

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.23

Tuesday, March 11, 2008

Twenty- third Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:17 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 Goodwin, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Twenty-second Legislative Day of the 2008 proceedings is read in part.

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

GUESTS

Upon suggestion of Senators Tassoni, Doyle and Issa and by unanimous consent, the Honorable President, welcomes to the Chamber the 2008 Hobey Baker High School Character Award Recipients, Alex Fay, Barrington, Sarah Giuliano, Barrington, Peter Taylor, Bishop Hendricken, Craig Koprusak, Burrillville, Rebecca Bertholic, Burrillville, Patrick Norton, Coventry, Brian Fay, Cranston East, Nicholas DeLomba Cranston West, Tawni Roche, Cranston, Matthew Jones, Cumberland, Nicholas Sangster, E. Greenwich, Kyle Croke, E. Providence, Michael Haley, Johnston, John J. Ryan, LaSalle, Maura McCabe, LaSalle, Cory Martone, Lincoln, Shannen Doherty, Lincoln School/PCD, Tayler Spurlock, Middletown, Ryan Fullerton, Moses Brown, Corey Lescault, Mt. Hope, John Guay, Mt. St. Charles, Alysha Arnold, Mt. St. Charles, Richard Quan, Narragansett, William Bennett IV, N. Kingstown, Ross Murphy, N. Providence, Trevor White, N. Smithfield, Kaitlynn Bobb, N. Smithfield, Bruce Choiniere, Pilgrim, Benjamin Brayton, Ponagansett, Adam Reese, Portsmouth, Nelson Knudsen, The Prout School, Corey Trainor, PCD/ Wheeler, Devin Smith, Rogers, Justin Bergeron, Scituate, Joseph Gonsalves, Smithfield, Kyle Vandemoer, S. Kingstown, Samantha Furtado, St. Mary's/Bay View, Thomas Votta, St. Raphael, Spencer Rose, Toll Gate, Brittany Chronley, Toll Gate, Ted Jackvony, Tolman, Zach Haskins, Warwick Veterans Memorial, Alyssa Rose, West Warwick and Shane Dansereau, Woonsocket.

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**

March 11, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-140.1-4 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Energy Efficiency and Resource Management Council:

Christopher M. Powell
(Representing Large Commercial/Industrial user)

for a term expiring April 1, 2010.

To this appointment, 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**

March 11, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-140.1-4 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Energy Efficiency and Resource Management Council:

**Daniel J. Justynski of Barrington
(Representing Small Commercial/Industrial user)**

for a term expiring April 1, 2010.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Environment and Agriculture.

NEW BUSINESS

Senate Bill No. 2844

BY Senator Alves

ENTITLED, AN ACT RELATING TO TAXATION (would make various changes to the tax code and would authorize the tax administrator to require certain tax return preparers to file returns electronically with the division of taxation.) {LC2478/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 2845

BY Senator Alves

ENTITLED, AN ACT RELATING TO TAXATION (would amend the motion picture production tax credit chapter. The act would also define tax year and tax credit year and address the procedure to claim certified tax credits and limit the amount of credits) {LC2492/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 2846**BY** Senator Alves

ENTITLED, AN ACT RELATING TO TAXATION --HISTORIC STRUCTURES-TAX CREDIT (would define certified historic structures as a mill complex or mill building and would change the tax credit for rehabilitative expenses from 30% to 25%.) {LC2479/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 2847**BY** Senator Algieri

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF THE NICK VUONO CHARITY FUND, INC. {LC2310/1}

Read and ordered to be placed on the Consent Calendar

Also:

Senate Resolution No. 2848**BY** Senators Algieri

ENTITLED, SENATE RESOLUTION PROCLAIMING MAY 18, 2008 AS A WORLDWIDE NEIGHBOR DAY TO "JOIN HANDS 4 LOVE" {LC2474/1}

Senator Algieri requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Algieri 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:

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 Nomination of David Abedon (reappointment) (Public Member - Representing a Coastal Community) of Warwick to the Coastal Resources Management Council for a term expiring January 31, 2010.**
- 2 Nomination of James Hagerty (reappointment) of Warwick to the Clean Water Finance Agency for a term to expire March 1, 2009.**
- 3 Nomination of Kenneth Ketcham (Representing Commercial Fishing Industry) (reappointment) of Narragansett to the Marine Fisheries Council for a term expiring April 1, 2010.**

4 Nomination of Guy Lefebvre (reappointment) of Warwick to the Rhode Island Rivers Council for a term to expire January 1, 2011.

5 Nomination of Peter M. Moniz (appointment) of Tiverton VICE John Raymond Payne, Jr. to the Scenic Highway Board for a term expiring January 31, 2011.

6 Nomination of Francis J. Perry, Jr. (reappointment) of Coventry to the Water Resource Board for a term expiring March 1, 2011.

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 Felag announces that the Committee on Finance will meet today, at the rise of the Senate, in Room 211 of the State House.

Senator Bates announces that the Committee on Corporations will meet today, at the rise of the Senate, in Room 212 of the State House.

Senator Gallo announces that the Committee on Education will meet tomorrow, at the rise of the Senate, in Room 310 of the State House.

Senator Sosnowski announces that the Committee on Environment and Agriculture will meet tomorrow, at the rise of the Senate, in the Senate Lounge of the State House.

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

Senator Levesque announces that the Committee on Judiciary will meet today, at the rise of the Senate, in Room 313 of the State House.

Senator Ciccone announces that the Committee on Labor will meet tomorrow, at 3:45 o'clock P.M., in Room 212 of the State House.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns at 4:32 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix**INVOCATION****SENATOR MARYELLEN GOODWIN**

Almighty God, we thank Thee for the gift of this new day. May we wisely invest its hours to enhance the welfare of our fellow Rhode Islanders. In doing so, help us to break through all barriers of prejudice and selfishness. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR WEDNESDAY, MARCH 12, 2008:

1 2008-S 2847

BY Algieri

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF THE NICK VUONO CHARITY FUND, INC.

Ordered to be placed on the Consent Calendar

RAYMOND T. HOYAS, JR.
Secretary of the Senate