

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.14

Thursday, February 5, 2009

Fourteenth 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 4:10 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 Gallo to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Twelfth and Thirteenth Legislative Day's of the 2009 proceedings are read in part.

Upon suggestion of Senator Gallo and by unanimous consent, further reading of the Journal's are dispensed with and the Journal's approved as recorded.

GUESTS

Upon suggestion of Senator Tassoni and by unanimous consent, the Honorable President, welcomes to the Chamber Lesley Heaton, Jim Ishwood and Frank Sylvester, from Lime Rock Fire District in Lincoln.

Upon suggestion of Senator DeVall and by unanimous consent, the Honorable President, welcomes to the Chamber Don Labossiere and Kerri Calabro.

TRANSFER OF BILLS

Senator Tassoni, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Corporations to the Committee on Housing and Municipal Government:

Reappointment of **James B. Jackson of West Warwick** (Labor Representative) to the Fire Safety Code Board of Appeals for a term expiring March 1, 2014.

Read and referred to the Committee on Housing and Municipal Government

**REPORTS OF COMMITTEES
COMMITTEE ON FINANCE**

Senator DaPonte, from the Committee on Finance, reports back, with recommendation of passage of the following measure:

Senate Bill No. 53 SUB A as amended

BY Senators DaPonte, Pichardo, DiPalma, Felag, Sosnowski

ENTITLED, AN ACT STATE AFFAIRS AND GOVERNMENT -- THE RHODE ISLAND MEDICAID REFORM ACT {LC562/1/A}

Read and ordered to be placed on the Calendar.

NEW BUSINESS

Senate Resolution No. 222

BY Senators Gallo, DeVall, Jabour, Levesque C, Picard

ENTITLED, SENATE RESOLUTION PROCLAIMING FEBRUARY 2 - 6 2009 AS "NATIONAL SCHOOL COUNSELING WEEK" IN THE STATE OF RHODE ISLAND

Senator Gallo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Gallo moves passage, seconded by Senator Fogarty, Levesque, Miller, Ruggerio, Pichardo, Picard, Metts and Blais.

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

GUESTS

Upon suggestion of Senator Gallo and by unanimous consent, the Honorable President, welcomes to the Chamber Leslie A. Conley, Rhode Island School Counselor Association President, Don Labossiere, Middle VP of Rhode Island School Counselor Association, Susan Weber, Elementary Rep for Rhode Island School Counselor Association, Cheryl Britland and Liz Fasteson, members of Rhode Island School Counselor Association and Donna Tobin, President-elect of Rhode Island School Counselor Association.

NEW BUSINESS**Senate Resolution No. 223****BY** Senator Pinga**ENTITLED**, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF EVERETT A. PETRONIO, ESQ. {LC1059/1}

Senator Pinga requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Pinga moves passage, seconded by Senators Connors, DaPonte, Sosnowski, McBurney, Crowley, Lynch, Maher, O'Neill, Algiere, Maselli and Jabour.

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

Also:

Senate Resolution No. 224**BY** Senator Levesque C**ENTITLED**, SENATE RESOLUTION HONORING PORTSMOUTH FIRE CHIEF JEFF LYNCH FOR THE HEROIC LIFE-SAVING MEASURES HE TOOK TO SAVE THE LIVES OF THREE PEOPLE INJURED IN A CAR CRASH IN FALL RIVER {LC1031/1}

Senator Levesque requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Levesque moves passage, seconded by Senator Connors.

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

Also:

Senate Resolution No. 225**BY** Senators Gallo, Paiva-Weed, Lynch, Perry, Sosnowski**ENTITLED**, SENATE RESOLUTION PROCLAIMING FEBRUARY 6, 2009 TO BE "NATIONAL WEAR RED" DAY IN THE STATE OF RHODE ISLAND {LC1011/1}

Senator Gallo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Gallo moves passage, seconded by Senator Connors.

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

CONSENT CALENDAR

In order for the day is taken up as follows:

1. **2009-S 220**

BY Gallo

ENTITLED, SENATE RESOLUTION CONGRATULATING LINDA IDE ON HER RETIREMENT FROM THE OFFICE OF THE AUDITOR GENERAL AFTER 33 YEARS OF DEDICATED SERVICE

2. **2009-S 221**

BY Sosnowski

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF WHALE ROCK LAND COMPANY

Upon motion of Senator Connors, seconded by Senator Ruggerio, the measures on today's Consent Calendar, by unanimous consent, are read and passed, 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, Ciccone, Connors, Crowley, DaPonte, Devall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Levesque, Lynch, Maher, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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 211 of the State House.

Senator DeVall announces that the Committee on Housing and Municipal Government will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

RECESS

Upon motion of Senator Doyle, seconded by Senator Connors and the entire Senate, and upon suggestion of Senator Pinga, the Senate stands at recess, on Thursday, February 5, 2009 at 4:33 o'clock P.M. in memory of Everett A. Petronio, Esq.

CALLED TO ORDER

The Senate is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, on Tuesday, February 10, 2009, at 6:10 o'clock P.M.

REPORTS OF COMMITTEES COMMITTEE ON HOUSING AND MUNICIPAL GOVERNMENT

Senator Tassoni, from the Committee on Housing and Municipal Government, reports back, with recommendation of passage of the following measures:

Senate Bill No. 127

BY Senators DiPalma, Paiva-Weed

ENTITLED, AN ACT RELATING TO THE CITY OF NEWPORT

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 130

BY Senators Maher, Raptakis

ENTITLED, AN ACT RELATING TO THE RATIFICATION OF THE HOME RULE CHARTER OF THE TOWN OF RICHMOND

Read and ordered to be placed on the Calendar.

Also:

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 ordered to be placed on the Calendar.

ADJOURNMENT

Upon motion of Senator Connors, seconded by Senator Ruggiero, the Senate adjourns at 6:11 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR HANNA M. GALLO

Almighty God, bless those who serve in this Senate. Inspire us with your truth, surround us with your love, and fill us with your grace. Amen.

Appendix**CALENDAR****IN ORDER FOR WEDNESDAY, FEBRUARY 11, 2009:****1. 2009-S 53 SUB A as amended****BY DaPonte****ENTITLED,** AN ACT STATE AFFAIRS AND GOVERNMENT -- THE RHODE ISLAND MEDICAID REFORM ACT

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

2. 2009-S 127**BY DiPalma****ENTITLED,** AN ACT RELATING TO THE CITY OF NEWPORT

Committee on Housing & Municipal Government recommends passage.

3. 2009-S 130**BY Maher****ENTITLED,** AN ACT RELATING TO THE RATIFICATION OF THE HOME RULE CHARTER OF THE TOWN OF RICHMOND

Committee on Housing & Municipal Government recommends passage.

4. 2009-S 160**BY Connors****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- TRAFFIC CONTROL DEVICES

Committee on Housing & Municipal Government recommends passage.