

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.49

Wednesday, May 21, 2008

Forty-ninth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Joseph A. Montalbano, President of the Senate, at 4:17 o'clock P.M.

The roll is called and a quorum is declared present with 37 Senators present and 1 Senator absent as follows:

PRESENT – 37: 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, Picard, Pichardo, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 1: Senator Connors.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Forty-eighth Legislative Day of the 2008 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Gallo and by unanimous consent, the Honorable President, welcomes to the Chamber Kathleen Torregrossa, representing the Cranston Teacher's Alliance, along with her husband Stephen Torregrossa.

**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. 2022

BY Senators Doyle, Tassoni, McBurney

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - OPERATORS' AND CHAUFFEURS' LICENSES (would raise the age in which a drivers' license must be issued biennially from age seventy (70) to age seventy-five (75). Renewal fees would also be discounted at age seventy-five (75).)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2029

BY Senators Issa, Connors

ENTITLED, AN ACT RELATING TO ELECTIONS - LOCAL REFERENDA AND BOARDS (require local boards of canvassers to notify and educate voters of all local referendum and bond question elections.)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2081

BY Senators Perry, Connors, Doyle, Sosnowski, Levesque C

ENTITLED, AN ACT RELATING TO ELECTIONS -- REGISTRATION OF VOTERS (authorize persons sixteen (16) and seventeen (17) years of age who preregister to vote to automatically be registered upon reaching age eighteen (18))

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2112

BY Senators Connors, DaPonte, Gallo, Goodwin, Doyle

ENTITLED, AN ACT RELATING TO ELECTIONS (would join Rhode Island in an agreement interstate compact to elect the president and vice president by national popular vote.)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2141 SUB A

BY Senators Issa, Lenihan, Cote, Metts, Pichardo

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY -- LEVY AND SALE ON EXECUTION (change the homestead exemption from three hundred thousand dollars (\$300,000) in land and buildings to four hundred thousand dollars (\$400,000) {LC845/1/A}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2421

BY Senator McCaffrey

ENTITLED, AN ACT RELATING TO ELECTIONS -- MAIL BALLOTS (would permit members of the board of canvassers to appoint its members or employees to witness mail ballot votes, in the absence of a bipartisan supervisors appointed by the state board of elections) {LC1481/1}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2519 (State Police)

BY Senators Algieri, Bates

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- REGISTRATION OF VEHICLES (would provide that if a vehicle is unregistered in this state or any other state to which it is required to be registered then it shall be a misdemeanor to operate the vehicle) {LC1958/1}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 2913

BY Senator Tassoni

ENTITLED, AN ACT RELATING TO CITIES AND TOWNS -- GENERAL POWERS (would authorize the town council of the Town of Smithfield to establish a municipal court in said town) {LC2622/1}

Read and ordered to be placed on the Calendar.

COMMITTEE ON GOVERNMENT OVERSIGHT

Senator Lenihan, from the Committee on Government Oversight, reports back, with recommendation of passage of the following measures:

Senate Bill No. 2940 SUB A as amended

BY Senators Connors, Moura, DaPonte, Lenihan, Ciccone

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- ACQUISITION OF LAND (chief purchasing officer to maintain a registry of leases entered into by the state would have to be maintained on the division's website. All leases entered into would be required to be included on the website within 24 hours of their execution) {LC2382/2/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2941 SUB A

BY Senators Levesque C, Moura, Blais, Sheehan, Lenihan

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - ADMINISTRATIVE PROCEDURE (would require that agencies, when reviewing their rules, consider whether the rules are consistent with current practices, procedures and applicable statutes, and that all reviewed rules be reviewed every five (5) years) {LC2384/2/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2942 SUB A

BY Senators Lenihan, Sosnowski, Sheehan, Levesque C, Ciccone

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - STATE PURCHASES (would require any contract that increases more than ten percent (10%) or has a material change to one or more terms to be re-bid) {LC2391/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2948 SUB A as amended

BY Senators Sosnowski, Lenihan, Ciccone, Levesque C, Sheehan

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES (would require determinations in state purchasing to be posted on an official website maintained under the chief purchasing officer) {LC2495/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2855 SUB A

BY Senators Sosnowski, Lenihan, Sheehan, McCaffrey, Raptakis

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION - SEPARATION OF POWERS - COASTAL RESOURCES MANAGEMENT COUNCIL (change how members to the Coastal Resource Management Council are appointed to comply with the Separation of Powers Constitutional Amendment) {LC768/1/A}

Read and ordered to be placed on the Calendar.

NEW BUSINESS

Senate Resolution No. 3025**BY** Senator Connors**ENTITLED**, JOINT RESOLUTION WELCOMING THE 2007 MISS AMERICA LAUREN NELSON TO THE STATE OF RHODE ISLAND AND THANKING HER, COX COMMUNICATIONS NEW ENGLAND, AND THE BOYS AND GIRLS CLUBS FOR THEIR EFFORTS ON BEHALF OF CHILDREN AND INTERNET SAFETY {LC2971/1}

Senator Tassoni requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Tassoni moves passage, seconded by the entire Senate.

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

Also:

Senate Resolution No. 3027**BY** Senators Sosnowski, Breene**ENTITLED**, SENATE RESOLUTION CONGRATULATING KENNY AND BARBARA ANDREWS ON BEING NAMED "COMMUNITY CITIZENS OF THE YEAR" BY THE RICHMOND GRANGE {LC2965/1}

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sosnowski moves passage, seconded by Senator Breene.

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

Also:

Senate Resolution No. 3028**BY** Senators Sosnowski, Breene**ENTITLED**, SENATE RESOLUTION CONGRATULATING SCOTT BARBER ON BEING NAMED THE "2008 FIREFIGHTER OF THE YEAR" BY THE RICHMOND GRANGE {LC2967/1}

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sosnowski moves passage, seconded by Senator Breene.

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

Also:

Senate Resolution No. 3029

BY Senators Sosnowski, Breene

ENTITLED, SENATE RESOLUTION CONGRATULATING PATROLMAN JOHN RANDALL ON BEING NAMED THE RICHMOND GRANGE 2008 POLICEMAN OF THE YEAR {LC2955/1}

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sosnowski moves passage, seconded by Senator Breene.

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

Also:

Senate Resolution No. 3030

BY Senators Sosnowski, Breene

ENTITLED, SENATE RESOLUTION HONORING OLIVER COTTRELL ON HIS MANY CONTRIBUTIONS TO RHODE ISLAND'S FARMING INDUSTRY {LC2960/1}

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sosnowski moves passage, seconded by Senator Breene.

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

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 Sosnowski 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 Felag announces that the Committee on Finance will meet today, at the rise of the Senate, in Room 211 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 2:15 o'clock P.M. in Room 313 of the State House.

ADJOURNMENT

Upon motion of Senator DaPonte seconded by Senator Algieri the Senate adjourns at 4:26 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR JUAN M. PICHARDO

Lord of truth, establish in us the knowledge of Your will. Make known to us any truths and insights which will enable us to serve You, and therefore, our constituents, wisely and well. Amen.

Appendix**CALENDAR****IN ORDER FOR THURSDAY, MAY 22, 2008:****1. 2008-S 2160 SUB A as amended****BY Blais****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- UMBILICAL
CORD BLOOD BANK ACT

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A as amended.

2. 2008-S 2096 SUB A**BY Tassoni****ENTITLED,** AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY
-- DOGS

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

3. 2008-S 2152**BY Connors****ENTITLED,** AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL
LICENSES

Committee on Constitutional & Regulatory Issues recommends passage.

4. 2008-S 2950**BY Doyle****ENTITLED,** AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL
LICENSES

Committee on Constitutional & Regulatory Issues recommends passage.

5. 2008-S 2954 SUB A**BY Goodwin****ENTITLED,** AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL
LICENSES

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

6. 2008-S 2189 SUB A as amended**BY Perry****ENTITLED,** AN ACT RELATING TO HEALTH INSURANCE OVERSIGHT

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A as amended.

7. **2008-S 2283 SUB A as amended**

BY Perry

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -
BREASTFEEDING - PROMOTES THE INTERESTS OF
MATERNAL AND CHILD HEALTH

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A as amended.

8. **2008-S 2912**

BY Paiva-Weed

ENTITLED, AN ACT RELATING TO PROPERTY -- ESTATES IN REAL
PROPERTY

Committee on Housing & Municipal Government recommends passage.

9. **2008-S 2961**

BY Issa

ENTITLED, AN ACT RELATING TO THE 10A VALIDATION AND
RATIFICATION OF THE CITY CHARTER OF THE CITY OF
CENTRAL FALLS

Committee on Housing & Municipal Government recommends passage.

10. **2008-S 3011**

BY Breene

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- GENERAL
POWERS

Committee on Housing & Municipal Government recommends passage.

11. **2008-H 7316**

BY Vaudreuil

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL
LICENSES

Committee on Constitutional & Regulatory Issues recommends passage in concurrence.

IN ORDER FOR TUESDAY, MAY 27, 2008:

1. **2008-S 2855 SUB A**

BY Sosnowski

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION -
SEPARATION OF POWERS - COASTAL RESOURCES

MANAGEMENT COUNCIL

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

2. **2008-S 2940 SUB A as amended**

BY Connors

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
ACQUISITION OF LAND

Committee on Government Oversight recommends indefinite postponement of the original bill and passage of Substitute A as amended.

3. **2008-S 2941 SUB A**

BY Levesque C

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -
ADMINISTRATIVE PROCEDURE

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

4. **2008-S 2942 SUB A**

BY Lenihan

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -
STATE PURCHASES

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

5. **2008-S 2948 SUB A as amended**

BY Sosnowski

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
STATE PURCHASES

Committee on Government Oversight recommends indefinite postponement of the original bill and passage of Substitute A as amended.

6. **2008-S 2022**

BY Doyle

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -
OPERATORS' AND CHAUFFEURS' LICENSES

Committee on Judiciary recommends passage.

7. **2008-S 2029**

BY Issa

ENTITLED, AN ACT RELATING TO ELECTIONS - LOCAL REFERENDA AND
BOARDS

Committee on Judiciary recommends passage.

8. **2008-S 2081**

BY Perry

ENTITLED, AN ACT RELATING TO ELECTIONS -- REGISTRATION OF
VOTERS

Committee on Judiciary recommends passage.

9. **2008-S 2112**

BY Connors

ENTITLED, AN ACT RELATING TO ELECTIONS

Committee on Judiciary recommends passage.

10. **2008-S 2141 SUB A**

BY Issa

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
PROCEDURE GENERALLY -- LEVY AND SALE ON EXECUTION

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

11. **2008-S 2421**

BY McCaffrey

ENTITLED, AN ACT RELATING TO ELECTIONS -- MAIL BALLOTS

Committee on Judiciary recommends passage.

12. **2008-S 2519**

BY Algieri

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
REGISTRATION OF VEHICLES

Committee on Judiciary recommends passage.

13. **2008-S 2913**

BY Tassoni

ENTITLED, AN ACT RELATING TO CITIES AND TOWNS -- GENERAL
POWERS

Committee on Judiciary recommends passage.