

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 fourth day of January in the year of Our Lord two thousand and eleven.

Volume 138, No.23

Tuesday, March 22, 2011

Twenty-third 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 4:14 o'clock P.M.

The roll is called and a quorum is declared present with 37 Senators present and 1 Senator absent as follows:

PRESENT – 37: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Cote, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

ABSENT – 1: Senator Crowley.

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 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 of the Twenty-second Legislative Day of the 2011 proceedings is read in part.

Upon suggestion of Senator Sosnowski 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 ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE**

March 21, 2011

Mr. Joseph R. Brady
Secretary of the Senate
State House, Room 145
Providence, RI 02903

Dear Secretary Brady:

I would like to take this opportunity to respectfully request that the following bill be withdrawn at the sponsor's request. The legislation I would like to have withdrawn is 2011 Senate Bill 007. I appreciate your assistance in this matter. If you have any questions, please feel free to contact me.

Sincerely,

John J. Tassoni
Senator—District 22

Read and ordered to be placed on file.

NEW BUSINESS

Senate Resolution No. 708

BY Senator Tassoni

ENTITLED, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF ROBERT WINFIELD {LC2236/1}

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

Also:

Senate Resolution No. 709

BY Senators Gallo, Miller, Lanzi

ENTITLED, SENATE RESOLUTION HONORING FRANCIS "FRANK" J. FLYNN ON THE OCCASSION OF HIS RETIREMENT AS AN EDUCATOR FROM THE CRANSTON SCHOOL SYSTEM {LC2271/1}

Senator Gallo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Gallo moves passage, seconded by Senators Algieri and Ruggerio.

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

Also:

Senate Resolution No. 710

BY Senators Metts, DaPonte

ENTITLED, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF GEORGE S. LIMA, SR. {LC2227/1}

Senator Metts requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Metts moves passage, seconded by Senators Algieri, Ruggerio, Goodwin, DaPonte, Miller, McCaffrey, Jabour, Sosnowski, DiPalma, Lanzi, Lynch and Hodgson.

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

Also:

Senate Resolution No. 711

BY Senator Kettle

ENTITLED, SENATE RESOLUTION RECOGNIZING AND COMMENDING SEAN PHILLIP TOOMEY UPON ACHIEVING SCOUTING'S MOST DISTINGUISHED HONOR, THE RANK OF EAGLE SCOUT {LC2251/1}

Senator Kettle requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Kettle moves passage, seconded by Senators Algieri, Ruggerio, Maher and Moura.

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

Also:

Senate Resolution No. 712

BY Senators Paiva Weed, DiPalma

ENTITLED, SENATE RESOLUTION CONGRATULATING JAMES L. WINTERS ON RECEIVING THE 2011 PAUL F. MURRAY CIVITAS AWARD {LC2257/1}

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

Also:

Senate Resolution No. 713**BY** Senators Paiva Weed, DiPalma**ENTITLED**, SENATE RESOLUTION CONGRATULATING VINCENT ARNOLD ON RECEIVING THE 2011 FENIAN AWARD {LC2267/1}

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

Also:

Senate Resolution No. 714**BY** Senators Felag, Walaska, Ciccone, Pichardo, Ottiano**ENTITLED**, SENATE RESOLUTION PROCLAIMING SATURDAY, MARCH 26, 2011 AS A "DAY OF CARING" IN THE STATE OF RHODE ISLAND {LC2266/1}

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

CALENDAR**IN ORDER FOR TUESDAY, MARCH 22, 2011:****1. 2011-S 21 SUB A as amended****BY** Tassoni**ENTITLED**, AN ACT RELATING TO TOWNS & CITIES -- RHODE ISLAND COMPREHENSIVE PLANNING AND LAND USE ACT

Committee on Housing & Municipal Government recommends indefinite postponement of the original bill and passage of Substitute A as amended.

Senator Tassoni moves passage, seconded by Senator Maher.

Senator Tassoni seconded by Senators DeVall, Doyle, and DiPalma offers the following written motion to amend.

F L O O R A M E N D M E N T

TO

2011 -- S 21 SUBSTITUTE A, As Amended

AN ACT RELATING TO TOWNS & CITIES -- RHODE ISLAND COMPREHENSIVE PLANNING AND LAND
USE ACT

Madam President:

I hereby move to amend 2011 -- S 21 SUBSTITUTE A, As Amended, entitled "AN ACT RELATING TO

TOWNS & CITIES -- RHODE ISLAND COMPREHENSIVE PLANNING AND LAND USE ACT", as follows:

(1) On page 14, line 5, after the numbers "22.2-6", by deleting the letter "(c)" and inserting in place thereof the letter "(b)".

(2) On page 19, line 20, by deleting the language "embody" and by inserting in place thereof the language "embodies".

(3) On page 24, line 25, after the numbers "45-22.2-6", by inserting the letter "(b)" before the number "(11)".

(4) On page 24, line 26, after the numbers "45-22.2-6", by inserting the letter "(b)" before the number "(12)".

(5) On page 25, line 16, after the numbers "45-22.2-6", by deleting the letter "(c)" and inserting thereof the letter "(b)".

(6) On page 25, line 33, after the language "or" by deleting the language "in the case of subdivision (f)(4)".

Respectfully submitted,
SENATOR TASSONI

The motion to amend prevails upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 37: The Honorable President Paiva Weed and Senators Algiere, Bates, Ciccone, Cote, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Tassoni moves passage of the act, as amended, seconded by Senators DiPalma and Doyle.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 37: The Honorable President Paiva Weed and Senators Algiere, Bates, Ciccone, Cote, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

2. 2011-S 63

BY Fogarty P

ENTITLED, AN ACT RELATING TO THE TOWN OF BURRILLVILLE -
VALIDATING AND RATIFYING AMENDMENTS TO HOME RULE
CHARTER

Committee on Housing & Municipal Government recommends passage.

Senator Fogarty moves passage, seconded by Senator Tassoni.

The act is read and passed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 37: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Cote, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

3. 2011-S 112

BY Walaska

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - WARWICK
SEWER AUTHORITY

Committee on Housing & Municipal Government recommends passage.

Upon suggestion of Senator Tassoni and without objection, seconded by Senators Lynch and Walaska and without objection, ordered to be placed on the desk.

4. 2011-S 159

BY Cote

ENTITLED, AN ACT RELATING TO TAXATION - PROPERTY SUBJECT TO
TAXATION - WOONSOCKET

Committee on Housing & Municipal Government recommends passage.

Senator Cote moves passage, seconded by Senators Picard, Lombardo, Sheehan, Tassoni and Moura.

The act is read and passed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 37: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Cote, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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 Felag announces that the Committee on Finance will meet today, at the rise of the Senate, in Room 211 of the State House.

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

Senator Lynch announces that the Committee on Special Legislation and Veterans' Affairs will meet tomorrow, at the rise of the Senate, in Room 211 of the State House.

ADJOURNMENT

Upon motion of Senator Goodwin, seconded by Senator DaPonte, and upon suggestion of Senator Metts the Senate adjourns at 4:32 o'clock P.M. in memory of George S. Lima, Sr.

JOSEPH R. BRADY
Secretary of the Senate

Appendix**INVOCATION****SENATOR V. SUSAN SOSNOWSKI**

We give thanks to you, Lord, for all the wonderful gifts you have bestowed upon us. We ask you to help each one of us become more aware of our responsibilities in caring for all life on this beautiful planet. Amen.

Appendix**CONSENT CALENDAR****IN ORDER FOR WEDNESDAY, MARCH 23, 2011:****1. 2011-S 708****BY Tassoni****ENTITLED, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE
PASSING OF ROBERT WINFIELD**

Ordered to be placed on the Consent Calendar.

2. 2011-S 712**BY Paiva Weed****ENTITLED, SENATE RESOLUTION CONGRATULATING JAMES L. WINTERS
ON RECEIVING THE 2011 PAUL F. MURRAY CIVITAS AWARD**

Ordered to be placed on the Consent Calendar.

3. 2011-S 713**BY Paiva Weed****ENTITLED, SENATE RESOLUTION CONGRATULATING VINCENT ARNOLD
ON RECEIVING THE 2011 FENIAN AWARD**

Ordered to be placed on the Consent Calendar.

4. 2011-S 714**BY Felag****ENTITLED, SENATE RESOLUTION PROCLAIMING SATURDAY, MARCH 26,
2011 AS A "DAY OF CARING" IN THE STATE OF RHODE ISLAND**

Ordered to be placed on the Consent Calendar.

Appendix

CALENDAR

IN ORDER FOR WEDNESDAY, MARCH 23, 2011:

1. 2011-S 142

BY Sosnowski

**ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION -
SEPARATION OF POWERS - COASTAL RESOURCES
MANAGEMENT COUNCIL**

Committee on Environment & Agriculture recommends passage.