

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.25

Thursday, March 13, 2008

Twenty-fifth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable John C. Revens, Jr., President Pro Tempore of the Senate, at 4:14 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 Pro Tempore, by unanimous consent, presents Senator Metts, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

GUESTS

Upon suggestion of Senator Walaska, on behalf of Senator Goodwin, and by unanimous consent, the Honorable President Pro Tempore, welcomes to the Chamber from the Coca-Cola Bottling Company of Providence, John Holahan, Joe Maggiacomo, Donna Cirolia and Thomas Hunt.

**REPORTS OF COMMITTEES
COMMITTEE ON EDUCATION**

Senator Issa, from the Committee on Education, reports back, with recommendation of passage of the following measures:

Nomination of Edward A. Garcia, Jr. (Representing the Economically Disadvantaged) (appointment) of Cranston VICE Christina Amedeo to the Library Board of Rhode Island for a term expiring December 31, 2008.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Brenda Dann-Messier, Ed.D. (reappointment) of East Greenwich to the Board of Governors for Higher Education for a term expiring January 31, 2011

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Pierre L. LaPerriere (reappointment) of Exeter to the Board of Governors for Higher Education for a term expiring January 31, 2010

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Daniel J. Ryan (reappointment) of Barrington to the Board of Governors for Higher Education for a term expiring January 31, 2011

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Anthony Santoro, Esquire (reappointment) to the Rhode Island Higher Education Assistance Authority for a term expiring July 1, 2012

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Bart Hollingsworth (General Public/Library User) (appointment) VICE Alice Barrows to the Library Board of Rhode Island for a term expiring December 31, 2009.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Phyllis A. Humphrey (Representing Librarian/School Libraries)(reappointment) of Saunderstown to the Library Board of Rhode Island for a term expiring December 31, 2010.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Mary Ann Slocomb (Librarian/Corporate-Special Libraries) (appointment) of Cranston VICE Tovah Reis to the Library Board of Rhode Island for a term expiring December 31, 2010

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Thomas W. Viall (General Public/Library User) (appointment) VICE Jay Litman to the Library Board of Rhode Island for a term expiring December 31, 2009

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Anna Cano-Morales (appointment) of North Providence VICE Gary Grove to the Board of Regents for Elementary and Secondary Education for a term expiring January 31, 2011

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Brandon F. Brown (appointment) (Student Representative) of Kingston VICE Sarah D. Courtemanch to the Board of Governors for Higher Education for a term expiring January 31, 2010

Read and ordered to be placed on the Calendar.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 8034

BY Baldelli-Hunt, Brien

ENTITLED, AN ACT RELATING TO ELECTIONS (permit affidavits for changing party designation in senate district 20 to take effect immediately) {LC2491/1}

Senator McCaffrey requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator McCaffrey moves passage, seconded by Senator Ruggerio.

The act is read and passed, in concurrence, upon a roll call vote with 31 Senators voting in the affirmative and 3 Senators voting in the negative as follows:

YEAS- 31: The Honorable President Montalbano and Senators Algieri, Badeau, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 3: Senators Alves, Gallo, Levesque

ANNOUNCEMENTS

Senator Tassoni announces that the Committee on Housing and Municipal Government will meet today, at the rise of the Senate, in Room 310 of the State House.

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

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 Algiere, the Senate stands at recess 4:20 o'clock P.M.

CALLED TO ORDER

The Senate is called to order by the Honorable Joseph A. Montalbano, President of the Senate, on Tuesday, March 18, 2008, at 4:16 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. 7011

BY Malik, Gablinske

ENTITLED, AN ACT RELATING TO ANIMALS -- DOGS

Read and ordered to the Committee on Constitutional and Regulatory Issues.

Also:

House Bill No. 7548 (Governor)

BY Mumford, Costantino

ENTITLED, AN ACT RELATING TO PUBLIC FINANCE -- STATE BUDGET (appropriate \$19,423,025 from the Budget Reserve and Cash Stabilization Account for FY 2007) {LC2138/1}

Read and ordered to the Committee on Finance

REPORTS OF COMMITTEES COMMITTEE ON CORPORATIONS

Senator Walaska, from the Committee on Corporations, reports back, with recommendation of passage of the following measures:

Senate Bill No. 2265 as amended

BY Senators Walaska, Blais

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS - INTEREST AND USURY (exempt certain loans to or by a commercial entity from the usury laws if the loan exceeds one million dollars (\$1,000,000) and where repayment is not secured by a mortgage against the principal residence of any borrower)

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2793 as amended (Secretary of State)

BY Senators Cote, Metts

ENTITLED, AN ACT RELATING TO LIBRARIES -- STATE PUBLICATIONS CLEARING

HOUSE (amend the state publications clearinghouse law to provide for the filing of state publications in electronic form) {LC1722/1}

Read and ordered to be placed on the Calendar.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns on Tuesday, March 18, 2008 at 4:17 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix**INVOCATION****SENATOR HAROLD M. METTS**

“Blessed is he that considereth the poor: the Lord will deliver him in time of trouble.” Heavenly Father, as we deliberate give us the compassion and wisdom to meet the needs of our citizens, especially those who are struggling. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR WEDNESDAY, MARCH 19, 2008:

- 1 Nomination of Edward A. Garcia, Jr. (Representing the Economically Disadvantaged) (appointment) of Cranston VICE Christina Amedeo to the Library Board of Rhode Island for a term expiring December 31, 2008.**

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

- 2 Nomination of Brenda Dann-Messier, Ed.D. (reappointment) of East Greenwich 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.

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RAYMOND T. HOYAS, JR.
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- 2 2008-S 2414 as amended**

BY Alves

**ENTITLED, AN ACT RELATING TO INSURANCE -- HEALTH INSURANCE
-- COPAYMENTS**

Committee on Finance recommends passage as amended.

- 3 2008-S 2265 as amended**

BY Walaska

**ENTITLED, AN ACT RELATING TO COMMERCIAL LAW - GENERAL
REGULATORY PROVISIONS - INTEREST AND USURY**

Committee on Corporations recommends passage as amended.

- 4 2008-S 2793 as amended**

BY Cote

**ENTITLED, AN ACT RELATING TO LIBRARIES -- STATE PUBLICATIONS
CLEARING HOUSE**

Committee on Corporations recommends passage as amended.

- 5 2008-H 7007 SUB A**

BY Williamson

**ENTITLED, AN ACT AMENDING THE DISTRESSED AREAS ECONOMIC
REVITALIZATION ACT**

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute A in concurrence.

RAYMOND T. HOYAS, JR.
Secretary of the Senate