

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.31

Tuesday, April 1, 2008

Thirty-first Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:16 o'clock P.M.

The roll is called and a quorum is declared present with 36 Senators present and 1 Senators absent as follows:

PRESENT – 36: The Honorable President Montalbano and Senators Algieri, Alves, Bates, Blais, Breene, Ciccone, 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 – 1: Senator Connors

INVOCATION

The Honorable President, by unanimous consent, presents Senator Cote, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

GUESTS

Upon suggestion of Senator Paiva Weed and by unanimous consent, the Honorable President, welcomes to the Chamber Sarah Hammond, Rhode Island Liason for the National Conference of State Legislators.

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 31, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-128-6 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island Housing Resources Commission:

Kavah Hajianbahmani of Providence
(Representative of the Homeless)

for a term expiring January 31, 2010.

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

Sincerely,



Donald L. Carcieri
Governor

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

Also:

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

March 31, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-128-6 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island Housing Resources Commission:

Kathleen Bazinet of Bristol
(Non-Profit Development Corporation)

for a term expiring January 31, 2010.

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

Sincerely,



Donald L. Carcieri
Governor

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

Also:

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

March 31, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-128-6 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Housing Resources Commission:

Denise A. Barge of Cranston
(Rep. of Agency Advocating the Interest of Racial Minorities)

VICE
Dennis Langley

for a term expiring January 31, 2010.

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

Sincerely,



Donald L. Carcieri
Governor

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

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 8024

BY Story

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow Kevin O'Regan to join Kelly Ann Lora and David C. Tharp) {LC2411/1}

Received and referred to the Senate Committee on Judiciary

**REPORTS OF COMMITTEES
COMMITTEE ON CORPORATIONS**

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

Senate Bill No. 2068 as amended (Business Regulation)

BY Senator Bates

ENTITLED, AN ACT RELATING TO INSURANCE (require life insurance policies delivered or issued in the state on or after January 1, 2008 to contain certain standard provisions relating to return policies and grace periods)

Read and ordered to be placed on the Calendar for Tuesday April 8, 2008.

COMMITTEE ON HOUSING AND MUNICIPAL GOVERNMENT

Senator Tassoni, from the Committee on Housing and Municipal Government, reports back, with recommendation of passage of the following measures:

Nomination of Cynthia Fagan (Representing Planning Board Member - over 25,000 in population) (reappointment) of Coventry to the State Housing Appeals Board for a term expiring January 1, 2011

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of David F. Palmisciano (reappointment) of Chepachet to the State Building Codes Standards Committee for a term expiring May 1, 2008

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of James R. Fink (appointment) (Representing Electrical Engineers) of Exeter VICE John Gaskell (resigned) to the State Building Codes Standards Committee for a term expiring May 1, 2008

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Doris Aschman (Representing Health Interest) (appointment) VICE Marie Stoeckel to the State Building Codes Standards Committee for a term expiring May 1, 2010

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Michael A. Newman (Representing Master Plumbers) (appointment) of Barrington VICE Leonard Gemma to the State Building Codes Standards Committee for a term expiring May 1, 2009

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of M. Theresa Santos (Representing Town Council - under 25,000 in population) (reappointment) of Middletown to the State Housing Appeals Board for a term expiring January 1, 2011

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of The Honorable Isadore S. Ramos (Municipal Alternate) (reappointment) of East Providence to the State Housing Appeals Board for a term expiring January 1, 2011

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Stephen P. Ostiguy (Affordable Housing Developer) (reappointment) of Newport to the State Housing Appeals Board for a term expiring January 1, 2011

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Charles Maynard (Representing affordable housing advocates) (reappointment) of East Greenwich to the State Housing Appeals Board for a term expiring January 1, 2011

Read and ordered to be placed on the Consent Calendar.

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 Bill No. 2009 SUB A

BY Senators Moura, Goodwin, Maselli

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT (require the operation of video lottery games on a twenty-four hour basis at the Twin River and Newport Grand facilities) {LC96/3/A}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2044 SUB A

BY Senators Raptakis, McCaffrey, Doyle, Jabour, Goodwin

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- REGULATION OF SALES (provide that holders of Class A licenses would maintain, and produce on demand, records of receipts and invoices for the purchase of alcoholic beverages) {LC327/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Resolution No. 2038 SUB A

BY Senators Walaska, Blais, Breene

ENTITLED, JOINT RESOLUTION RESPECTFULLY REQUESTING THE UNITED STATES CONGRESS TO OPPOSE OPTIONAL FEDERAL CHARTER LEGISLATION {LC398/1/A}

Read and ordered to be placed on the Consent Calendar

Also:

Senate Resolution No. 2856

BY Senators Gallo, Fogarty P, Levesque C, Issa

ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THE RHODE ISLAND DEPARTMENT OF EDUCATION AND THE REGIONAL EDUCATION COLLABORATIVES TO EXPLORE GREATER OPPORTUNITIES FOR COLLABORATION AND COST-SHARING {LC2488/1}

Read and ordered to be placed on the Consent Calendar

Also:

Senate Resolution No. 2394**BY** Senators Revens**ENTITLED**, SENATE RESOLUTION RESPECTFULLY REQUESTING THE STATE TRAFFIC COMMISSION TO INSTALL FLASHING SCHOOL ZONE LIGHTS AND SIGNAGE ON MAIN AVENUE IN THE CITY OF WARWICK {LC1836/1}

Read and ordered to be placed on the Consent Calendar

COMMITTEE ON ENVIRONMENT AND AGRICULTURE

Senator Sosnowski, from the Committee on Environment and Agriculture, reports back, with recommendation of passage of the following measures:

Nomination of Christopher M. Powell (Representing Large Commercial/Industrial user) (appointment) to the Rhode Island Energy Efficiency and Resource Management Council for a term expiring April 1, 2010.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Daniel J. Justynski (Representing Small Commercial/Industrial user) (appointment) of Barrington to the Rhode Island Energy Efficiency and Resource Management Council for a term expiring April 1, 2010

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Katherine R. Trapani (appointment) of East Greenwich VICE Paul D. Myers to the Scenic Highway Board for a term expiring January 31, 2010.

Read and ordered to be placed on the Consent Calendar.

COMMITTEE ON FINANCE

Senator Alves, from the Committee on Finance, reports back, with recommendation of passage of the following measures:

Senate Bill No. 2800**BY** Senators Ruggerio, McBurney, Ciccone, Perry, Felag**ENTITLED**, AN ACT RELATING TO INSURANCE (provide that every individual or group health insurance contract/plan/policy delivered, issued for delivery, or renewed in this state/not provide for a co-payment and/or deductible for licensed ambulance service in excess of fifty dollars (\$50.00) {LC2436/1}

Read and ordered to be placed on the Calendar.

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)

Read and ordered to be placed on the Calendar for Wednesday, April 2, 2008.

CONSENT CALENDAR

In order for the day is taken up as follows:

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

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 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, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Paiva Weed, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, 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 Gallo announces that the Committee on Education will meet tomorrow, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Pichardo announces that the Committee on Finance will meet today, at the rise of the Senate, in the Senate Lounge 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 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 Ciccone announces that the Committee on Labor will meet tomorrow, at 3 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 4:26 o'clock P.M.

GABRIEL REI
Deputy Clerk of the Senate

Appendix

INVOCATION

SENATOR MARC A. COTE

Lord, we ask you to show us our place in this chamber, to define our duties, to direct our energies for the common good, and to always guide us as we work. Amen.

Appendix**CONSENT CALENDAR****IN ORDER FOR WEDNESDAY, APRIL 2, 2008:**

- 1 Nomination of Christopher M. Powell (Representing Large Commercial/Industrial user) (appointment) to the Rhode Island Energy Efficiency and Resource Management Council for a term expiring April 1, 2010.**

Committee on Environment & Agriculture recommends that the Senate give its Advice and Consent to this nomination.

- 2 Nomination of Daniel J. Justynski (Representing Small Commercial/Industrial user) (appointment) of Barrington to the Rhode Island Energy Efficiency and Resource Management Council for a term expiring April 1, 2010.**

Committee on Environment & Agriculture recommends that the Senate give its Advice and Consent to this nomination.

- 3 Nomination of Katherine R. Trapani (appointment) of East Greenwich VICE Paul D. Myers to the Scenic Highway Board for a term expiring January 31, 2010.**

Committee on Environment & Agriculture recommends that the Senate give its Advice and Consent to this nomination.

- 4 Nomination of Cynthia Fagan (Representing Planning Board Member - over 25,000 in population) (reappointment) of Coventry to the State Housing Appeals Board for a term expiring January 1, 2011.**

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

- 5 Nomination of David F. Palmisciano (reappointment) of Chepachet to the State Building Codes Standards Committee for a term expiring May 1, 2008.**

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

- 6 Nomination of James R. Fink (appointment) (Representing Electrical Engineers) of Exeter VICE John Gaskell (resigned) to the State Building Codes Standards Committee for a term expiring May 1, 2008.**

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

- 7 Nomination of Doris Aschman (Representing Health Interest) (appointment) VICE Marie Stoeckel to the State Building Codes Standards Committee for a term expiring May 1, 2010.**

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

- 8 Nomination of Michael A. Newman (Representing Master Plumbers) (appointment) of Barrington VICE Leonard Gemma to the State Building Codes Standards Committee for a term expiring May 1, 2009.**

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

- 9 Nomination of M. Theresa Santos (Representing Town Council - under 25,000 in population) (reappointment) of Middletown to the State Housing Appeals Board for a term expiring January 1, 2011.**

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

- 10 Nomination of The Honorable Isadore S. Ramos (Municipal Alternate) (reappointment) of East Providence to the State Housing Appeals Board for a term expiring January 1, 2011.**

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

- 11 Nomination of Stephen P. Ostiguy (Affordable Housing Developer) (reappointment) of Newport to the State Housing Appeals Board for a term expiring January 1, 2011.**

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

- 12 Nomination of Charles Maynard (Representing affordable housing advocates) (reappointment) of East Greenwich to the State Housing Appeals Board for a term expiring January 1, 2011.**

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

- 13 2008-S 2038 SUB A
BY Walaska**

**ENTITLED, JOINT RESOLUTION RESPECTFULLY REQUESTING THE
UNITED STATES CONGRESS TO OPPOSE OPTIONAL FEDERAL
CHARTER LEGISLATION**

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

14 2008-S 2394

BY Revens

ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THE
STATE TRAFFIC COMMISSION TO INSTALL FLASHING
SCHOOL ZONE LIGHTS AND SIGNAGE ON MAIN AVENUE IN
THE CITY OF WARWICK

Committee on Constitutional & Regulatory Issues recommends passage.

15 2008-S 2856

BY Gallo

ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THE
RHODE ISLAND DEPARTMENT OF EDUCATION AND THE
REGIONAL EDUCATION COLLABORATIVES TO EXPLORE
GREATER OPPORTUNITIES FOR COLLABORATION AND
COST-SHARING

Committee on Constitutional & Regulatory Issues recommends passage.

16 2008-S 2918

BY Cote

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF KATHMANDU, LTD.

Ordered to be placed on the Consent Calendar

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.

2 2008-H 7548**BY Mumford****ENTITLED,** AN ACT RELATING TO PUBLIC FINANCE -- STATE BUDGET

Committee on Finance recommends passage in concurrence.

IN ORDER FOR THURSDAY, APRIL 3, 2008:**1 2008-S 2009 SUB A****BY Moura****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENTCommittee on Constitutional & Regulatory Issues recommends indefinite postponement of
the original bill and passage of Substitute A.**2 2008-S 2044 SUB A****BY Raptakis****ENTITLED,** AN ACT RELATING TO ALCOHOLIC BEVERAGES --
REGULATION OF SALESCommittee on Constitutional & Regulatory Issues recommends indefinite postponement of
the original bill and passage of Substitute A.**3 2008-S 2800****BY Ruggerio****ENTITLED,** AN ACT RELATING TO INSURANCE

Committee on Finance recommends passage.

IN ORDER FOR TUESDAY, APRIL 8, 2008:

1 2008-S 2068 as amended

BY Bates

ENTITLED, AN ACT RELATING TO INSURANCE

Committee on Corporations recommends passage as amended.

GABRIEL REI
Deputy Clerk of the Senate