

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.12

Tuesday, February 3, 2009

Twelfth 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 4:06 o'clock P.M.

The roll is called and a quorum is declared present with 36 Senators present and 2 Senators absent as follows:

PRESENT – 36: 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, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 2: Senators Lanzi, Lenihan.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

COMMUNICATION

The Honorable President presents the following communication:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE

February 3, 2009

Rhode Island State 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 Committee on Finance:

Subcommittee on Human Service and Transportation

Juan M. Pichardo, Deputy Chair

Subcommittee on General Government and Public Safety

William A. Walaska Deputy Chair

Subcommittee on Education and Environment

Louis P. DiPalma

Sincerely,

M. Teresa Paiva Weed
Madam President of the Senate

Read and ordered to be placed on file.

NEW BUSINESS

Senate Bill No. 160

BY Senators Connors, Miller, Goodwin

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- TRAFFIC CONTROL DEVICES (would permit buses and other motor vehicles owned & operated by the RI public transit authority to use traffic control signal preemption devices to prolong green traffic signals.

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

Also:

Senate Bill No. 161

BY Senators Connors, DaPonte, Miller, Perry, Goodwin

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

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 162

BY Senators Connors, Perry, Goodwin

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - THE CIVIL RIGHTS ACT OF 1990 (would set a three (3) year statute of limitations on any alleged violation of this chapter.)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 163

BY Senator Connors

ENTITLED, AN ACT RELATING SOLEMNIZATION OF MARRIAGES (would allow the Honorable Gerald B. Resnick, Federal Administrative Law Judge to join Stephanie M. Lamarre and Matthew A. Resnick in marriage within the City of Providence, Rhode Island)

Read and referred to the Senate Committee on Judiciary

Also:

Senate Resolution No. 164

BY Senators Sosnowski, DiPalma, Felag, Levesque C, Sheehan

ENTITLED, JOINT RESOLUTION RESPECTFULLY REQUESTING THE NATIONAL MARINE FISHERIES SERVICE TO SUSPEND ITS CONSIDERATION OF THE SECRETARIAL INTERIM ACTION REGARDING THE NORTHEAST MULTISPECIES FISHERY

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sosnowski moves passage, seconded by Senator Sheehan, Levesque, DiPalma and Jabour.

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

CONSENT CALENDAR

In order for the day is taken up as follows:

1 2009-S 158

BY Levesque C

ENTITLED, SENATE RESOLUTION CONGRATULATING BRISTOL, RHODE ISLAND ON BEING NAMED ONE OF AMERICA'S "2009 DOZEN DISTINCTIVE DESTINATIONS"

Upon motion of Senator Connors, seconded by Senator Ruggerio and Levesque, the measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Connors, Cote, Crowley, DaPonte, Devall, DiPalma, Fogarty, Gallo, Goodwin, Jabour, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

CALENDAR

IN ORDER FOR TUESDAY, FEBRUARY 3, 2009:

1. **2009-S 45**

BY Ciccone

ENTITLED, AN ACT RELATING TO THE TOWN OF NORTH PROVIDENCE

Committee on Housing & Municipal Government recommends passage.

Senator Ciccone moves passage, seconded by Senators Bates, Ruggerio, Tassoni and O'Neill.

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, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, Devall, DiPalma, Doyle, Fogarty, Gallo, Goodwin, Jabour, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

2. **2009-S 47**

BY Felag

ENTITLED, AN ACT RELATING TO THE TOWN OF WARREN

Committee on Housing & Municipal Government recommends passage.

Senator Bates moves passage, seconded by Senators Levesque and Ciccone.

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, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, Devall, DiPalma, Doyle, Fogarty, Gallo, Goodwin, Jabour, Levesque, Lynch,

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

NAYS- 0:

3. 2009-S 63

BY DiPalma

ENTITLED, AN ACT RELATING TO THE TOWN OF MIDDLETOWN

Committee on Housing & Municipal Government recommends passage.

Senator DiPalma moves passage, seconded by Senators Pichardo, Jabour, Pinga, Sheehan and Levesque.

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, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, Devall, DiPalma, Doyle, Fogarty, Gallo, Goodwin, Jabour, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

4. 2009-S 64

BY Fogarty P

ENTITLED, AN ACT RELATING TO THE TOWN OF GLOCESTER

Committee on Housing & Municipal Government recommends passage.

Senator Fogarty moves passage, seconded by Senator Levesque.

The act is read and passed, by unanimous consent, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

ANNOUNCEMENTS

Senator Maselli announces that the Committee on Rules will meet today, at the rise of the Senate, in Room 310 of the State House.

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 McBurney the Senate stands at recess at 4:16 o'clock P.M. on Tuesday, February 3, 2009.

CALLED TO ORDER

The Senate is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, on Wednesday, February 4, 2009, at 4:11 o'clock P.M.

ADJOURNMENT

Upon motion of Senator Connors, seconded by Senator McBurney, the Senate adjourns at 4:12 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR MARC A COTE

Almighty Father, Let us carefully weigh the reasons on all sides from a human point of view and then rely on your grace for divine help. Amen