

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.33

Thursday, April 3, 2008

Thirty-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 4:16 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 Sheehan, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

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**

April 2, 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:

Joanne McGunagle of Cranston
(Representative of Community Development Corporation)

VICE
Joseph Caffey

for a term expiring January 31, 2011.

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

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.

Upon suggestion of Senator Ruggerio, and without objection, ordered to be placed on the Calendar for Tuesday April 8, 2008.

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.

Senator Raptakis moves passage, seconded by Senator Sheehan.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 29 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 29: The Honorable President Montalbano and Senators Algieri, Blais, Ciccone, Cote, DaPonte, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Jabour, Lanzi, Levesque, Maselli, McBurney, McCaffrey, Metts, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

3 2008-S 2800**BY Ruggerio****ENTITLED, AN ACT RELATING TO INSURANCE**

Committee on Finance recommends passage.

Senator Ruggerio, moves passage, seconded by Senators Moura, Ciccone, Felag and Metts.

Senators Blais and Ruggerio discuss the act.

The act is read and passed, by unanimous consent, upon a roll call vote with 30 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 30: The Honorable President Montalbano and Senators Algieri, Blais, Ciccone, Connors, Cote, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Jabour, Lanzi, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

NEW BUSINESS**Senate Resolution No. 2920****BY** Senator Cote**ENTITLED**, SENATE RESOLUTION CONGRATULATING THE MOUNT ST. CHARLES BOYS HOCKEY TEAM ON WINNING THE 2007-2008 DIVISION I STATE CHAMPIONSHIP

Senator Cote requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Cote moves passage, seconded by the entire Senate.

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

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 8123**BY** Kilmartin**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Read and ordered to be placed on the Consent Calendar.

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 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 Government Oversight will meet on Monday April 7, 2008, at 3:30 o'clock P.M. in the Senate Lounge 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 Felag announces that the Committee on Finance will meet on Tuesday, March 8, 2008, at 3:30 o'clock P.M. in Room 211 of the State House.

RECESS

Upon motion of Senator Ruggerio, seconded by Senator Algieri, the Senate stands at recess at 4:25 o'clock P.M.

CALLED TO ORDER

The Senate is called to order by the Honorable Daniel P. Connors, Deputy President Pro Tempore of the Senate, on Tuesday, April 8, 2007, at 4:18 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. 7866 SUB A (By Request)

BY Segal, Slater, Diaz, Almeida

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES (allow for limited Class B licenses for certain property located in the state) {LC1770/1/A}

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

Also:

House Bill No. 7683

BY Shanley, Naughton, Walsh, Lally, Scott

ENTITLED, AN ACT RELATING TO GENERAL ASSEMBLY -- PERMANENT JOINT COMMITTEE ON NAMING ALL NEW BUILDINGS, BRIDGES, EDIFICES AND OTHER STATE CONSTRUCTIONS (rename URI Independence Hall as Swan Hall) {LC2206/1}

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

Also:

House Resolution No. 8084

BY Church

ENTITLED, JOINT RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL LEGISLATIVE COMMISSION TO STUDY YOUTH FINANCIAL EDUCATION {LC2636/1}

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

Also:

House Bill No. 7057 SUB A as amended

BY Lewiss, Shanley, Kennedy, Picard, McNamara

ENTITLED, AN ACT RELATING TO INSURANCE -- HEALTH INSURANCE -- COPAYMENTS (require health insurance carriers to reimburse hospitals for certain uncollected member copayments and

deductibles/also place conditions upon the variation of adjusted community rates applied by small employer carriers) {LC140/1/A}

Read and ordered to be placed to the Committee on Finance.

Also:

House Bill No. 8036 SUB A

BY Costantino

ENTITLED, AN ACT RELATING TO TAXATION -- DEPRECIATION OF ASSETS (allow the bonus depreciation for purpose of depreciating assets and expensing in lieu of depreciation of assets by the Jobs and Growth Tax Relief Reconciliation Act of 2003 to apply to any subsequent federal enactment of this act) {LC2432/1/A}

Read and ordered to be placed to the Committee on Finance.

Also:

House Bill No. 7485

BY Petrarca, Winfield

ENTITLED, AN ACT AUTHORIZING THE TOWN OF SMITHFIELD TO ESTABLISH BY ORDINANCE A TAX EXEMPTION FOR REAL AND PERSONAL PROPERTY OWNED BY THE GRODEN CENTER, INC., LOCATED IN THE TOWN OF SMITHFIELD {LC1388/1}

Read and ordered to be placed to the Committee on Housing and Municipal Government.

Also:

House Bill No. 8030

BY Fellela, Petrarca, Smith, Ucci

ENTITLED, AN ACT AUTHORIZING THE TOWN OF JOHNSTON TO FINANCE THE DESIGN AND CONSTRUCTION OF SANITARY SEWERS FOR THE MEMORIAL PLAT SEWER PROJECT WHICH INCLUDES ALL OR A PORTION OF MILLS DRIVE, POCOTTE DRIVE, ANROLD DRIVE, MONGONE DRIVE, RICHARDSON DRIVE, HARRINGTON DRIVE, CORRINE DRIVE, PINWOOD AVENUE AND CENTRAL AVENUE; AND FOR THE CHERRY HILL SEWER PROJECT WHICH INCLUDES ALL OR A PORTION OF CHERRY HILL ROAD, OLD CHERRY HILL ROAD, CHRYSANTHY COURT, SETIAN CIRCLE, KERN ACRE DRIVE, CAVALCADE BOULVDARD, BALSAM COURT, HEMLOCK COURT, WOODCREST DRIVE, CYNTHIA DRIVE, WORCESTER AVENUE, PRESCOTT AVENUE, HOLLAND AVENUE, ROWENA DRIVE, BIRCHWOOD DRIVE AND TO ISSUE NOT MORE THAN \$7,100,000 BONDS AND NOTES THEREFOR (financing by the Town of Johnston to authorize the town of Johnston to finance the design and construction of sanitary sewers for the Memorial Plat Sewer Project) {LC2253/1}

Read and ordered to be placed to the Committee on Housing and Municipal Government.

Also:

House Bill No. 7369 SUB A as amended

BY Vaudreuil, Silva

ENTITLED, AN ACT RELATING TO THE 10A VALUATION AND RATIFICATION OF THE CITY CHARTER OF THE CITY OF CENTRAL FALLS {LC859/1/A}

Read and ordered to be placed to the Committee on Housing and Municipal Government.

Also:

House Bill No. 8100 as amended

BY Carter

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2653/1}

Read and ordered to be placed to the Committee on Judiciary.

Also:

House Bill No. 8058

BY Malik

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow Cheryl L. Rodrigues to join Ashley L. Mello and Brandon Blain) {LC2508/1}

Read and ordered to be placed to the Committee on Judiciary.

Also:

House Bill No. 7751 SUB A as amended

BY Shanley, Costantino, O'Neill, Almeida

ENTITLED, AN ACT RELATING TO CRIMINALS -- CORRECTIONAL INSTITUTIONS -- PAROLE (modify parole standards based on the likelihood of recidivism and would modify time earned for good behavior and meritorious service {LC2320/1/A}

Read and ordered to be placed to the Committee on Judiciary.

Also:

House Bill No. 7659

BY DeSimone, Singleton

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES (enable the city of Providence to permit a liquor license to be granted at that certain real property located on plat 13, lots 31 and 32 of the Providence tax assessment map) {LC1180/1}

Read and ordered to be placed to the Committee on Constitutional and Regulatory Issues

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns at 4:19 o'clock P.M.

GABRIEL REI
Deputy Clerk of the Senate

Appendix

INVOCATION

SENATOR JAMES C. SHEEHAN

Dear God, we ask you today to grant us the strength and confidence to make the decisions that will be of the greatest benefit to our citizens. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR TUESDAY, APRIL 8, 2008:

1 2008-H 8123

BY Kilmartin

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Ordered to be placed on the Consent Calendar

GABRIEL REI
Deputy Clerk of the Senate

Appendix**CALENDAR****IN ORDER FOR TUESDAY, APRIL 8, 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 2068 as amended**BY Bates****ENTITLED, AN ACT RELATING TO INSURANCE**

Committee on Corporations recommends passage as amended.

3 2008-S 2213**BY Sosnowski****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT**

Committee on Environment & Agriculture recommends passage.

4 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.

5 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.

GABRIEL REI
Deputy Clerk of the Senate