

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.17

Tuesday, February 26, 2008

Seventeenth Legislative Day

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

The roll is called and a quorum is declared present with 37 Senators present and 0 Senator 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 Algieri, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

GUESTS

Upon suggestion of Senator Issa and by unanimous consent, the Honorable President, welcomes to the Chamber the Central Falls Cub Scout Pack 2, Dante Annotti, Jacob Bourski, Matthew Lamoureux, Zack Issa, Matthew Antaya, Nicholas Antaya, Joshua Zenil, Cole Belkner, Martin Dupree along with parents, Linda Cater, Barbara Lamoureux, Keith Austin, Kristen Annolfi, Mike Bourski, Leandro Zenil.

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 26, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-57-7 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island Higher Education Assistance Authority:

Anthony Santoro, Esquire

for a term expiring July 1, 2012.

To this reappointment, 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**

February 26, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-15.1-2 of the Rhode Island General Laws, I have made the following reappointment to the Water Resources Board:

Francis J. Perry, Jr. of Coventry
(Professional with expertise in engineering)

for a term expiring March 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.

REPORTS OF COMMITTEES COMMITTEE ON CONSTITUTIONAL AND REGULATORY ISSUES

Senator Goodwin, from the Committee on Constitutional and Regulatory Issues, reports back, with recommendation of passage of the following measures:

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 ordered to be placed on the Consent Calendar

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 ordered to be placed on the Consent Calendar

Also:

Senate Resolution No. 2098

BY Senators Pichardo, Ruggerio, Miller, DaPonte, Gallo

ENTITLED, JOINT RESOLUTION EXTENDING THE REPORTING AND EXPIRATION DATES OF THE FAMILY INCOME AND ASSET-BUILDING COMMISSION

Read and ordered to be placed on the Consent Calendar

Also:

Senate Resolution No. 2099

BY Senators Moura, Sosnowski, Goodwin, Ruggerio, Algieri

ENTITLED, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY ECONOMIC OPPORTUNITIES RELATING TO PORT DEVELOPMENT IN THE STATE OF RHODE ISLAND

Read and ordered to be placed on the Consent Calendar

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 ordered to be placed on the Consent Calendar

Also:

Senate Resolution No. 2150

BY Senators Gallo, Goodwin, Perry, Gibbs, Paiva-Weed

ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THE UNITED STATES CONGRESS TO INTRODUCE AND ADOPT LEGISLATION ON ELDER CARE {LC1082/1}

Read and ordered to be placed on the Consent Calendar

Also:

Senate Resolution No. 2251 SUB A

BY Senator McCaffrey

ENTITLED, SENATE RESOLUTION AMENDING THE REPORTING DATE OF SENATE RESOLUTION REQUESTING THE AUDITOR GENERAL TO PERFORM A PROACTIVE FORENSIC AUDIT ON THE SEWER CHARGES ASSESSED BY THE WARWICK SEWER AUTHORITY {LC383/1/A}

Read and ordered to be placed on the Consent Calendar

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 ordered to be placed on the Consent Calendar

Also:

House Bill No. 7060**BY** Carter, Gorham, Gallison, Lewiss, Malik**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- REGISTRATION OF VEHICLES

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2093**BY** Senators Felag, Issa, Doyle, McBurney**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- REGISTRATION OF VEHICLES (permit the registrar of motor vehicles to issue a war veteran sticker to eligible vehicles, commercial vehicles or motorcycles less than 10,000 pounds)

Read and ordered to be placed on the Calendar

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 ordered to be placed on the Calendar

NEW BUSINESS**Senate Resolution No. 2767****BY** Senator Perry**ENTITLED**, SENATE RESOLUTION PROCLAIMING THE WEEK OF FEBRUARY 24 - 29, 2008 TO BE "PAINT THE STATE PURPLE WEEK" IN THE STATE OF RHODE ISLAND

Senator Perry requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Perry moves passage, seconded by Senator Goodwin, Metts, Cote, Ciccone, Algieri, Paiva Weed, Breene, Alves, McCaffrey, Gallo and many others.

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

GUESTS

Upon suggestion of Senators Perry, Cote, Ciccone, Miller, Algieri, McCaffrey and Alves and by unanimous consent, the Honorable President, welcomes to the Chamber member of the American Cancer Society Volunteers and Staff, Amy Shapell, Lindsay Crone, Elizabeth Sharpe, Diane and Anne Mariani and Lee-Ann DeCarlo.

FROM THE HOUSE OF REPRESENTATIVES

A message from the House of Representatives transmits with announcement of passage, of the following measure:

House Bill No. 7433**BY** Fox**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF SEQUEL COMMUNICATIONS, INC.

Senator Ruggerio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggerio moves passage, seconded by Senator Doyle.

The act is read and passed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Blais, Breene, Ciccone, Connors, Cote, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Jabour, Lanzi, Lenihan, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

CONSENT CALENDAR

In order for the day is taken up as follows:

Upon motion of Senator Sosnowski, seconded by Senator Algieri, the following measure on today's Consent Calendar, by unanimous consent, is read and passed, upon a voice vote:

1 2008-S 2239**BY Sosnowski****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.

RECESS

Upon motion of Senator Ruggerio, seconded by Senator Algieri, and upon suggestion of Senator Connors, the Senate stands at recess at 4:46 o'clock P.M. in memory of the Honorable Jonathan F. Oster, former State Senator and former Lincoln Town Administrator.

CALLED TO ORDER

The Senate is called to order by the Honorable Joseph A. Montalbano, President of the Senate, on Wednesday, February 27, 2008, at 4:13 o'clock P.M.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns at 4:14 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR DENNIS L. ALGIERE

Almighty God, help us through the stresses and strains of the day by granting us your serenity and peace. Amen.

Appendix**CONSENT CALENDAR****IN ORDER FOR WEDNESDAY, FEBRUARY 27, 2008:****1 2008-S 2039****BY Walaska****ENTITLED,** SENATE RESOLUTION OPPOSING FEDERAL LEGISLATION TO REPEAL OR MODIFY THE MCCARRAN-FERGUSON ACT

Committee on Constitutional & Regulatory Issues recommends passage.

2 2008-S 2041**BY Ciccone****ENTITLED,** SENATE RESOLUTION RESPECTFULLY URGING THE UNITED STATES CONGRESS TO LIMIT THE NON-SUFFICIENT FUNDS FEE IMPOSED BY FINANCIAL INSTITUTIONS

Committee on Constitutional & Regulatory Issues recommends passage.

3 2008-S 2098**BY Pichardo****ENTITLED,** JOINT RESOLUTION EXTENDING THE REPORTING AND EXPIRATION DATES OF THE FAMILY INCOME AND ASSET-BUILDING COMMISSION

Committee on Constitutional & Regulatory Issues recommends passage.

4 2008-S 2099**BY Moura****ENTITLED,** JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY ECONOMIC OPPORTUNITIES RELATING TO PORT DEVELOPMENT IN THE STATE OF RHODE ISLAND

Committee on Constitutional & Regulatory Issues recommends passage.

5 2008-S 2121**BY Metts****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

Committee on Constitutional & Regulatory Issues recommends passage.

6 2008-S 2150**BY Gallo**

ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THE UNITED STATES CONGRESS TO INTRODUCE AND ADOPT LEGISLATION ON ELDER CARE

Committee on Constitutional & Regulatory Issues recommends passage.

7 2008-S 2251 SUB A**BY McCaffrey**

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

Committee on Constitutional & Regulatory Issues recommends indefinite postponement of the original bill and passage of Substitute A.

8 2008-S 2252**BY Pichardo**

ENTITLED, SENATE RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO TAKE EMERGENCY ACTION TO PROTECT HOMEOWNERS AND BANKS

Committee on Constitutional & Regulatory Issues recommends passage.

9 2008-H 7433**BY Fox**

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF SEQUEL COMMUNICATIONS, INC.

Ordered to be placed on the Consent Calendar

Appendix

CALENDAR

IN ORDER FOR THURSDAY, FEBRUARY 28, 2008:

1 2008-S 2093

BY Felag

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
REGISTRATION OF VEHICLES

Committee on Constitutional & Regulatory Issues recommends passage.

2 2008-S 2253

BY Blais

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
SPECIAL REGISTRATION PLATE -- COVENTRY -- POLICE
CHIEF EMERITUS

Committee on Constitutional & Regulatory Issues recommends passage.

3 2008-H 7060

BY Carter

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
REGISTRATION OF VEHICLES

Committee on Constitutional & Regulatory Issues recommends passage in concurrence.