

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.34

Tuesday, April 8, 2008

Thirty-fourth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Daniel P. Connors, Deputy President Pro Tempore of the Senate, at 4:20 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 Deputy President Pro Tempore, by unanimous consent, presents Senator Tassoni, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

GUESTS

Upon suggestion of Senator Tassoni and by unanimous consent, the Honorable President, welcomes to the Chamber the North Smithfield High School Girls Hockey Team, Division II State Champions Kristie Yehle, Kayla M Kiernan, Kaitlyn Bobb, Vanessa D'Andrea, Meghan Moore, Amanda L. Dube, Julia Hartley, Jocelyn A. Mandeville, Kristen T Collard, Emily T. McSweeney, Kaela A. Fiori, Kayla Kearns, Adrienne Pariset, Perri S. Bennett, Danielle A. Fiori, Jess R. Salisbury, Brittany Clarke, Chirstine Biron,

Alexandra M. Euglow, Principal David S. Silva, Head Coach, Bill Nangle, Athletic Directors, Jeffrey Crins and Matthew J. Tek.

NEW BUSINESS

Senate Resolution No. 2935

BY Senators Tassoni, Cote, Fogarty P

ENTITLED, SENATE RESOLUTION CONGRATULATING THE NORTH SMITHFIELD GIRLS HOCKEY TEAM ON WINNING THE DIVISION II STATE CHAMPIONSHIP

Senator Tassoni requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Tassoni moves passage, seconded by Senator Cote.

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

GUESTS

Upon suggestion of Senator Issa and by unanimous consent, the Honorable President, welcomes to the Chamber members of Pakistan Day Muti Siddiqi, Shahnaz Siddiqi, Uzma Azam, Ilyas Jawed, Arahad Iqbal, Asma Iqbal, Sheza Iqbal, Sana Iqbal, Khalid Siddiqi, Aleya Siddiqi, Kazi Salahuddin, Farah Salahuddin, Fizza Gillani, Isra Hussain, Myer Hussain, Asjad Hussain, Jooveria Syed, Mujeeb Syed, Omer Syed, Obaid Rahman, Rukhsana Surti, Noorjahan Memon, Syec, Abdul Latif, Meeno Jehan, Fahim Khan, Bushra Shuja, Kauser Chaudhry, Arshad Chaudhry, Saba Chaudhry, Saqib Chaudhry, Farah Habib, Samia Habib, Soha Habib, Hamza Habib and the Pakistan Ambassador's Representative, Asif Hussain.

NEW BUSINESS

Senate Resolution No. 2934

BY Senators Issa, Paiva-Weed, Metts

ENTITLED, SENATE RESOLUTION COMMEMORATING THE ANNIVERSARY OF THE PAKISTAN RESOLUTION PASSED ON MARCH 23, 1940 {LC2707/1}

Senator Issa requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Issa moves passage, seconded by Senators Jabour, Gallo, Perry, Metts, Paiva Weed.

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

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 7, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-25-1 of the Rhode Island General Laws, I have made the following reappointment to the Narragansett Bay Commission:

Joseph Kimball of East Greenwich

for a term expiring April 1, 2011.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE

April 7, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-25-1 of the Rhode Island General Laws, I have made the following reappointment to the Narragansett Bay Commission:

Richard D. Worrell of Providence

for a term expiring April 1, 2011.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE

April 7, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-25-1 of the Rhode Island General Laws, I have made the following reappointment to the Narragansett Bay Commission:

Alan Nathan of Barrington

for a term expiring April 1, 2011.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE

April 7, 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:

Michael D. Evora of Cranston
(Representative of Fair Housing)

VICE
Angela Lovegrove

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

Also:

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

April 7, 2008

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 13-8-1 of the Rhode Island General Laws, I have made the following reappointment to the Parole Board:

Kenneth R. Walker, Ed.D. of East Providence

for a term expiring January 31, 2011.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary.

**REPORTS OF COMMITTEES
COMMITTEE ON FINANCE**

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

Senate Bill No. 2457

BY Senator Breene

ENTITLED, AN ACT PROVIDING FOR CAPITAL IMPROVEMENTS TO THE EXETER-WEST GREENWICH REGIONAL SCHOOL DISTRICT JUNIOR/SENIOR HIGH SCHOOL, ELEMENTARY SCHOOLS AND ATHLETIC FIELDS AND FACILITIES AND AUTHORIZING FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$5,877,308 IN BONDS THEREFOR

Senator Breene requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Breene moves passage, seconded by Senators Felag, Jabour, Sheehan.

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: Senators Algieri, Alves, Bates, Blais, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 0:

Also:

Senate Bill No. 2846 SUB A

BY Senator Alves

ENTITLED, AN ACT RELATING TO TAXATION --HISTORIC STRUCTURES-TAX CREDIT (would make several amendments to the historic structures tax credits.) {LC2479/1/A}

Read and ordered to be placed on the Calendar for Wednesday, April 9, 2008.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 7822 SUB A (by request)

BY Vaudreuil, Silva

ENTITLED, AN ACT RELATING TO ELECTIONS -- VOTING DISTRICTS (expand the instances when a local board of canvassers is empowered to combine two or more voting districts)

Senator Cote requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Cote moves passage, seconded by Senators Issa and Jabour.

The act is read and passed, in concurrence, 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: Senators Algieri, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 0:

CONSENT CALENDAR

In order for the day is taken up as follows:

1 2008-H 8123**BY Kilmartin****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

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, in concurrence, upon a roll call vote with 30 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 30: Senators Algieri, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 0:

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.

Upon suggestion of Senator Ruggerio, seconded by Senator Paiva Weed, and without objection, ordered to be placed on the Calendar for Thursday, April 10, 2008.

2 2008-S 2068 as amended**BY Bates****ENTITLED, AN ACT RELATING TO INSURANCE**

Committee on Corporations recommends passage as amended.

Senator Bates moves passage, seconded by Senator Blais

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: Senators Algieri, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 0:

3 2008-S 2213

BY Sosnowski

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT

Committee on Environment & Agriculture recommends passage.

Senator Sosnowski moves passage, seconded by Senators Breene, Paiva Weed and Jabour.

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: Senators Algieri, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 0:

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.

Senator Sosnowski moves passage, seconded by Senators Breene, Ruggerio and Pichardo.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 31 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 31: Senators Algieri, Alves, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 0:

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.

Senator Felag moves passage, seconded by Senators Paiva Weed, Sosnowski, Algieri, Breene, Blais, Metts, Jabour and Levesque.

The act is read and passed, by unanimous consent, upon a roll call vote with 31 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 31: Senators Algieri, Alves, Bates, Blais, Breene, Ciccone, Connors, Cote, DaPonte, Doyle, Felag, Gallo, Gibbs, Goodwin, Issa, Jabour, Lanzi, Levesque, Maselli, McCaffrey, Metts, Miller, Moura, Paiva Weed, Perry, Pichardo, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni.

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 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 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 Labor will meet tomorrow, at 3:00 o'clock P.M. in Room 212 of the State House.

GUESTS

Upon suggestion of Senator Doyle and by unanimous consent, the Honorable President, welcomes to the Chamber Lynne Dunphy, Ruthie R. Chair, Sylvia Webber Government Relations for R.I.S.W.A, and Peter Fontaine, Chairman of Government affairs for R.I.S.W.A.

RECESS

Upon motion of Senator Paiva Weed, seconded by Senator Algieri, the Senate stands at recess at 4:52 o'clock P.M..

CALLED TO ORDER

The Senate is called to order by the Honorable Joseph A. Montalbano, President of the Senate, on Wednesday, April 9, 2008, at 4:19 o'clock P.M.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns at 4:20 o'clock P.M.

GABRIEL REI
Deputy Clerk of the Senate

Appendix

INVOCATION

SENATOR JOHN J. TASSONI, JR.

We ask, that You guide us, Lord, in broadening our minds and extending ourselves in service to our constituents. May we better understand their concerns and needs and do our best to assist them. Amen.

Appendix

CALENDAR

IN ORDER FOR WEDNESDAY, APRIL 9, 2008:

1 2008-S 2846 SUB A

BY Alves

ENTITLED, AN ACT RELATING TO TAXATION --HISTORIC
STRUCTURES-TAX CREDIT

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

IN ORDER FOR THURSDAY, APRIL 10, 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.

GABRIEL REI
Deputy Clerk of the Senate