

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.40

Thursday, April 30, 2009

Fortieth 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 4:33 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 Metts, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Thirty-ninth Legislative Day of the 2009 proceedings is read in part.

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

**REPORTS OF COMMITTEES
COMMITTEE ON ENVIRONMENT AND AGRICULTURE**

Senator Sosnowski, from the Committee on Environment and Agriculture, reports back, with recommendation of passage of the following measures:

Senate Bill No. 297 SUB A as amended

BY Senators Sosnowski, Felag, Raptakis, Sheehan, Walaska

ENTITLED, AN ACT RELATING TO FISH AND WILDLIFE - MARINE FISHERIES COUNCIL (would change the composition of the marine fisheries council to 9 private citizen members. Also, the term of appointment would be changed from a term of 2 years to 4 years for all members.)

{LC1290/2/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 352 SUB A (by request)

BY Senator Sosnowski

ENTITLED, AN ACT RELATING TO AGRICULTURE AND FORESTRY -- DISEASES AND PARASITES (would establish the Asian Longhorn Beetle as a nuisance. It would also establish penalties for unlawful importation and transportation of said beetles.) {LC1209/2/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 863

BY Senators DeVall, Connors, Ruggerio, DaPonte

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - THE STATE ENERGY CONSERVATION CODE - ADOPTING OF CODE (would mandate the adopting of a state energy conservation code.) {LC2183/1}

Read and ordered to be placed on the Calendar.

COMMITTEE ON HEALTH AND HUMAN SERVICES

Senator Perry, from the Committee on Health and Human Services, reports back, with recommendation of passage of the following measures:

Senate Bill No. 128

BY Senator Blais

ENTITLED, AN ACT RELATING TO FOOD AND DRUGS - TRAFFICKING IN DEXTROMETHORPHAN (would make possession of one gram or more of pure dextromethorphan by a person other than a medical facility, medical practice, pharmacist or licensed pharmacy illegal.)

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 245 SUB A as amended

BY Senator Levesque C

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY (would add a new chapter on the prevention and supervision of contagious diseases, specifically HIV/AIDS and make technical amendments affected by that new chapter.) {LC584/1/A}

Read and ordered to be placed on the Calendar.

NEW BUSINESS

Senate Resolution No. 897

BY Senators Raptakis, Miller, Perry

ENTITLED, SENATE RESOLUTION RECOGNIZING THE 61ST ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL AND REAFFIRMING THE BONDS OF CLOSE FRIENDSHIP AND COOPERATION BETWEEN THE UNITED STATES AND ISRAEL {LC2558/1}

Senator Raptakis requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Raptakis moves passage, seconded by Senators Miller and Connors.

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

Also:

Senate Resolution No. 898

BY Senators Sosnowski

ENTITLED, JOINT RESOLUTION HONORING ROBERT L. CAROTHERS ON HIS RETIREMENT AS PRESIDENT OF THE UNIVERSITY OF RHODE ISLAND {LC2518/1}

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sosnowski moves passage, seconded by Senator Connors and Algieri.

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

Also:

Senate Resolution No. 899**BY** Senators Paiva-Weed, Levesque C, Gallo, Fogarty P, DiPalma**ENTITLED**, SENATE RESOLUTION COMMENDING THE HONORABLE BRUCE SUNDLUN FOR HIS DISTINGUISHED MILITARY SERVICE {LC2566/1}

Senator Metts requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Metts moves passage, seconded by Senators Connors, Algieri, Pichardo, Miller, Ruggerio and Levesque.

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

Also:

House Resolution No. 6156**BY** Rice M, Carter, Walsh, Caprio D, Pacheco**ENTITLED**, JOINT RESOLUTION HONORING ROBERT L. CAROTHERS ON HIS RETIREMENT AS PRESIDENT OF THE UNIVERSITY OF RHODE ISLAND {LC2563/1}

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sosnowski moves passage, seconded by Senator Connors, Algieri, Gallo, Perry and Picard.

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

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 on Tuesday, May 5th, 2009 at the rise of the Senate, in Room 212 of the State House.

Senator Felag announces that the Committee on Finance will meet today, at the rise of the Senate, in Room 211 of the State House and on Tuesday, May 5th, 2009.

Senator Lenihan announces that the Committee on Government Oversight will meet today, 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.

GUESTS

Upon suggestion of Senator Ciccone and by unanimous consent, the Honorable President, welcomes to the Chamber Liva Mastrogiuseppe and Linda Foucarelli.

Upon suggestion of Senator Metts and by unanimous consent, the Honorable President, welcomes to the Chamber Specialist 4th Class, Kyle L. Connor, U.S. Army, tours of duty in 2005, Iraq in 2007, South Korea and Iraq in August of 2009. Currently a member of the 506 Quarter Master Company stationed in Fort Lee, Virginia. Along with his wife Alegra Connor.

RECESS

Upon motion of Senator Doyle, seconded by Senators Connors and Algieri, the Senate stands at recess at 5:00 o'clock P.M..

CALLED TO ORDER

The Senate is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, on Tuesday, May 5, 2009, at 4:16 o'clock P.M.

TRANSFER OF BILLS

Senator Goodwin, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Constitutional and Regulatory Issues to the Committee on Judiciary:

Senate Bill No. 697

BY Senators Pichardo, Jabour, Levesque C

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - IDENTIFICATION CARDS - EXPANSION OF ISSUANCE (would permit the issuance of state identification cards to any person possessing certain qualifications) {LC1582/1}

Read and referred to the Committee on Judiciary.

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. 247**BY** Senators Crowley, Connors, DeVall**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- SEWER CHARGES (would make the lien for sewage charges, previously granted only to specified municipalities, a law of general application.)

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 868**BY** Senators Sheehan, Lenihan**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF NORTH KINGSTOWN TO ISSUE BONDS AND NOTES FOR AN AMOUNT NOT EXCEEDING \$10,000,000 TO FINANCE THE CONSTRUCTION OF SEWERS AND SEWERAGE SYSTEMS IN THE TOWN INCLUDING THE ACQUISITION OF LAND THEREFOR AND AUTHORIZING THE IMPOSITION OF SEWER ASSESSMENTS AND SERVICE FEES {LC2007/1}

Read and ordered to be placed on the Calendar.

FROM THE HOUSE OF REPRESENTATIVES

A message from the House of Representatives transmits with announcement of passage, of the following measures:

House Bill No. 6037**BY** Coderre E**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Rene H. Perreault to join Michael Alex Camera and Lauren Elyse Costa in marriage within the Town of Narragansett, Rhode Island on or about June 22, 2009) {LC2328/1}

Read and ordered to be placed on the Senate Consent Calendar.

Also:

House Bill No. 6039**BY** Ferri**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Phil Soder to join Joan M. McCaffrey and Frederick G. Boenig, Jr. in marriage on or about August 29, 2009 within the town of West Warwick, Rhode Island) {LC2337/1}

Read and ordered to be placed on the Senate Consent Calendar.

Also:

House Bill No. 6068

BY Williamson

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF THE BIG NEW ENGLAND FOOTBALL CLINIC, INC. {LC2368/1}

Read and ordered to be placed on the Senate Consent Calendar.

Also:

House Bill No. 6075

BY Gallison

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2381/1}

Read and ordered to be placed on the Senate Consent Calendar.

Also:

House Bill No. 6076

BY McNamara

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2375/1}

Read and ordered to be placed on the Senate Consent Calendar.

Also:

House Bill No. 6098

BY Ruggiero

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow William Loehning to join Kara McDonough and Mark Pollard in marriage within the Town of Jamestown, Rhode Island on or about September 5, 2009) {LC2391/1}

Read and ordered to be placed on the Senate Consent Calendar.

ADJOURNMENT

Upon motion of Senator Doyle, seconded by Senator Connors, the Senate adjourns at 4:17 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix**INVOCATION****SENATOR HAROLD M. METTS**

“O Lord our Lord, How excellent is thy name in all the earth! Who hast set thy glory above the heavens.” “Preserve Me, O God: for in thee do I put my trust.” Heavenly Father, please give us wisdom to balance our constitutional responsibility with compassion for the least of society. We pray for our leaders: President Obama; Governor Carieri; Senate President Paiva Weed and Majority Leader Connors; House Speaker Murphy and Majority Leader Fox; our respective mayors; and all the member of the General Assembly. Lord Please give us your wisdom. “Let your light so shine before men, that they may see your good works, and glorify your Father which is in heaven.” Amen.

Appendix**CONSENT CALENDAR****IN ORDER FOR TUESDAY, MAY 5, 2009:****1. 2009-H 6037****BY Coderre E****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Ordered to be placed on the Consent Calendar

2. 2009-H 6039**BY Ferri****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Ordered to be placed on the Consent Calendar

3. 2009-H 6068**BY Williamson****ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF THE BIG NEW ENGLAND FOOTBALL CLINIC,
INC.**

Ordered to be placed on the Consent Calendar

4. 2009-H 6075**BY Gallison****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Ordered to be placed on the Consent Calendar

5. 2009-H 6076**BY McNamara****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Ordered to be placed on the Consent Calendar

6. 2009-H 6098**BY Ruggiero****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Ordered to be placed on the Consent Calendar

Appendix**CALENDAR****IN ORDER FOR TUESDAY, MAY 5, 2009:****1. 2009-S 811****BY Tassoni****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- GENERAL POWERS

Committee on Housing & Municipal Government recommends passage.

2. 2009-H 6084 as amended**BY Corvese****ENTITLED,** AN ACT AUTHORIZING THE TOWN OF NORTH PROVIDENCE TO IMPOSE A SUPPLEMENTAL TAX FOR THE FISCAL YEAR 2008-2009

Committee on Finance recommends passage as amended in concurrence.

IN ORDER FOR WEDNESDAY, MAY 6, 2009:**1. 2009-S 107****BY Jabour****ENTITLED,** AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - LOCATION OF GAS REGULATORS AND GAS METERS

Committee on Corporations recommends passage.

2. 2009-S 297 SUB A as amended**BY Sosnowski****ENTITLED,** AN ACT RELATING TO FISH AND WILDLIFE - MARINE FISHERIES COUNCIL

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

3. 2009-S 352 SUB A**BY Sosnowski****ENTITLED,** AN ACT RELATING TO AGRICULTURE AND FORESTRY -- DISEASES AND PARASITES

Committee on Environment & Agriculture recommends indefinite postponement of the original bill and passage of Substitute A.

4. 2009-S 863**BY DeVall****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY - THE STATE ENERGY CONSERVATION CODE - ADOPTING OF CODE

Committee on Environment & Agriculture recommends passage.

5. 2009-S 128**BY Blais****ENTITLED,** AN ACT RELATING TO FOOD AND DRUGS - TRAFFICKING IN DEXTROMETHORPHAN

Committee on Health & Human Services recommends passage.

6. 2009-S 245 SUB A as amended**BY Levesque C****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A as amended.

7. 2009-S 247**BY Crowley****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- SEWER CHARGES

Committee on Housing & Municipal Government recommends passage.

8. 2009-S 868**BY Sheehan****ENTITLED,** AN ACT AUTHORIZING THE TOWN OF NORTH KINGSTOWN TO ISSUE BONDS AND NOTES FOR AN AMOUNT NOT EXCEEDING \$10,000,000 TO FINANCE THE CONSTRUCTION OF SEWERS AND SEWERAGE SYSTEMS IN THE TOWN INCLUDING THE ACQUISITION OF LAND THEREFOR AND AUTHORIZING THE IMPOSITION OF SEWER ASSESSMENTS AND SERVICE FEES

Committee on Housing & Municipal Government recommends passage.

IN ORDER FOR THURSDAY, MAY 7, 2009:**1. 2009-S 218****BY McBurney****ENTITLED,** AN ACT RELATING TO COURTS AND CIVIL PROCEDURES -- PROCEDURES GENERALLY -- PROPERTY -- EXEMPTIONS

Committee on Judiciary recommends passage.