

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.32

Wednesday, April 2, 2008

Thirty-second Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:20 o'clock P.M.

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

PRESENT – 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, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 1: Senator Pichardo

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

NATIONAL ANTHEM

The National Anthem is performed by Jessica Schloesser of East Providence.

APPROVAL OF RECORD

The Senate Journal of the Thirty-first Legislative Day of the 2008 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Issa, and by unanimous consent, the Honorable President, welcomes to the Chamber Raymond DePasquale, President of the Community College of Rhode Island and Jack Warner, a commissioner on the Board of Governors for Higher Education.

Upon suggestion of Senator Sosnowski, and by unanimous consent, the Honorable President, welcomes to the Chamber Daniel J. Justynski of Barrington, member of Rhode Island Energy Efficiency and Resource Management Council.

Upon suggestion of Senator Fogarty, and by unanimous consent, the Honorable President, welcomes to the Chamber the Burrillville High School Hockey Team who won the State Hockey Championship, Kristopheer Plante, John Hanley, Kyle Keegan, Cole Caron, Cameron Marcotte, Jared Rouleau, Daniel Mattera, Josh Durand, Justin Misiaszek, Brian Molloy, Andrew Morin, Kory Nadeau, Tyler Hopkins, Jared Bebeau, Bryan Gallant, Dan Wilson, Principal, Robert Boule, Athletic Director, Peter Berthelette, Head Coach, Stephen Daigle and Assistant Coaches Michael Keable and Joseph Mattera.

COMMUNICATION

The Honorable President presents the following communication:

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

April 2, 2008

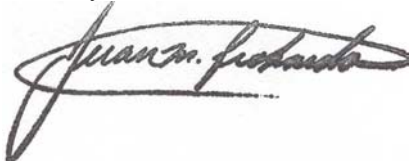
The Honorable Joseph A. Montalbano
President of the Senate
Room 318, State Room
Providence, RI 02903

Dear President Montalbano:

I am writing to inform you that I will be absent from today's Senate Session, Wednesday, April 2, 2008.

Thank you.

Sincerely,



Juan M. Pichardo
Senator-District 2

Read and ordered to be placed on file.

REPORTS OF COMMITTEES**TRANSFER OF BILLS**

Senator Issa, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Education to the Committee on Constitutional and Regulatory Issues.

Senate Bill No. 2428

BY Senators Paiva-Weed, Levesque C, Moura, Gibbs, Lenihan

ENTITLED, AN ACT RELATING TO EDUCATION - REGIONAL VOCATIONAL SCHOOLS (change the name of the Metropolitan Career and Technical Center, in Newport, Rhode Island, to the "Paul W. Crowley Metropolitan Career and Technical Center")

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

REPORTS OF COMMITTEES**COMMITTEE ON ENVIRONMENT AND AGRICULTURE**

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

Senate Bill No. 2213

BY Senators Sosnowski, Breene, Gibbs, Fogarty P, Sheehan

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT (add public members to the agricultural lands preservation commission) {LC1232/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2841

BY Senators Felag, Metts, Breene, Paiva-Weed, Pichardo

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- INDUSTRIAL PROPERTY REMEDIATION AND REUSE ACT {LC2295/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Resolution No. 2624 SUB A

BY Senators Sosnowski, Miller, Breene, Revens, Gibbs

ENTITLED, SENATE RESOLUTION CREATING A SPECIAL SENATE COMMISSION TO STUDY THE USE OF BIOSOLIDS FOR FERTILIZER IN RHODE ISLAND (require the division of agriculture to permit and manage the proper use and application of sewage sludge as recycled biosolid fertilizer and soil amendment products) {LC2068/1/A}

Read and ordered to be placed on the Calendar.

NEW BUSINESS**Senate Resolution No. 2919****BY** Senators Raptakis, Pichardo, Metts, Breene, Goodwin**ENTITLED**, SENATE RESOLUTION EXPRESSING SUPPORT FOR THE HUMAN RIGHTS TORCH RELAY {LC2666/1}

Senator Raptakis requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Raptakis moves passage, seconded by Senator Jabour and many others.

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

CONSENT CALENDAR

Upon suggestion of Senator McCaffrey, seconded by Senator Revens, and without objection, item # 14 is removed from the Consent Calendar and placed on the Calendar.

In order for the day is taken up as follows:

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

- 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.**
- 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.**
- 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.**
- 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.**
- 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.**
- 13 2008-S 2038 SUB A
BY Walaska
ENTITLED, JOINT RESOLUTION RESPECTFULLY REQUESTING THE UNITED STATES CONGRESS TO OPPOSE OPTIONAL FEDERAL CHARTER LEGISLATION**
- 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**
- 16 2008-S 2918
BY Cote
ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF KATHMANDU, LTD.**

Upon motion of Senator Paiva Weed, seconded by Senator Algieri, the remaining measures on today's Consent Calendar, by unanimous consent, are read and passed, 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, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Issa, Jabour, Lanzi, Lenihan, Levesque,

Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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.

Senator Gallo moves passage, seconded by Senators Fogarty, Sosnowski, Perry, Goodwin, Gibbs, Levesque, Lenihan, Lanzi, Felag, Sheehan and Paiva Weed.

Senators Perry and Paiva Weed discuss the act.

The act is read and passed, by unanimous consent, as amended, 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, 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, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

2 2008-H 7548

BY Mumford

ENTITLED, AN ACT RELATING TO PUBLIC FINANCE -- STATE BUDGET

Committee on Finance recommends passage in concurrence.

Senator Alves moves passage, seconded by Senators Paiva Weed, Moura and Felag.

Senators Jabour and Alves discuss the act.

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, 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, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

3 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.

Senator Walaska moves passage, seconded by Senator McCaffrey.

The resolution 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, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Lenihan, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ANNOUNCEMENTS

Senator Goodwin announces that the Committee on Constitutional and Regulatory Issues will meet today, at the rise of the Senate, in Room 211 of the State House.

Senator Gallo announces that the Committee on Education will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Raptakis announces that the Committee on Environment and Agriculture will meet today, at the rise of the Senate, in Room 310 of the State House.

Senator Lenihan announces that the Committee on Government Oversight will meet next Monday, at 3:00 o'clock P.M. in the Senate Lounge of the State House.

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.

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

PERSONAL PRIVILEGE

Senator Moura, recognized on a point of personal privilege, addresses the body relating to a recent newspaper article.

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.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns at 4:43 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SEANTOR DANIEL J. ISSA

Open our minds, Lord, to the wisdom in others. Help us to work in a unified effort towards harmony and peace for all the people of our State. Amen.

Appendix**CALENDAR****IN ORDER FOR THURSDAY, APRIL 3, 2008:****1 2008-S 2009 SUB A****BY Moura****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT**

Committee 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 SALES**

Committee 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.

2 2008-S 2213**BY Sosnowski****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT**

Committee on Environment & Agriculture recommends passage.

3 2008-S 2624 SUB A**BY Sosnowski****ENTITLED, SENATE RESOLUTION CREATING A SPECIAL SENATE
COMMISSION TO STUDY THE USE OF BIOSOLIDS FOR
FERTILIZER IN RHODE ISLAND**

Committee on Environment & Agriculture recommends indefinite postponement of the original bill and passage of Substitute A.

4 2008-S 2841

BY Felag

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- INDUSTRIAL
PROPERTY REMEDIATION AND REUSE ACT

Committee on Environment & Agriculture recommends passage.

RAYMOND T. HOYAS, JR.
Secretary of the Senate