

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.5

Wednesday, January 14, 2009

Fifth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable John F. McBurney, III, President Pro Tempore of the Senate, at 4:15 o'clock P.M.

The roll is called and a quorum is declared present with 38 Senators present and 0 Senators absent as follows:

PRESENT – 38: 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, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 0:

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

NEW BUSINESS

House Resolution No. 5013 as amended

BY Fox

ENTITLED, JOINT RESOLUTION OF ADJOURNMENT (the general assembly adjourns on Thursday or Friday of each week)

Senator Connors requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Connors, seconded by Senator Ciccone, offers the following motion to amend.

F L O O R A M E N D M E N T

TO

2009 -- H 5013

JOINT RESOLUTION OF ADJOURNMENT

Madam President:

I hereby move to amend 2009 -- H 5013, entitled "JOINT RESOLUTION OF ADJOURNMENT", as follows:

By deleting all the language on lines 1 through 3, inclusive, and inserting in place thereof the following language:

"RESOLVED, That when either house of the general assembly adjourns on Wednesday, Thursday or Friday of each week, it may be in adjournment until Tuesday of the following session week. Said adjournment by the Rhode Island Senate and/or the Rhode Island House of Representatives is hereby accorded the consent of both the Rhode Island Senate and the Rhode Island House of Representatives in accordance with Section 9 of Article VI of the Constitution of the State of Rhode Island and Providence Plantations."

Respectfully submitted,
Majority Leader CONNORS

Senator Connors moves passage, seconded by Senators Ruggerio, Jabour, Pichardo and Ciccone.

The act is 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, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, Devall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Levesque,

Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

House Resolution No. 5084

BY Murphy, Fox

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 Pichardo, Maselli, Walaska, Jabour, DiPalma and Ciccone.

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

ANNOUNCEMENTS

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

Senator DaPonte announces that on Thursday, January 15, 2009 the Fiscal Staff will hold an informational caucus relating to the supplemental budget, at the rise of the Senate, in the Senate Lounge.

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.

RECESS

Upon motion of Senator Doyle, seconded by Senator Connors, the Senate stands at recess at 4:32 o'clock P.M.

CALLED TO ORDER

The Senate is called to order by the Honorable M. Teresa Paiva Weed, Madam President of the Senate, on Thursday, January 15, 2009, at 4:34 o'clock P.M.

NEW BUSINESS

Senate Bill No. 20

BY Senators Picard, Cote

ENTITLED, AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS

Read and referred to the Senate Committee on Education

Also:

Senate Bill No. 21

BY Senators Tassoni, Doyle, Sosnowski, McBurney, Felag

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- PUPIL TRANSPORTATION VEHICLES

Read and referred to the Senate Committee on Education

Also:

Senate Resolution No. 22

BY Senators Cote, Picard

ENTITLED, SENATE RESOLUTION CONGRATULATING ROGER BOUCHARD ON BEING NAMED "CITIZEN OF THE YEAR" BY THE KIWANIS CLUB OF WOONSOCKET

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

Also:

Senate Bill No. 23

BY Senator Tassoni

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- DOGS {LC9/1}

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

Also:

Senate Bill No. 24

BY Senators Tassoni, McBurney, DiPalma, DeVall

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- REGULATION OF VICIOUS DOGS

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

Also:

Senate Resolution No. 25

BY Senators Ciccone, Tassoni, Jabour, Pichardo, Metts

ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THAT THE UNITED STATES CONGRESS AND PRESIDENT-ELECT OBAMA PASS FEDERAL USURY LEGISLATION

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

Also:

Senate Resolution No. 26

BY Senators Metts, Pichardo

ENTITLED, JOINT RESOLUTION TO APPROVE AND PUBLISH, AND SUBMIT THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE OF RHODE ISLAND

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

Also:

Senate Bill No. 27

BY Senator Felag

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES

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

Also:

Senate Bill No. 28

BY Senators Ruggerio Sen, DaPonte, Goodwin, Doyle, Tassoni

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

01/14/2009 Read and referred to the Senate Committee on Constitutional and Regulatory Issues

Also:

Senate Resolution No. 29

BY Senators Ciccone, Tassoni, Walaska, Gallo, McCaffrey

ENTITLED, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENTS TO THE CONSTITUTION OF THE STATE (MARRIAGE)

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

Also:

Senate Bill No. 30 (by request)

BY Senators Tassoni, McBurney, DiPalma, DeVall

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

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 31

BY Senators Pichardo, Metts, Jabour, Miller

ENTITLED, AN ACT RELATING TO TAXATION

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 32

BY Senators Tassoni, McBurney, DiPalma, DeVall

ENTITLED, AN ACT RELATING TO TAXATION - PROPERTY SUBJECT TO TAXATION

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 33

BY Senators Felag, Bates, Walaska, Jabour, Tassoni

ENTITLED, AN ACT RELATING TO TAXATION -- ESTATE AND TRANSFER TAXES -- COMPUTATION

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 34

BY Senators Tassoni, McBurney, Doyle

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- STATE POLICE

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 35

BY Senators Felag, Bates, Walaska, Tassoni

ENTITLED, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 36

BY Senator Blais

ENTITLED, AN ACT RELATING TO EDUCATION - SCHOOL AND MUNICIPAL PLAYGROUND SAFETY

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 37

BY Senators Tassoni, Doyle, DiPalma, DeVall

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- COSTS

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 38

BY Senators Metts, Pichardo, Jabour, Levesque C, Perry

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- SENTENCE AND EXECUTION

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 39

BY Senators Metts, Pichardo, Jabour, Levesque C, Perry

ENTITLED, AN ACT RELATING TO FOOD AND DRUGS -- UNIFORM CONTROLLED SUBSTANCES ACT

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 40

BY Senators Pichardo, Miller, Metts, Goodwin, Jabour

ENTITLED, AN ACT RELATING TO PROPERTY -- MORTGAGE FORECLOSURE AND SALE

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 41

BY Senators Walaska, Lynch, McCaffrey

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 42

BY Senators Ciccone, Jabour, Ruggerio Sen

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - NORTH PROVIDENCE JUVENILE HEARING BOARD

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 43

BY Senators Tassoni, Doyle, McBurney, DiPalma, DeVall

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- INDICTMENTS, INFORMATIONS AND COMPLAINTS

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 44

BY Senators Picard, Cote

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - OPEN MEETINGS

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 45

BY Senators Ciccone, Jabour, Ruggerio, O'Neill

ENTITLED, AN ACT RELATING TO THE TOWN OF NORTH PROVIDENCE

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

Also:

Senate Bill No. 46

BY Senator Picard

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

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

Also:

Senate Bill No. 47

BY Senator Felag

ENTITLED, AN ACT RELATING TO THE TOWN OF WARREN

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

Also:

Senate Bill No. 48

BY Senators Pichardo, Miller, Metts, Crowley, Jabour

ENTITLED, AN ACT RELATING TO HUMAN SERVICES -- PUBLIC ASSISTANCE ACT

Read and referred to the Senate Committee on Health and Human Services

Also:

Senate Bill No. 49

BY Senators Pichardo, Miller, Metts, Perry, Jabour

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- CENTER FOR HEALTH PROFESSIONS ACT

Read and referred to the Senate Committee on Health and Human Services

Also:

Senate Bill No. 50

BY Senators Felag, Paiva-Weed, Metts, Sosnowski, Pichardo

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- INDUSTRIAL PROPERTY REMEDIATION AND REUSE ACT

Read and referred to the Senate Committee on Environment and Agriculture

Also:

Senate Bill No. 51

BY Senators Pichardo, Miller, Metts, Levesque C, Jabour

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- LICENSED ACTIVITIES

Read and referred to the Senate Committee on Corporations

Also:

Senate Bill No. 52

BY Senators Ruggerio

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF CERRONI'S SERVICE CENTER, INC.

Placed on the Senate Consent Calendar

Also:

Senate Bill No. 53

BY Senators DaPonte, Pichardo, DiPalma, Felag, Sosnowski

ENTITLED, AN ACT STATE AFFAIRS AND GOVERNMENT -- THE RHODE ISLAND
MEDICAID REFORM ACT

Read and referred to the Senate Committee on Finance

Also:

Senate Resolution No. 54

BY Senators Gallo, Fogarty P, DeVall, Levesque C, Felag

ENTITLED, SENATE RESOLUTION CONGRATULATING CATHERINE MORETTA ON HER
RETIREMENT FROM THE CRANSTON SCHOOL DEPARTMENT

Placed on the Senate Consent Calendar

ADJOURNMENT

Upon motion of Senator Connors, seconded by Senator Ruggerio, the Senate adjourns at 4:35 o'clock
P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

FRANK A. DeVALL, JR.

Dear God, please grant us the wisdom to be aware of the vital needs of the people we are here to serve. Please grant us the courage to meet those needs to the fullest extent of our ability. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR THURSDAY, JANUARY 15, 2009:

1 2009-S 52

BY Ruggiero

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF CERRONI'S SERVICE CENTER, INC.

Ordered to be placed on the Consent Calendar

2 2009-S 54

BY Gallo

ENTITLED, SENATE RESOLUTION CONGRATULATING CATHERINE MORETTA ON HER RETIREMENT FROM THE CRANSTON SCHOOL DEPARTMENT

Ordered to be placed on the Consent Calendar

Joseph R. Brady
Secretary of the Senate