

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.21

Wednesday, March 4, 2009

Twenty-first 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 4:16 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 Sosnowski, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

Upon suggestion of Senator Sosnowski and by unanimous consent, further reading of the Journals are dispensed with and the Journals approved as recorded.

GUESTS

Upon suggestion of Senator Sheehan and by unanimous consent, the Honorable President, welcomes to the Chamber Christopher Knox Smith who is serving as an intern.

Upon suggestion of Senator Maselli and by unanimous consent, the Honorable President, welcomes to the Chamber Harrison Zambarano and his parents Maria and Louis Zambarano.

Upon suggestion of Senator Pichardo and by unanimous consent, the Honorable President, welcomes to the Chamber the Director of DCYF, Patricia Martinez.

**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. 190

BY Senators Walaska, Lynch, McCaffrey

ENTITLED, AN ACT RELATING TO HIGHWAYS (would authorize the city council of the city of Warwick to sell an abandoned highway or driftway located within the city to an abutting owner at fair market value.)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 246

BY Senators Maher, Algieri

ENTITLED, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES (would permit the town of Exeter to assess and tax new real estate construction as completed after the assessment date on a pro rata basis.)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 309

BY Senators Blais, Raptakis

ENTITLED, AN ACT RELATING TO THE REGULATION OF EARTH REMOVAL AND GRAVEL PROCESSING IN THE TOWN OF COVENTRY (would permit the town of Coventry to provide by ordinance for the regulation, control, and licensing of earth removal in said town.)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 555**BY** Senators Felag, DiPalma**ENTITLED**, AN ACT RELATING TO THE NORTH TIVERTON FIRE DISTRICT {LC1775/1}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 559**BY** Senators Felag, DiPalma**ENTITLED**, AN ACT RELATING TO AN ACT TO INCORPORATE THE STONE BRIDGE FIRE DISTRICT AND TO FINANCE A SUPPLY OF WATER FOR THE TOWN OF TIVERTON {LC1875/1}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 561**BY** Senator Paiva-Weed**ENTITLED**, AN ACT RELATING TO PROPERTY TAX RELIEF IN THE TOWN OF JAMESTOWN {LC1030/1}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 562**BY** Senators Picard, Connors**ENTITLED**, AN ACT RELATING TO VALIDATING AND RATIFYING CERTAIN AMENDMENTS TO THE HOME RULE CHARTER OF THE CUMBERLAND HILL FIRE DISTRICT {LC1257/1}

Read and ordered to be placed on the Calendar.

COMMITTEE ON CONSTITUTIONAL AND REGULATORY ISSUES

Senator Goodwin from the Committee on Constitutional and Regulatory Issues, reports back, with recommendation of passage of the following measures:

Senate Resolution No. 4**BY** Senators Pichardo, Miller, Tassoni, Jabour**ENTITLED**, SENATE RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE "CONSUMER CREDIT FAIRNESS ACT"

Read and ordered to be placed on the Senate Consent Calendar

Also:

Senate Resolution No. 99 SUB A**BY** Senators DiPalma, Jabour, Paiva-Weed, Connors, Sosnowski**ENTITLED**, SENATE RESOLUTION CREATING A SPECIAL SENATE COMMISSION TO STUDY MUNICIPAL SHARED SERVICES {LC698/2/A}

Read and ordered to be placed on the Senate Consent Calendar

Also:

Senate Resolution No. 385 as amended**BY** Senators Sosnowski, Walaska, Raptakis, Lenihan**ENTITLED**, SENATE RESOLUTION REINSTATING THE LIFE AND EXTENDING THE REPORTING AND EXPIRATION DATES OF THE SPECIAL SENATE COMMISSION TO STUDY THE USE OF BIOSOLIDS FOR FERTILIZER IN RHODE ISLAND {LC1438/1}

Read and ordered to be placed on the Senate Consent Calendar

Also:

Senate Resolution No. 386**BY** Senator Sosnowski**ENTITLED**, SENATE RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL SENATE COMMISSION TO STUDY STATE TRADES CLASSIFICATIONS {LC1272/1}

Read and ordered to be placed on the Senate Consent Calendar

NEW BUSINESS**Senate Resolution No. 767****BY** Senators Bates, Paiva-Weed, Connors, Blais, Algieri**ENTITLED**, SENATE RESOLUTION EXPRESSING PROFOUND SYMPATHY ON THE PASSING OF JOAN M. WILLIAMS {LC2144/1}

Senator Bates requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Bates moves passage, seconded by Senator Connors and the entire Senate.

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

CONSENT CALENDAR

In order for the day is taken up as follows:

Upon suggestion of Senator Connors, and without objection, item1 is removed from the Consent Calendar, and ordered for immediate consideration.

1. 2009-H 5943**BY Costantino****ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES - RETIREMENT SYSTEM - CONTRIBUTION AND BENEFITS****IMMEDIATE CONSIDERATION****House Bill No. 5943****BY Costantino, Serpa, Pollard, Martin, Mattiello****ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES - RETIREMENT SYSTEM - CONTRIBUTION AND BENEFITS {LC2127/1}**

Senator Connors requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Connors moves passage, seconded by Senators Algieri and DaPonte.

The act is read and passed, by unanimous consent, upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 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.

NAYS- 0:

CALENDAR**IN ORDER FOR WEDNESDAY, MARCH 4, 2009:****1 Nomination of Gary S. Sasse (appointment) of East Greenwich VICE Jerome Williams as the Director of Administration.**

Committee on Finance recommends that the Senate give its Advice and Consent to this nomination.

Senator DaPonte seconded by Senators Lenihan, Picard, O'Neill Maher Bates, Connors, Ruggerio, Felag, DeVall, Maselli, Walaska, Lynch, Jabour and DiPalma moves that advice and consent of the Senate be given this appointment.

The advice and consent of the Senate is given this appointment, upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 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.

NAYS- 0:

GUESTS

Upon suggestion of Senators Lenihan and by unanimous consent, the Honorable President welcomes to the Chamber newly appointed Director of Administration, Gary S. Sasse and his wife Glenda.

CALENDAR

2. 2009-S 48

BY Pichardo

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

Committee on Health & Human Services recommends passage.

Senator Pichardo moves passage, seconded by Senators Goodwin, Perry, Miller, DaPonte, Jabour and Metts.

The act is read and passed, upon a roll call vote with 35 Senators voting in the affirmative and 3 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Connors, Cote, Crowley, DaPonte, Devall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lenihan, Levesque, Lynch, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 3: Senators Blais, Maher, Pinga

3. 2009-S 49

BY Pichardo

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

Committee on Health & Human Services recommends passage.

Senator Pichardo moves passage, seconded by Senators Metts, Perry, Levesque, Jabour and Miller.

The act is read and passed, by unanimous consent, upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 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.

NAYS- 0:

4. 2009-S 306

BY Goodwin

ENTITLED, AN ACT RELATING TO HUMAN SERVICES - INTERPRETER SERVICES

Committee on Health & Human Services recommends passage.

Upon suggestion of Senator Ruggerio, and without objection, ordered to be placed on the Calendar for Tuesday, March 10, 2009.

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 Picard announces that the Committee on Corporations will meet tomorrow, at the rise of the Senate, in Room 212 of the State House.

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

Senator Ciccone announces that the Committee on Labor will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

ADJOURNMENT

Upon motion of Senator Doyle seconded by Senator Connors and upon suggestion of Senator Algieri, the Senate adjourns at 4:36 o'clock P.M. in memory Joan M. Williams.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR V. SUSAN SOSNOWSKI

Gracious God, allow us to create a safe environment for those who have been entrusted to us. Amen

Appendix

CONSENT CALENDAR

IN ORDER FOR THURSDAY, MARCH 5, 2009:

1. 2009-S 4**BY Pichardo****ENTITLED,** SENATE RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE "CONSUMER CREDIT FAIRNESS ACT"

Committee on Constitutional & Regulatory Issues recommends passage.

2. 2009-S 99 SUB A**BY DiPalma****ENTITLED,** SENATE RESOLUTION CREATING A SPECIAL SENATE COMMISSION TO STUDY MUNICIPAL SHARED SERVICES

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

3. 2009-S 385 as amended**BY Sosnowski****ENTITLED,** SENATE RESOLUTION REINSTATING THE LIFE AND EXTENDING THE REPORTING AND EXPIRATION DATES OF THE SPECIAL SENATE COMMISSION TO STUDY THE USE OF BIOSOLIDS FOR FERTILIZER IN RHODE ISLAND

Committee on Constitutional & Regulatory Issues recommends passage as amended.

4. 2009-S 386**BY Sosnowski****ENTITLED,** SENATE RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL SENATE COMMISSION TO STUDY STATE TRADES CLASSIFICATIONS

Committee on Constitutional & Regulatory Issues recommends passage.

JOSEPH R. BRADY
Secretary of the Senate

Appendix**CALENDAR****IN ORDER FOR TUESDAY, MARCH 10, 2009:****1 2009-S 306****BY Goodwin****ENTITLED, AN ACT RELATING TO HUMAN SERVICES - INTERPRETER SERVICES**

Committee on Health & Human Services recommends passage.

2 2009-S 190**BY Walaska****ENTITLED, AN ACT RELATING TO HIGHWAYS**

Committee on Housing & Municipal Government recommends passage.

3 2009-S 246**BY Maher****ENTITLED, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES**

Committee on Housing & Municipal Government recommends passage.

4 2009-S 309**BY Blais****ENTITLED, AN ACT RELATING TO THE REGULATION OF EARTH REMOVAL AND GRAVEL PROCESSING IN THE TOWN OF COVENTRY**

Committee on Housing & Municipal Government recommends passage.

5 2009-S 555**BY Felag****ENTITLED, AN ACT RELATING TO THE NORTH TIVERTON FIRE DISTRICT**

Committee on Housing & Municipal Government recommends passage.

6 2009-S 559**BY Felag****ENTITLED, AN ACT RELATING TO AN ACT TO INCORPORATE THE STONE BRIDGE FIRE DISTRICT AND TO FINANCE A SUPPLY OF WATER FOR THE TOWN OF TIVERTON**

Committee on Housing & Municipal Government recommends passage.

7 2009-S 561

BY Paiva-Weed

ENTITLED, AN ACT RELATING TO PROPERTY TAX RELIEF IN THE TOWN
OF JAMESTOWN

Committee on Housing & Municipal Government recommends passage.

8 2009-S 562

BY Picard

ENTITLED, AN ACT RELATING TO VALIDATING AND RATIFYING
CERTAIN AMENDMENTS TO THE HOME RULE CHARTER OF
THE CUMBERLAND HILL FIRE DISTRICT

Committee on Housing & Municipal Government recommends passage.

JOSEPH R. BRADY
Secretary of the Senate