES
COMMITTEE ON JUDICIARY**

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

Nomination of John Rupp (appointment) of East Greenwich to the Rhode Island Public Transit Authority for a term expiring April 1 2010.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Robert Batting (reappointment) to the Rhode Island Public Transit Authority for a term expiring April 1, 2009.

Read and ordered to be placed on the Consent Calendar.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns at 4:15 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix**INVOCATION****REVEREND STEPHEN ROBINSON**

Today, let us pray that God will give our State the wisdom to make the right decisions on behalf of the people of Rhode Island as we celebrate Black History Month. Let us pray that social injustice would be a thing of the past and that people all across our great state will see and embrace one another as both valuable and necessary. The Prophet Isaiah reminds us again and again that God requires us to fight greed and injustice, and to protect themselves. Isaiah chapter 1, verse 17 tells us: Learn to do good. Seek justice. Help the oppressed. Defend the orphan. Fight for the rights of widows. Black History reminds us of the great struggles that African Americans have faced in our society but it also reminds us of the great victories that have been wrought through the perseverance and faith by the people of our nation and our state. Dr. King reminded us that freedom isn't freedom if all people are not free. He tells us in the I Have a Dream speech: And when this happens, when we allow freedom ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual: Free at last! Free at last! Thank God Almighty, we are free at last. Today as we celebrate the rich history of African American people and the legacy of Dr. Martin Luther King Jr. we are inspired to see how far we have come and know that there are still mountains to climb but today we are climbing them together. So let us pray that we would always remember the life of Dr. King and all those who made the greatest sacrifice, by giving their lives, to embrace a future without walls or barriers, where we are truly one nation under God, indivisible, with liberty and justice for all.

Appendix**CONSENT CALENDAR****IN ORDER FOR WEDNESDAY, FEBRUARY 13, 2008:****1 Nomination of Thomas E. Deller (reappointment) of Providence to the Public Transit Authority for a term expiring April 1, 2009.**

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

2 Nomination of Edward J. Field (appointment) of East Greenwich to the Public Transit Authority for a term expiring April 1, 2008.

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

3 Nomination of William C. Kennedy (reappointment) of Coventry to the Public Transit Authority for a term expiring April 1, 2008.

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

4 Nomination of John J. MacDonald Jr. (appointment) of Pawtucket to the Public Transit Authority for a term expiring April 1, 2010.

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

5 Nomination of John Rupp (appointment) of East Greenwich to the Rhode Island Public Transit Authority for a term expiring April 1 2010.

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

6 Nomination of Robert Batting (reappointment) to the Rhode Island Public Transit Authority for a term expiring April 1, 2009.

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

RAYMOND T. HOYAS, JR.
Secretary of the Senate