

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.30

Thursday, March 27, 2008

Thirtieth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:12 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 Fogarty, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal's of the Twenty-eighth and Twenty-ninth Legislative Day's of the 2008 proceedings are read in part.

Upon suggestion of Senator Fogarty, and by unanimous consent, further reading of the Journal's are dispensed with and the Journal's approved as recorded.

GUESTS

Upon suggestion of Senator Tassoni, and by unanimous consent, the Honorable President, welcomes to the Chamber Andrew Schiff, executive Director of Rhode Island Food Bank and Representative Thomas Winfield.

Upon suggestion of Senator Maselli, and by unanimous consent, the Honorable President, welcomes to the Chamber the Honorable Joseph M. Polisena, Mayor of Johnston.

COMMUNICATIONS

The Honorable President presents the following communications:

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

March 26, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Article 10, Section 4 of the Rhode Island Constitution entitled Judicial Selection, I have made the following appointment as Associate Justice of the Rhode Island Superior Court:

BENNET R. GALLO of WEST GREENWICH

VICE

ASSOCIATE JUSTICE STEPHEN J. FORTUNATO, JR.

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

Sincerely



Donald L. Carcieri
Governor

Read and ordered to the Committee on Judiciary.

Also:

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

March 26, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Article 10, Section 4 of the Rhode Island Constitution entitled Judicial Selection, I have made the following appointment as Associate Justice of the Rhode Island Family Court.

DEBRA E. DiSEGNA of NARRAGANSETT

VICE

ASSOCIATE JUSTICE PAMELA M. MACKTAZ

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

Sincerely



Donald L. Carcieri
Governor

Read and ordered to the Committee on Judiciary.

Also:

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

March 26, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Article 10, Section 4 of the Rhode Island Constitution entitled Judicial Selection, I have made the following appointment as Associate Justice of the Rhode Island District Court.

PAMELA KAREN WOODCOCK PFEIFFER of BRISTOL

VICE

ASSOCIATE JUDGE JOHN M. McLOUGHLIN

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

Sincerely



Donald L. Carcieri
Governor

Read and ordered to the Committee on Judiciary.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 8083**BY** Fellela, Ucci**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Senator Ruggerio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggerio moves passage, seconded by Senator Alves.

The act is read and passed, by unanimous consent, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 33: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Walaska.

NAYS- 0:

REPORTS OF COMMITTEES
COMMITTEE ON HEALTH AND HUMAN SERVICES

Senator Perry, from the Committee on Health and Human Services, reports back, with recommendation of passage of the following measure:

Senate Bill No. 2382 as amended (Lieutenant Governor)

BY Senators Gallo, Fogarty P, Levesque C

ENTITLED, AN ACT RELATING TO HEALTH CARE QUALITY -- MONITORING THE OCCURRENCES OF HOSPITAL ACQUIRED INFECTIONS IN HEALTH CARE FACILITIES (add hospital-acquired infections to the list of those matters requiring reporting by hospitals) {LC1649/1}

Read and ordered to be placed on the Calendar.

NEW BUSINESS

Senate Resolution No. 2899

BY Senators Ruggerio, Felag, Alves, Jabour, Metts

ENTITLED, SENATE RESOLUTION URGING THE UNITED STATES CONGRESS TO APPOINT AN INDEPENDENT COUNSEL TO INVESTIGATE THE PRISONER OF WAR-MISSING IN ACTION ISSUE {LC2656/1}

Senator Ruggerio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggerio moves passage, seconded by Senator Alves.

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

Also:

Senate Resolution No. 2900

BY Senators Issa, Montalbano J, Metts, Jabour, Maselli

ENTITLED, SENATE RESOLUTION DESIGNATING APIRL, 2008 AS "FINANCIAL LITERACY MONTH" IN THE STATE OF RHODE ISLAND

Senator Issa requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Issa moves passage, seconded by Senators Jabour, Doyle, Maselli, Connors and Algieri.

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

CALENDAR

IN ORDER FOR THURSDAY, MARCH 27, 2008:

1 2008-S 2614

BY Sosnowski

ENTITLED, AN ACT RELATING TO GENERAL ASSEMBLY -- PERMANENT
JOINT COMMITTEE ON NAMING ALL NEW BUILDINGS,
BRIDGES, EDIFICES AND OTHER STATE CONSTRUCTIONS

Committee on Constitutional & Regulatory Issues recommends passage.

Senator Sosnowski moves passage, seconded by Senators Breene, Cote, Algieri and Sheehan.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: 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, Walaska.

NAYS- 0:

2 2008-S 2222

BY Tassoni

ENTITLED, JOINT RESOLUTION CREATING A JOINT TASK FORCE TO
STUDY ALL ASPECTS OF HEALTH CARE REFORM RELATING TO
THE HEALTHY RHODE ISLAND REFORM ACT OF 2008 – PART VIII

Committee on Health & Human Services recommends passage.

Senator Perry moves passage, seconded by Senators Metts, Pichardo, Miller and Jabour.

The act is read and passed, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: 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, Revens, Ruggerio, Sosnowski, Walaska.

NAYS- 0:

3 2008-S 2026

BY Bates

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS -- CHILD
SUPPORT ENFORCEMENT

Committee on Judiciary recommends passage.

Senator Bates moves passage, seconded by Senators Ciccone, Maselli, Gibbs, McCaffrey and Jabour.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: 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, Walaska.

NAYS- 0:

4 2008-S 2317

BY McCaffrey

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS --
SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

Senator McCaffrey moves passage, seconded by Senators Connors and Felag

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, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi,

Lenihan, Levesque, Maselli, McBurney, McCaffrey, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Walaska.

NAYS- 0:

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

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

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns at 4:28 o'clock P.M.

GABRIEL REI
Deputy Clerk of the Senate

Appendix

INVOCATION

SENATOR PAUL W. FOGARTY

Lord, as we deliberate over the bills before us, grant us your wisdom and insight, and above all compassion. This we ask in your name. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR TUESDAY, APRIL 1, 2008:

- 1 Nomination of George Nee (Representing Labor) (reappointment) of Cranston to the Rhode Island Human Resource Investment Council for a term expiring January 1, 2011.**

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

- 2 Nomination of Lorna Ricci (Representing Small Employer Specializing in Employing the Disabled) (reappointment) of Warwick to the Rhode Island Human Resource Investment Council for a term expiring January 1, 2011.**

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

- 3 Nomination of Joseph J. MarcAurele (reappointment) of Warwick as Chairman to the Rhode Island Human Resource Investment Council for a term expiring January 1, 2011.**

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

- 4 Nomination of Michael Isaacs, Chairman (reappointment) of East Greenwich to the Rhode Island Public Telecommunications Authority for a term expiring January 31, 2011.**

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

- 5 Nomination of Lisa A. Pelosi (reappointment) of East Greenwich to the Rhode Island Public Telecommunications Authority for a term expiring January 31, 2011.**

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

GABRIEL REI
Deputy Clerk of the Senate

Appendix

CALENDAR

IN ORDER FOR WEDNESDAY, APRIL 2, 2008:

1 2008-S 2382 as amended

BY Gallo

ENTITLED, AN ACT RELATING TO HEALTH CARE QUALITY --
MONITORING THE OCCURRENCES OF HOSPITAL ACQUIRED
INFECTIONS IN HEALTH CARE FACILITIES

Committee on Health & Human Services recommends passage as amended.

GABRIEL REI
Deputy Clerk of the Senate