

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.27

Tuesday, March 24, 2009

Twenty-seventh 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 4:09 o'clock P.M.

The roll is called and a quorum is declared present with 35 Senators present and 3 Senators absent as follows:

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

ABSENT – 3: Senators Doyle, Felag, Maher.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Twenty-sixth Legislative Day of the 2009 proceedings is read in part.

Upon suggestion of Senator Jabour, 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 AND PROVIDENCE PLANTATIONS
STATE HOUSE**

March 24, 2009

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

Dear Madam President:

Please be advised that I will be absent from the Senate session on Tuesday, March 24, 2009, due to health issues. I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you.

Sincerely,

Francis T. Maher, Jr.
DEPUTY MINORITY LEADER

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 Resolution No. 5272

BY Dennigan, Savage, Hearn, Malik, Walsh

ENTITLED, JOINT RESOLUTION REINSTATING, EXTENDING, AND AMENDING THE MEMBERSHIP OF THE KARLA HARRY COMMISSION ON LIBRARIES IN RHODE ISLAND

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

Also:

House Bill No. 5179

BY Driver

ENTITLED, AN ACT RELATING TO THE RATIFICATION OF THE HOME RULE CHARTER OF THE TOWN OF RICHMOND (would ratify certain provisions of the Home Rule Charter of the Town of Richmond.

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

Also:

House Bill No. 5182

BY Ruggiero, Rice A, Jackson

ENTITLED, AN ACT RELATING TO THE TOWN OF MIDDLETOWN

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

Also:

House Bill No. 5445

BY Driver

ENTITLED, AN ACT RELATING TO ELECTIONS - ELECTIVE MEETING {LC1412/1}

Received and referred to the Senate Committee on Judiciary

Also:

House Bill No. 5184

BY Williamson, Watson

ENTITLED, AN ACT RELATING TO CRIMINALS - CORRECTIONAL INSTITUTIONS (would change the title of the "executive secretary" of the parole board to "administrator")

Received and referred to the Senate Committee on Judiciary

Also:

House Bill No. 5325

BY Ajello, Ruggiero, Kennedy, Lally, Giannini

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY -- CAUSES OF ACTION

Received and referred to the Senate Committee on Judiciary

Also:

House Bill No. 5005

BY Pacheco

ENTITLED, AN ACT RELATING TO ELECTIONS -- REGISTRATION OF VOTERS (would authorize persons 16 and 17 years of age who preregister to vote to automatically be registered upon reaching age 18.)

Received and referred to the Senate Committee on Judiciary

Also:

House Bill No. 5421

BY Newberry, Pollard, DeSimone, Marcello, Wasylyk

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY-PARTIES (would authorize any party to an action where a party is sixty-five (65) years of age or older to request acceleration of the action to trial) {LC1067/1}

Received and referred to the Senate Committee on Judiciary

Also:

House Bill No. 5812

BY McNamara

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2057/1}

Received and referred to the Senate Committee on Judiciary

Also:

House Bill No. 5094

BY Fierro, Pacheco, Gablinske, Sullivan, Savage

ENTITLED, AN ACT RELATING TO ELECTIONS -- FEDERAL ELECTIVE OFFICERS

Received and referred to the Senate Committee on Judiciary

Also:

House Bill No. 5422

BY Gallison

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Paul Maregni to join Kelly Outhouse and Christopher Maregni in marriage) {LC1430/1}

Received and referred to the Senate Committee on Judiciary

NEW BUSINESS

Senate Bill No. 798

BY Senators Perry, Jabour, Goodwin

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - REGULATION OF SALES {LC2044/1}

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

Also:

Senate Bill No. 799 (Elementary & Secondary Education)

BY Senators Blais

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - SCHOOL AND MUNICIPAL REALIGNMENT COMMISSIONS (would establish the RI School Realignment

Commission & the RI Municipal Public Safety & Public Works Realignment Commission, it would define the charge of each commission, & would provide funding for the same.) {LC1500/1}

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

Also:

Senate Bill No. 800

BY Senators Walaska, Lynch, McCaffrey

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- DOGS (would increase the fines for violations of the dog ordinances in the City of Warwick.) {LC2219/1}

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

Also:

Senate Bill No. 801

BY Senators Doyle, Tassoni, Bates

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- PUBLIC HEALTH AND WORKPLACE SAFETY ACT (would eliminate the exemptions provided to casinos from the public health and workplace safety act regarding smoking.)

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

Also:

Senate Bill No. 802

BY Senators Raptakis, Sheehan, Pichardo, Connors, Felag

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS - CREDIT CARD LENDING (would limit credit card periodic interest rate or rates to a maximum of eighteen percent (18%).) {LC1920/1}

Read and referred to the Senate Committee on Corporations

Also:

Senate Bill No. 803

BY Senator Maselli

ENTITLED, AN ACT RELATING TO EDUCATION - ELIGIBILITY FOR ATTENDANCE {LC2209/1}

Read and referred to the Senate Committee on Education

Also:

Senate Bill No. 804 (by request)

BY Senator Maselli

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- PAPERY BAG USAGE {LC2152/1}

Read and referred to the Senate Committee on Environment and Agriculture

Also:

Senate Bill No. 805

BY Senator Perry

ENTITLED, AN ACT RELATING TO EDUCATION - FOUNDATION LEVEL SCHOOL SUPPORT {LC2107/1}

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 806

BY Senators Ciccone, Lenihan, Jabour, Ruggerio, Tassoni

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - STATE PURCHASES (would amend certain provisions relative to bids on public works contracts and forms necessary to be filed with the bid.) {LC2136/1}

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 807

BY Senators Ruggerio, Tassoni, Ciccone, Doyle, DaPonte

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- EMPLOYMENT SECURITY BENEFITS (would increase the weekly dependents' allowance of unemployed persons from ten dollars (\$10.00) to fifteen dollars (\$15.00).) {LC2161/1}

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 808

BY Senators Doyle, Goodwin, Miller

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- REGULATORY POWERS OF ADMINISTRATION (would transfer the costs associated with fire hydrants from property taxpayers to ratepayers by allowing municipalities that pass an appropriate ordinance to avoid payment of hydrant rental fees.) {LC2027/1}

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 809

BY Senators Fogarty P, Tassoni, Goodwin, Gallo

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- COUNCILS AND GOVERNING BODIES (would limit the appointments of city or town managers and other municipal officers to three (3) year terms.) {LC2158/1}

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

Also:

Senate Bill No. 810

BY Senators Walaska, Lynch, McCaffrey

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - GENERAL POWERS (would increase the amount of the fine the municipal court can impose from three hundred (\$300) to five hundred (\$500) dollars.) {LC2220/1}

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

Also:

Senate Bill No. 811

BY Senator Tassoni

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- GENERAL POWERS (would authorize the town of Smithfield to impose a business registration fee.) {LC2196/1}

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

Also:

Senate Bill No. 812 (by request)

BY Senator Algieri

ENTITLED, AN ACT RELATING TO THE RETIREMENT OF POLICE OFFICERS OF THE TOWN OF WESTERLY {LC2139/1}

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

Also:

Senate Bill No. 813

BY Senators Ruggerio, Connors, Goodwin, Walaska

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS (would authorize the director of the Rhode Island DOT to sell, transfer & convey certain parcels of real property to Brown University and Johnson & Wales University.) {LC2116/1}

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

Also:

Senate Bill No. 814

BY Senator Maselli

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- MOTOR CARRIERS OF PROPERTY {LC2207/1}

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

Also:

Senate Bill No. 815

BY Senator DiPalma

ENTITLED, AN ACT RELATING TO TAXATION {LC2170/1}

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

Also:

Senate Bill No. 816 (by request)

BY Senator Maselli

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - RHODE ISLAND RESOURCE RECOVERY CORPORATION {LC2153/1}

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

Also:

Senate Bill No. 817

BY Senators Goodwin, Ruggerio

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- MANAGEMENT AND DISPOSAL OF PROPERTY

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

Also:

Senate Bill No. 818

BY Senator Tassoni

ENTITLED, AN ACT AUTHORIZING THE TOWN OF SMITHFIELD TO ISSUE NOT EXCEEDING \$1,000,000 GENERAL OBLIGATION BONDS OR NOTES FOR LAND ACQUISITION {LC2195/1}

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

Also:

Senate Bill No. 819 (Attorney General)

BY Senators Lynch, McCaffrey

ENTITLED, AN ACT RELATING TO DELINQUENT AND DEPENDENT CHILDREN -- PROCEEDINGS IN FAMILY COURT {LC1391/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 820**BY** Senator Maselli**ENTITLED**, AN ACT RELATING TO PUBLIC FINANCE -- STATE BUDGET {LC2208/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 821 (Attorney General)**BY** Senators Metts, Pichardo, Jabour, Picard, Ciccone**ENTITLED**, AN ACT RELATING TO PROPERTY - MORTGAGE AND FORECLOSURE SALE {LC1389/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 822**BY** Senators Jabour, Perry, Goodwin**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES - REGULATION OF SALES {LC2045/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 823**BY** Senators Goodwin, Ruggerio, Jabour**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- REGULATION OF SALES {LC2042/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 824 (Secretary of State)**BY** Senator Connors**ENTITLED**, AN ACT RELATING TO ELECTIONS - REGISTRATION OF VOTERS {LC1514/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 825**BY** Senators Tassoni, Paiva-Weed, Connors**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- WORK--SHARING BENEFITS {LC2211/1}

Read and referred to the Senate Committee on Labor

Also:

Senate Resolution No. 826

BY Senators DeVall, Crowley, DaPonte, Levesque C, Sosnowski

ENTITLED, SENATE RESOLUTION EXPRESSING PROFOUND SYMPATHY ON THE PASSING OF CYNTHIA CARUOLO

Senator DeVall requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator DeVall moves passage, seconded by Senator Algieri.

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

Also:

Senate Resolution No. 827

BY Senators Raptakis, Ciccone, McCaffrey, Jabour, Blais

ENTITLED, SENATE RESOLUTION EXTENDING THE REPORTING AND EXPIRATION DATES OF A SPECIAL SENATE COMMISSION TO STUDY THE ESTABLISHMENT OF A FUND FOR THE ALLOCATION OF ART FOR PUBLIC DISPLAY IN STATE BUILDINGS AND FACILITIES

Senator Raptakis requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

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

Also:

Senate Bill No. 828

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

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - STATE PURCHASES {LC2277/1}

Read and referred to the Senate Committee on Government Oversight

Also:

Senate Bill No. 829

BY Senators Lenihan, Blais, Ciccone, Levesque C, Sosnowski

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES {LC2279/1}

Read and referred to the Senate Committee on Government Oversight

Also:

Senate Bill No. 830

BY Senators Sheehan, Levesque C, Blais, Ciccone, Sosnowski

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - STATE PURCHASES
{LC2278/1}

Read and referred to the Senate Committee on Government Oversight

Also:

Senate Bill No. 831

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

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES
{LC2276/1}

Read and referred to the Senate Committee on Government Oversight

Also:

Senate Bill No. 832

BY Senators Ciccone, Lenihan, Sheehan, Levesque C, Sosnowski

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - STATE PURCHASES
{LC2274/1}

Read and referred to the Senate Committee on Government Oversight

Also:

Senate Bill No. 833

BY Senators Sosnowski, Ciccone, Lenihan, Sheehan, Blais

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - STATE PURCHASES
{LC2275/1}

Read and referred to the Senate Committee on Government Oversight

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 today, at the rise of the Senate, in Room 212 of the State House.

Senator Lenihan announces that the Committee on Government Oversight will meet tomorrow, at the rise of the Senate, in the Senate Lounge 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 Room 310 of the State House.

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

Senator Ciccone announces that the Committee on Labor will meet tomorrow, at the rise of the Senate, in Room 211 of the State House.

ADJOURNMENT

Upon motion of Senator DeVall, seconded by Senators Algieri and Connors and upon suggestion of Senator DeVall, the Senate adjourns at 4:18 o'clock P.M. in memory of Cynthia Caruolo.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR PAUL V. JABOUR

We ask, that You guide us, Lord, in broadening our minds and extending ourselves in service to our constituents. May we better understand their concerns and needs and do our best to assist them. Amen.

Appendix

CALENDAR

IN ORDER FOR WEDNESDAY, MARCH 25, 2009:

1. **2009-S 201**

BY Jabour

ENTITLED, AN ACT RELATING TO ELECTIONS -- FEDERAL ELECTIVE OFFICERS

Committee on Judiciary recommends passage.