

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 sixth day of January in the year of Our Lord two thousand and nine.

Volume 136, No.4

Tuesday, January 13, 2009

Fourth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable M. Teresa Paiva Weed, Madam President of the Senate, at 4:27 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 Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lenihan, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 1: Senator Raptakis

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Third Legislative Day of the 2009 proceedings is read in part.

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

COMMUNICATIONS

The Honorable President presents the following communications:

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

January 8, 2009

Honorable M. Teresa Paiva Weed
President of the Senate
318 State House
Providence, RI 02903

Dear President Paiva Weed:

I am writing to inform you the I will be absent from Legislative Session on Tuesday, January 13th and Wednesday, January 14, 2009. Please know I will be out of town.

Thank you

Sincerely yours

Leonidas Raptakis
Senator- District 33

Read and ordered to be placed on file.

Also:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
GENERAL ASSEMBLY**

January 9, 2009

The Honorable Senate
State House
Providence, RI 02903

To The Honorable Senate:

Pursuant to Section 5.2 of the Interim Senate Rules, I am making the following appointments to the Senate Standing Committee:

Senate Committee on Judiciary
Michael J. McCaffrey, *Chairperson*
Charles J. Levesque, *Vice Chairperson*
Christopher B. Maselli, *Secretary*
Leo R. Blais
Maryellen Godwin
Paul V. Jabour
Erin P. Lynch
John F. McBurney, III
Harold M. Metts
Rhoda E. Perry

Senate Committee on Finance

Daniel DaPonte, *Chairperson*
Walter S. Felag, Jr., *1st Vice Chairperson*
Juan M. Pichardo, *2nd Vice Chairperson*
William A. Walaska, *Secretary*
David E. Bates
Frank A. Ciccone, III
Louis P. DiPalma
James E. Doyle
John F. McBurney, III
Dominick J. Ruggiero
V. Susan Sosnowski

Senate Committee on Corporations

Joshua B. Miller, *Chairperson*
Roger A. Picard, *Vice Chairperson*
Elizabeth A. Crowley, *Secretary*
Marc A. Cote
Hanna M. Gallo
Paul V. Jabour
Francis T. Maher, Jr.
James C. Sheehan

Senate Committee on Government Oversight

J. Michael Lenihan, *Chairperson*
Frank A. Ciccone III, *Vice Chairperson*
James C. Sheehan, *Secretary*
Leo R. Blais
Charles J. Levesque
Edward J. O'Neill
Michael J. Pinga
V. Susan Sosnowski

Senate Committee on Housing & Municipal Government

John J. Tassoni Jr., *Chairperson*
Juan M. Pichardo, *Vice Chairperson*
Frank A. DeVall, *Secretary*
Dennis L. Algieri
Paul W. Fogarty
Leonidas P. Raptakis

Senate Committee on Constitutional & Regulatory Issues

Maryellen Goodwin, *Chairperson*
Erin P. Lynch, *Vice Chairperson*
David E. Bates, *Secretary*
Marc A. Cote
Elizabeth A. Crowley
Daniel DaPonte
Paul V. Jabour
John J. Tassoni, Jr.

Senate Committee on Health & Human Services

Rhoda E. Perry, *Chairperson*
James C. Sheehan, *Vice Chairperson*
Juan M. Pichardo, *Secretary*
Leo R. Blais
Charles J. Levesque
Joshua B. Miller
Edward J. O'Neill
V. Susan Sosnowski

Senate Committee on Environment & Agriculture

V. Susan Sosnowski, *Chairperson*
Walter S. Felag, Jr., *Vice Chairperson*
Beatrice A. Lanzi, *Secretary*
Dennis L. Algieri
J. Michael Lenihan
Michael J. McCaffrey
Leonidas P. Raptakis
William A. Walaska
Francis T. Maher, Jr.

Senate Committee on Education

Hanna M. Gallo, *Chairperson*
Harold M. Metts, *Vice Chairperson*
Beatrice A. Lanzi, *Secretary*
Leo R. Blais
Frank A. DeVall, Jr.
Louis P. DiPalma
James E. Doyle
Francis T. Maher, Jr.
Christopher B. Maselli

Senate Committee on Labor

Paul W. Fogarty, *Chairperson*
Dominick J. Ruggiero, *Vice Chairperson*
Frank A. Ciccone III, *Secretary*
David E. Bates
Roger A. Picard
Michael J. Pinga
John J. Tassoni, Jr.

Senate Committee on Rules

Christopher B. Maselli, *Chairperson*
J. Michael Lenihan, *Vice Chairperson*
David E. Bates
Daniel DaPonte
Dominick J. Ruggiero

***President Paiva Weed, Majority Leader Connors serve as ex-officio members of all committees.**

Sincerely,

M. Teresa Paiva Weed
President of the Senate

Read and ordered to be placed on file.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 5018

BY Pacheco

ENTITLED, AN ACT RELATING TO HOLIDAYS AND DAYS OF SPECIAL OBSERVANCE (would create the Helen Fairbrother Moroney Recognition Day.)

Received and referred to the Senate Committee on Constitutional and Regulatory Issues

NEW BUSINESS

Senate Bill No. 6 (by request)

BY Senator Tassoni

ENTITLED, AN ACT RELATING TO INSURANCE - CASUALTY INSURANCE RATING (would provide for additional funds to be generated through a surcharge placed on all motor vehicle liability insurance policies for the benefit of the RI Public Transit Authority.)

Read and referred to the Senate Committee on Housing and Municipal Government

Also:

Senate Bill No. 7

BY Senators Tassoni, DeVall, DiPalma

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - PROSTITUTION AND LEWDNESS

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 8

BY Senators Tassoni, Algieri, Maselli, DeVall, DiPalma

ENTITLED, AN ACT RELATING TO MOTOR VEHICLES--MOTOR VEHICLES OFFENSES (would make text messaging while driving a motor vehicle offense and provide fines and penalties.)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 9**BY** Senators Tassoni, Maselli, DeVall**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE IN PARTICULAR ACTIONS (would permit parents of a deceased child who are divorced, separated, living apart or never married to file a motion requesting the judge to apportion fairly any amount awarded in a wrongful death action.)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 10**BY** Senators Tassoni, Maselli, DeVall, DiPalma**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- GRAVES AND CORPSES (would increase the fines to \$5,000 for the defacing or any injury to the Soldiers'/ Sailors' Monument, any public statue, monument or any grave site/cemetery & would provide full restitution of the amount of the cost of damages incurred.)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 11**BY** Senators Tassoni, Maselli, DeVall, DiPalma**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- FAILURE TO PAY CHILD SUPPORT (would decrease the amount of child support arrearage constituting a felony.)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 12**BY** Senator Miller**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Edward L. Rondeau to join John E. Picozzi and Laura Rogers in marriage on or about June 6, 2009 within the City of Newport, Rhode Island.)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 13

BY Senators Bates, Levesque C, Felag

ENTITLED, AN ACT AMENDING AN ACT EXEMPTING FROM TAXATION AND AUTHORIZING THE HERRESHOFF MARINE MUSEUM TO INCREASE ITS HOLDING TO AN AMOUNT NOT EXCEEDING \$10,000,000

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 14

BY Senators Tassoni, DeVall, DiPalma

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- WEIGHT LIMITS

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 15 (by request)

BY Senators Tassoni, Maselli, Algieri

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MOTOR FUEL TAX {LC8/1}

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 16

BY Senators Tassoni, Maselli, DeVall, DiPalma

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - THE AWARDED OF MUNICIPAL CONTRACTS {LC7/1}

Read and referred to the Senate Committee on Finance.

Also:

Senate Resolution No. 17

BY Senators Paiva-Weed, Connors

ENTITLED, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY POTENTIAL ECONOMIC OPPORTUNITIES IN THE DEVELOPMENT OF PORT FACILITIES IN THE STATE OF RHODE ISLAND

Senator Connors requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Connors moves passage, seconded by Senators Ruggerio, DaPonte, Doyle, DeVall, Felag and Walaska.

The act is read and passed, by unanimous consent, upon a roll call vote with 33 Senators voting in the affirmative and 1 Senators voting in the negative as follows:

YEAS- 33: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Connors, Cote, Crowley, DaPonte, Devall, DiPalma, Doyle, Felag, Fogarty, Gallo, Jabour, Lanzi, Lenihan, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Ruggerio, Sosnowski, Tassoni.

NAYS- 1: Senator Sheehan

Also:

Senate Bill No. 18

BY Senator Lanzi

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Senator Lanzi requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Lanzi moves passage, seconded by Senator McCaffrey.

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 Paiva Weed and Senators Algieri, Bates, Ciccone, Connors, Cote, Crowley, DaPonte, Devall, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lenihan, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

Senate Resolution No. 19

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

ENTITLED, SENATE RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL LEGISLATIVE STUDY COMMISSION TO REVIEW THE PROJECT APPROVAL PROCESSES FOR THE QUONSET DEVELOPMENT CORPORATION

Senator Sheehan requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sheehan moves passage, seconded by the entire Senate.

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

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 Felag announces that the Committee on Finance will meet today, at the rise of the Senate, in Room 313 of the State House.

Senator Felag announces that the Committee on Finance will meet tomorrow, at 3 o'clock P.M., in Room 313 of the State House.

Senator Sheehan announces that the Quonset Development Corporation will meet tomorrow, at 3 o'clock P.M. in Room 310 of the State House.

ADJOURNMENT

Upon motion of Senator Doyle, seconded by Senator Ruggiero, the Senate adjourns at 4:37 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SEANTOR ERIN P. LYNCH

Dear God, we thank Thee for the gift of this new day with its opportunities for growth in nobility of character and in service to others. Amen.