

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.35

Wednesday, April 9, 2008

Thirty-fifth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:21 o'clock P.M.

The roll is called and a quorum is declared present with 37 Senators present and 0 Senator 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 Jabour, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

GUESTS

Upon suggestion of Senator Goodwin and by unanimous consent, the Honorable President, welcomes to the Chamber Eileen Ryan, visiting from Dublin, Ireland.

Upon suggestion of Senator Gallo and by unanimous consent, the Honorable President, welcomes to the Chamber Joanne Quinn, Autism Project.

NEW BUSINESS**Senate Resolution No. 2936**

BY Senators Fogarty P, Montalbano J, Paiva-Weed, Gallo

ENTITLED, SENATE RESOLUTION CONGRATULATING THE ELEANOR SLATER HOSPITAL/ZAMBARANO UNIT ON THE RECOGNITION OF ZAMBARANO DAY

Senator Fogarty requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Fogarty moves passage, seconded by Senators Paiva Weed, Ruggerio, Tassoni, Levesque and Algieri.

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

Upon suggestion of Senators Fogarty and Paiva Weed and by unanimous consent, the Honorable President, welcomes to the Chamber William Feole, Debboe Bradshaw, Donald Olsen, Steve Westerman, Debby Stockwell, Paul Despres, Kristin Raimond, William McMahon, Director Ellen Nelson and Clinical Director Lou Cerso.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 8138

BY Petrarca, Fox

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow the Honorable Gregory J. Schadone to join Cheryl A. Schadone and Edward S. Cohen)

Senator McCaffrey requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator McCaffrey moves passage, seconded by Senator Moura.

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

NAYS- 0:

REPORTS OF COMMITTEES COMMITTEE ON LABOR

Senator Connors, from the Committee on Labor, reports back, with recommendation of passage of the following measure:

Nomination of Sandra Powell (appointment) VICE Adelita Orefice as Director of the Department of Labor and Training.

Senator Connors requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Connors moves passage, seconded by Senators Paiva Weed, Ruggerio, Algieri, Moura, McBurney, Breene, Bates, Metts, Ciccone.

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

NAYS- 0:

GUESTS

Upon suggestion of Senators Walaska, Jabour and Metts and by unanimous consent, the Honorable President, welcomes to the Chamber Sandra Powell, as Director of the Department of Labor and Training, Lisa Dagastino Deputy Director, Bill McGowen, IBEW and Charlotte Watkins, Sandra Powell's mother.

NEW BUSINESS

Senate Resolution No. 2937

BY Senators Connors, DaPonte

ENTITLED, SENATE RESOLUTION AMENDING THE RULES OF THE SENATE {LC2729/1}

Senator Ruggerio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggerio moves passage, seconded by Senators Connors and Paiva Weed.

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

NAYS- 0:

Also:

Senate Resolution No. 2938

BY Senator Goodwin

ENTITLED, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$150,000 TO THE DEPARTMENT OF HUMAN SERVICES {LC2691/1}

Read and referred to the Senate Committee on Finance

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.

Senator Alves moves passage, seconded by Senators Walaska, Felag, Pichardo, and Sheehan.

Senators Moura, Lenihan, Sheehan, Miller and Alves discuss the act.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, upon a roll call vote with 31 Senators voting in the affirmative and 2 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS- 31: The Honorable President Montalbano and Senators Alves, Bates, Blais, Breene, Connors, Cote, Doyle, Felag, Fogarty, Gallo, Gibbs, Goodwin, Issa, Jabour, Lenihan, Levesque, Maselli,

McBurney, McCaffrey, Metts, Miller, Perry, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 2: Senator Ciccone, Moura.

ABSTAINED- 1: Senator Algiere.

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 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 212 of the State House.

Senator Lenihan announces that the Committee on Government Oversight will meet tomorrow, at 3:15 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 the Senate Lounge of the State House.

Senator Doyle announces that the Committee on Housing and Municipal Government will meet tomorrow, at the rise of the Senate, in Room 310 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.

RECESS

Upon motion of Senator Ruggerio, seconded by Senator Algiere, and upon suggestion of Senator Ciccone, the Senate stands at recess at 5:00 o'clock P.M.

CALLED TO ORDER

The Senate is called to order by the Honorable Joseph A. Montalbano, President of the Senate, on Thursday, April 10, 2008, at 4:26 o'clock P.M.

**REPORTS OF COMMITTEES
COMMITTEE ON JUDICIARY**

Senator McCaffrey, from the Committee on Judiciary, reports back, with recommendation of passage of the following measures:

Senate Bill No. 2242

BY Senators Perry, Sosnowski, Connors, Tassoni, Miller

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS (permit the district court or the family court, in instances where domestic violence is alleged, to include in any orders provisions for the care, custody and control of any domestic companion animal)

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2336

BY Senator McCaffrey

ENTITLED, AN ACT RELATING TO PROPERTY -- MECHANICS' LIENS (would provide notice of a mechanics' lien effective as to any retainage earned but not paid, for work furnished pursuant to section 34-28-1 et. seq.) {LC1373/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2543 (by request)

BY Senator Connors

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) {LC1111/1}

Read and ordered to be placed on the Calendar.

COMMITTEE ON LABOR

Senator Badeau, from the Committee on Labor, reports back, with recommendation of passage of the following measures:

Senate Bill No. 2115

BY Senators Ruggerio, Ciccone

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - LAND SURVEYORS (revise the requirements to qualify for registration as a professional land surveyor and for certification as a land surveyor-in-training)

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2760 (National Guard)

BY Senator Algieri

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE (would permit the spouse or parent of a service person to obtain leave from work while the service person is on military duty)

Read and ordered to be placed on the Calendar.

ADJOURNMENT

Upon motion of Senator DaPonte, seconded by Senator Algieri, the Senate adjourns at 4:27 o'clock P.M.

GABRIEL REI
Deputy Clerk of the Senate

Appendix**INVOCATION****SENATOR PAUL V. JABOUR**

Almighty God, whose servants we are, may our work today and throughout the remainder of this legislative session be guided to truly serve the people we represent, and be ever mindful of the effect our actions and decisions have on those we serve. Amen.

Appendix**CALENDAR****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.

IN ORDER FOR TUESDAY, APRIL 22, 2008:**1 2008-S 2242****BY Perry****ENTITLED,** AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
COURTS

Committee on Judiciary recommends passage.

2 2008-S 2336**BY McCaffrey****ENTITLED,** AN ACT RELATING TO PROPERTY -- MECHANICS' LIENS

Committee on Judiciary recommends passage.

3 2008-S 2543**BY Connors****ENTITLED,** AN ACT RELATING TO ELECTIONS -- VOTING DISTRICTS

Committee on Judiciary recommends passage.

4 2008-S 2115**BY Ruggerio****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS -
LAND SURVEYORS

Committee on Labor recommends passage.

5 2008-S 2760**BY Algieri****ENTITLED,** AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE

Committee on Labor recommends passage.

GABRIEL REI
Deputy Clerk of the Senate