

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 fifth day of January in the year of Our Lord two thousand and ten.

Volume 137, No.7

Wednesday, January 20, 2010

Seventh Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, at 4:20 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 Cote to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal's of the Fifth and Sixth Legislative Day's of the 2010 proceedings are read in part.

Upon suggestion of Senator Cote 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 Lanzi and by unanimous consent, the Honorable President, welcomes to the Chamber Jillian Kiernan, a student at Providence College and her intern for this legislative session.

Upon suggestion of Senator DiPalma and by unanimous consent, the Honorable President, welcomes to the Chamber Amie Downs and Paul Towey.

Upon suggestion of Senator Levesque and by unanimous consent, the Honorable President, welcomes to the Chamber from the Met School in Providence Linda Nilsson, Director of Environmental Awareness Foundation, Lindsey Medieros, Assistant, Mattias Winnberg, from Globala Gymnasiet High School in Stockholm Sweden, students Cortrine Clapper, Joey Duffy, Deanna Ford, Joe Stoos, Rose Havey, Natt Vorce, Anna Stenkula and Catharina Undsjö.

APPOINTMENTS BY THE GOVERNOR

The Honorable President presents the following communication from His Excellency, the Governor, transmitting the following appointments and requesting the advice and consent of the Senate thereto:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE**

January 15, 2010

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 28-7-4 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island State Labor Relations Board:

Gerald S. Goldstein of Cranston
(Representing Management/Local Government)

for a term expiring August 1, 2014.

To this reappointment, I request your advice and consent.

Sincerely,
Donald L. Carcieri



Governor

Read and referred to the Committee on Labor.

Also:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE**

January 15, 2010

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 28-7-4 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island State Labor Relations Board:

Ellen L. Jordan of Saunderstown
(Representing General Public)

for a term expiring August 1, 2014.

To this reappointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Labor.

Also:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE**

January 15, 2010

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-64.10-7 of the Rhode Island General Laws, I have made the following reappointment to the Quonset Development Corporation:

Barbara Jackson of North Kingstown

for a term to expire January 1, 2013.

To this reappointment, I respectfully request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Corporations.

Also:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE**

January 15, 2010

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-64.10-7 of the Rhode Island General Laws, I have made the following reappointment to the Quonset Development Corporation:

Robert H. Breslin, Jr. of Saunderstown

for a term to expire January 1, 2012.

To this reappointment, I respectfully request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Corporations.

Also:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE**

January 15, 2010

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-64.10-7 of the Rhode Island General Laws, I have made the following reappointment to the Quonset Development Corporation:

Kas R. DeCarvalho, Esquire of Providence

for a term to expire January 1, 2013.

To this reappointment, I respectfully request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Corporations

Also:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE**

January 15, 2010

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-25-1 of the Rhode Island General Laws, I have made the following appointment to the Narragansett Bay Commission:

Mario G. Carlino of Cranston

VICE
Richard M. Oster

for a term expiring April 1, 2013.

To this appointment, I respectfully request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Judiciary

Also:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE**

January 15, 2010

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-34-4 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island Industrial Recreational Building Authority:

Frances H. Gammell-Roach of East Greenwich

for a term expiring February 1, 2014.

To this reappointment, I respectfully request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Corporations.

Also:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE**

January 15, 2010

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-59-2 of the Rhode Island General Laws, I have made the following appointment to the Board of Governors for Higher Education:

Brandon F. Brown of Kingston

VICE
Miriam Coleman
(resigned)

for a term expiring January 31, 2013.

To this appointment, I respectfully request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Education.

Also:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE**

January 20, 2010

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 8-4-5 of the Rhode Island General Laws, I have made the following appointment as Clerk of the Superior Court for Kent County:

Edward P. Morrone of Westerly, Rhode Island

for a term expiring February 1, 2011.

To this appointment, I respectfully request your advice and consent.

Sincerely,

Alice Bridget Gibney,
Presiding Justice

Read and referred to the Committee on Judiciary.

Also:

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE**

January 6, 2010

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

Dear President Paiva Weed:

In my capacity as chief Judge of the Rhode Island Family Court, I respectfully request the advice and consent of the Rhode Island Senate to the appointment of Magistrate Edward Newman to the position of Magistrate for a term of ten (10) years pursuant to RIGL Section 8-10-3.1 as amended.

Magistrate Newman has been a full time Family Court magistrate for the past seven years. Magistrate Newman has extensive experience dealing with family Court issues. He was a private practitioner for many years with a focus on Family Law. He has served on many committees within the judiciary such as Women and Minorities in the Courts and Supreme Court Ethics Advisory Panel.

He has lectured around the United States on Family Law and has been invited to be a member of the faculty for the Family Law Trail Advocacy Institute, University of Denver Law School, Denver, Colorado. Magistrate Newman has lectured for the American Bar Association, Rhode Island Bar Association and the National Law Institute.

Magistrate Newman is knowledgeable, caring and has the ability to listen and make sound judgments. He always treats people with the utmost respect while presiding over cases.

In closing, I respectfully submit to you that Magistrate Newman would not only be an asset to the judiciary, but an asset to the entire State of Rhode Island. I appreciate your consideration of this appointment and stand ready to assist you in any way that I can.

Sincerely yours,

Jeremiah S. Jeremiah

Chief Judge

Read and referred to the Committee on Judiciary.

FROM THE HOUSE OF REPRESENTATIVES

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

House Resolution No. 7145

BY Fox, Watson

ENTITLED, JOINT RESOLUTION INVITING HER HONOR, THE PRESIDENT OF THE SENATE, AND THE HONORABLE SENATE TO JOIN THE HOUSE OF REPRESENTATIVES IN JOINT SESSION FOR THE PURPOSE OF RECEIVING THE STATE OF THE STATE ADDRESS OF HIS EXCELLENCY THE GOVERNOR

Senator Connors requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Connors moves passage, seconded by Senator Algieri.

The act is read and passed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, Crowley, DeVall, DiPalma, 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:

NEW BUSINESS

Senate Resolution No. 2073

BY Senators Paiva-Weed, Connors

ENTITLED, SENATE RESOLUTION HONORING FORMER GOVERNOR BRUCE SUNDLUN ON THE OCCASION OF HIS 90TH BIRTHDAY

Senator Connors requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Connors moves passage, seconded by Senator Algieri.

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

Also:

Senate Resolution No. 2074

BY Senator Levesque C

ENTITLED, SENATE RESOLUTION EXPRESSING OUR CONDOLENCES ON THE PASSING OF MIEP GIES

Senator Levesque requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Levesque moves passage, seconded by Senators Miller, Perry, Sheehan, Fogarty and Metts.

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 Maselli announces that the Committee on Rules will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

RECESS

Upon motion of Senator Ruggerio, seconded by Senator Levesque, and upon suggestion of Senator Levesque, the Senate stands at recess at 4:35 o'clock P.M. in memory of Miep Gies.

CALLED TO ORDER

The Senate is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, on Thursday, January 21, 2010, at 4:34 o'clock P.M.

ADJOURNMENT

Upon motion of Senator Connors, seconded by Senator Algieri, the Senate adjourns at 4:35 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix**INVOCATION****SENATOR MARC A. COTE**

Gracious God, we are grateful for the assurance of Your presence, available at all times, dependable in all circumstances, bracing when we need correction, and inspiring when we need courage. Amen

Appendix

CONSENT CALENDAR

IN ORDER FOR THURSDAY, JANUARY 21, 2010:

1. 2010-S 2075

BY Tassoni

ENTITLED, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE
PASSING OF CARL A. HOULE

Ordered to be placed on the Consent Calendar

2. 2010-S 2076

BY Tassoni

ENTITLED, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE
PASSING OF JOHN DEANGELIS

Ordered to be placed on the Consent Calendar