

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.41

Tuesday, May 5, 2009

Forty-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 4:17 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, Gallo, Goodwin, Jabour, Lanzi, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 2: Senators Fogarty and Lenihan

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

GUESTS

Upon suggestion of Senator Jabour and by unanimous consent, the Honorable President, welcomes to the Chamber Frank Benell of Federal Sign Company.

COMMUNICATION

The Honorable President presents the following communications:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE

May 6, 2009

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

Dear Madame President:

Please be advised and let the record reflect that I will be absent from the chamber on Tuesday, May 5, 2009, due to illness.

I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you for your attention to this matter.

Sincerely,

Senator J. Michael Lenihan
Senate District 35

Read and ordered to be placed on file.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE

May 6, 2009

The Honorable M. Teresa Paiva Weed
Senate President
Room 318, State House
Providence, RI 02903

Dear Madam President:

This is to inform you that I will be not attend session today, May 5, 2009, due to a recent death in the family and my need to be with my family at the funeral rites.

Thank you for your assistance in this matter.

All best wishes.

Sincerely,

Paul W. Fogarty
Senator – District 23

Read and ordered to be placed on file.

**REPORTS OF COMMITTEES
COMMITTEE ON JUDICIARY**

Senator McCaffrey, from the Committee on Judiciary, reports back, with recommendation of passage of the following measures:

Senate Bill No. 204 SUB A

BY Senators Sosnowski, Perry, Tassoni, DiPalma

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES (would make unlawful the use of a non-hands-free mobile telephone while operating a motor vehicle, except for public safety personnel.) {LC469/3/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 275 SUB A

BY Senator McCaffrey

ENTITLED, AN ACT RELATING TO DELINQUENT AND DEPENDENT CHILDREN (would allow the Family Court to retain jurisdiction over juveniles until the age of twenty-one (21) {LC165/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 583 SUB A

BY Senators Miller, Sosnowski, Lynch, Goodwin, Gallo

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES--FOSTER PARENTS BILL OF RIGHTS (would provide for a bill of rights for foster parents to assist them in the performance of their duties.) {LC1517/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 595 (National Guard)

BY Senator Bates

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -- NATIONAL GUARD (would eliminate the mandate that commissioned officers in the judge advocate general's dept be a member of the RI bar, provided there is compliance with the RI Supreme Court Rules.) {LC1485/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 611

BY Senator Levesque C

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE--COURTS (would remove outdated language relating to the election of spousal benefits/presently, surviving spouses of justices who retire pursuant to this section are already entitled to the same allowance irrespective of an election) {LC1994/1}

Read and ordered to be placed on the Calendar.

NEW BUSINESS

Senate Resolution No. 901

BY Senators Crowley, DeVall

ENTITLED, SENATE RESOLUTION PROCLAIMING MAY 6, 2009 AS "CHARTER PUBLIC SCHOOL DAY" IN THE STATE OF RHODE ISLAND {LC2536/1}

Senator Crowley requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Crowley moves passage, seconded by Senators DeVall and Tassoni.

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

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}

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator DeVall moves passage, seconded by Senators Sosnowski, Felag, DiPalma and Bates.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, Devall, DiPalma, Doyle, Felag, Gallo, Goodwin, Jabour, Lanzi, Levesque,

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

NAYS- 0:

CONSENT CALENDAR

In order for the day is taken up as follows:

1. **2009-H 6037**
BY Coderre E
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
2. **2009-H 6039**
BY Ferri
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
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.
4. **2009-H 6075**
BY Gallison
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
5. **2009-H 6076**
BY McNamara
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
6. **2009-H 6098**
BY Ruggiero
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

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

NAYS- 0:

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.

Upon suggestion of Senator Tassoni, and without objection, ordered to be placed on the Calendar for Tuesday, May 12, 2009.

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.

Senator Ciccone moves passage, seconded by Senators Felag, Connors, DaPonte and Sheehan.

Senators Ruggerio, Ciccone, Sheehan, Blais, DiPalma and DaPonte discuss the act.

The motion of passage fails on a roll call vote with 13 Senators voting in the affirmative and 22 Senators voting in the negative as follows:

YEAS- 13: The Honorable President Paiva Weed and Senators Ciccone, Connors, Cote, Crowley, DaPonte, Devall, Felag, Gallo, Levesque, Picard, Sheehan, Tassoni.

NAYS- 22: Senators Algiere, Bates, Blais, DiPalma, Doyle, Goodwin, Jabour, Lanzi, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Pichardo, Pinga, Ruggerio, Sosnowski, Walaska.

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 Felag announces that the Committee on Environment and Agriculture 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 tomorrow, at the rise of the Senate, in Room 313 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 Pichardo and by unanimous consent, the Honorable President, welcomes to the Chamber Alejandro Santos, the Dominican Republic Executive Vice President of the National Councils of Dominican Communities in the Exterior, along with Juan Alba and Yuri Liriano.

ADJOURNMENT

Upon motion of Senator Doyle seconded by Senator Bates, the Senate adjourns at 4:45 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR JUAN M. PICHARDO

Dear God, let us be ever mindful of the people across the globe who are striving for independence. Be with them in their struggles for freedom and justice. Amen

Appendix**CALENDAR****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 128**BY Blais****ENTITLED, AN ACT RELATING TO FOOD AND DRUGS - TRAFFICKING
IN DEXTROMETHORPHAN**

Committee on Health & Human Services recommends passage.

5. 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.

6. 2009-S 247**BY Crowley****ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- SEWER CHARGES**

Committee on Housing & Municipal Government recommends passage.

7. **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.

2. **2009-S 204 SUB A**

BY Sosnowski

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A.

3. **2009-S 275 SUB A**

BY McCaffrey

ENTITLED, AN ACT RELATING TO DELINQUENT AND DEPENDENT CHILDREN

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A.

4. **2009-S 583 SUB A**

BY Miller

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES--FOSTER PARENTS BILL OF RIGHTS

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A.

5. **2009-S 595**

BY Bates

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE --
NATIONAL GUARD

Committee on Judiciary recommends passage.

6. **2009-S 611**

BY Levesque C

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL
PROCEDURE--COURTS

Committee on Judiciary recommends passage.

IN ORDER FOR TUESDAY, MAY 12, 2009:

1. **2009-S 811**

BY Tassoni

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- GENERAL
POWERS

Committee on Housing & Municipal Government recommends passage.