

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.18

Wednesday, February 27, 2008

Eighteenth 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 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 Lenihan, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

COMMUNICATION

The Honorable President presents the following communication:

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

February 27, 2008

Honorable Joseph A. Montalbano
318 State House
Providence, RI 02903

Dear President Montalbano:

Due to the passing of my grandmother, Mona Carrara, I will be unable to attend Senate Session on Wednesday, February 27, 2008.

Sincerely,

Christopher Maselli
Senate District- 25

Read and ordered to be placed on file.

NEW BUSINESS**Senate Resolution No. 2768**

BY Senators Pichardo, Metts, Issa, Ciccone

ENTITLED, SENATE RESOLUTION COMMEMORATING THE 164TH ANNIVERSARY OF DOMINICAN REPUBLIC INDEPENDENCE ON FEBRUARY 27, 2008

Senator Pichardo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Pichardo moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution No. 2769

BY Senators McBurney, Montalbano J, Revens, Fogarty P, Levesque C

ENTITLED, SENATE RESOLUTION EXTENDING CONDOLENCES ON THE PASSING OF FORMER STATE REPRESENTATIVE AND SENATOR THE HONORABLE JOHN G. COFFEY, SR.

Senator McBurney requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator McBurney moves passage, seconded by the entire Senate.

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

CONSENT CALENDAR

In order for the day is taken up as follows:

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 2039

BY Walaska

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

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

3 2008-S 2098

BY Pichardo

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

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

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

6 2008-S 2150

BY Gallo

ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THE

UNITED STATES CONGRESS TO INTRODUCE AND ADOPT
LEGISLATION ON ELDER CARE

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

8 2008-S 2252

BY Pichardo

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

9 2008-H 7433

BY Fox

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

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 Sheehan announces that the Committee on Health and Human Services will meet today, at the rise of the Senate, in Room 212 of the State House.

RECESS

Upon motion of Senator DaPonte, seconded by Senator Algieri, and upon suggestion of Senator McBurney, the Senate stands at recess at 4:30 o'clock P.M. in memory of the Honorable John G. Coffey, Sr., former member of the Rhode Island House and the Rhode Island Senate.

CALLED TO ORDER

The Senate is called to order by the Honorable Joseph A. Montalbano, President of the Senate, on Thursday, February 28, 2008, at 4:13 o'clock P.M.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 7323**BY** Gallison, Gablinske**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC1092/1}

Read and referred to the Senate Committee on Judiciary

Also:

House Bill No. 7084**BY** McManus**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow Charles Michael Blais to join Eric DiMario and Alana Cordeiro)

Read and referred to the Senate Committee on Judiciary

Also:

House Bill No. 7178**BY** Rice, Jackson**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow The Honorable James F. Howard, Jr. to join Sapana Y. Shah and Thomas H. Alberts)

Read and referred to the Senate Committee on Judiciary

Also:

House Bill No. 7031**BY** Gallison**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow Edward Finn to join Peter Cohn and Amelia Gruber in marriage on or about July 19, 2008 within the Town of Bristol, Rhode Island.)

Read and referred to the Senate Committee on Judiciary

Also:

House Bill No. 7086**BY** Fox**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow the Honorable Byron Trefonides to join Jeslyn MacClary and Preston Miller)

Read and referred to the Senate Committee on Judiciary

Also:

House Bill No. 7136

BY Lally, Caprio D

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Read and referred to the Senate Committee on Judiciary

Also:

House Bill No. 7175

BY Gablinske, Gallison

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow Alayne White to join Sara Jean Faria and Justin Bernard Walsh)

Read and referred to the Senate Committee on Judiciary

Also:

House Bill No. 7127

BY Serpa

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Jeffrey Frye may join Jennifer M. Sanabria and Jeremy J. Fournier)

Read and referred to the Senate Committee on Judiciary

NEW BUSINESS

Senate Bill No. 2770

BY Senator Walaska

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS {LC2364/1}

Read and referred to the Senate Committee on Corporations

Also:

Senate Bill No. 2771

BY Senators Paiva-Weed, Sosnowski, Gibbs, Bates, Gallo

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - PLASTIC BOTTLE AND CONTAINER LABELING ACT {LC2167/1}

Read and referred to the Senate Committee on Environment and Agriculture

Also:

Senate Bill No. 2772

BY Senators Doyle, McBurney, Tassoni, Connors

ENTITLED, AN ACT RELATING TO TAXATION -- CIGARETTE TAX {LC2374/1}

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2773

BY Senators Jabour, Gallo, Connors

ENTITLED, AN ACT RELATING TO TAXATION {LC2371/1}

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2774

BY Senator Paiva-Weed

ENTITLED, AN ACT RELATING TO TAXATION -- SALES AND USE TAXES -- PERSONAL INCOME TAX -- EXEMPTIONS FOR WRITERS, COMPOSERS AND ARTISTS {LC2288/1}

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 2775

BY Senators Metts, Pichardo, Miller, Ciccone, Cote

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- OFFICE OF HEALTH EQUITY {LC2045/1}

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

Also:

Senate Bill No. 2776 (Fire Safety Code Board of Appeal and Review)

BY Senator Blais

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - FIRE SAFETY CODE {LC1931/1}

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

Also:

Senate Bill No. 2777

BY Senator DaPonte

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MOTOR VEHICLE OFFENSES {LC1715/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 2778

BY Senator Ruggerio

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF INTERCITY AMBULANCE SERVICE, INC. {LC2380/1}

Read and ordered to be placed on the Senate Consent Calendar

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns on Thursday, February 27, 2008 at 4:23 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix**INVOCATION****SENATOR J. MICHEAL LENIHAN**

Dear Lord, show us how to cooperate with each other in sharing our individual talents. Remind us that working together in a unified effort provides us with strength and produces desired end results. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR THURSDAY, FEBRUARY 28, 2008:

1 2008-S 2778

BY Ruggerio

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF INTERCITY AMBULANCE SERVICE, INC.

Ordered to be placed on the Consent Calendar

RAYMOND T. HOYAS, JR.
Secretary of the Senate

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.

RAYMOND T. HOYAS, JR.
Secretary of the Senate