

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.8

Thursday, January 22, 2009

Eighth 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 4:12 o'clock P.M.

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

PRESENT – 37: 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 – 1: Senator Sheehan

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Seventh Legislative Day of the 2009 proceedings is read in part.

Upon suggestion of Senator Picard, 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**

January 22, 2009

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

Dear President Paiva Weed:

Please accept this letter as notification that I will be unable to attend Senate Session on Thursday, January 22, 2009. Thank you.

Sincerely,

James C. Sheehan
Senator – District 36

Read and ordered to be placed on file.

NEW BUSINESS**Senate Bill No. 56**

BY Senator Lanzi

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- RIGHTS OF NURSING HOME PATIENTS (would require nursing home administrators to report abuse of residents to the state police or the police department of the municipality where the abuse occurred.)

Read and referred to the Senate Committee on Health and Human Services.

Also:

Senate Bill No. 57

BY Senators Walaska, Bates, Felag

ENTITLED, AN ACT RELATING TO INSURANCE -- MANDATED BENEFITS (would require a mandated benefit review by the health insurance commissioner or any mandated benefit introduced after January 1, 2010, contingent on the review being paid for by health care providers authorized to do business in this state.)

Read and referred to the Senate Committee on Health and Human Services.

Also:

Senate Bill No. 58

BY Senators Bates, Walaska, Ruggerio, Goodwin, Fogarty P

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - REGISTRATIONS OF VEHICLES (would authorize and permit the administrator of the DMV to enter into agreements with local professional sports teams to issue special logo plates, & to auction specific numbers with the proceeds going to charity.)

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

Also:

Senate Bill No. 59

BY Senators Walaska, Bates

ENTITLED, AN ACT RELATING TO EDUCATION - HEALTH AND SAFETY OF PUPILS (makes school bus monitors optional for secondary and middle school students.)

Read and referred to the Senate Committee on Education.

Also:

Senate Bill No. 60

BY Senators Blais, Cote, Maher, Raptakis

ENTITLED, AN ACT RELATING TO EDUCATION - - MANDATES (would require that educational mandates be fully funded or else unenforceable.)

Read and referred to the Senate Committee on Education.

Also:

Senate Bill No. 61

BY Senators Walaska, Bates, Felag

ENTITLED, AN ACT RELATING TO TAXATION -- LOCAL REAL PROPERTY ASSESSMENT (would reduce the frequency of updated real estate revaluation from one every three (3) years to one every five (5) years for the post transition periods.)

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

Also:

Senate Bill No. 62

BY Senators Blais, Raptakis

ENTITLED, AN ACT RELATING TO HIGHWAYS (would require the use of granite curbs in any highway project of over five hundred feet in the town of Coventry.)

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

Also:

Senate Bill No. 63

BY Senators DiPalma, Walaska

ENTITLED, AN ACT RELATING TO THE TOWN OF MIDDLETOWN

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

Also:

Senate Bill No. 64

BY Senators Fogarty P, Gallo, Goodwin

ENTITLED, AN ACT RELATING TO THE TOWN OF GLOCESTER

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

Also:

Senate Bill No. 65

BY Senator Lanzi

ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION -- DUTIES OF DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Read and referred to the Senate Committee on Environment and Agriculture.

Also:

Senate Bill No. 66

BY Senator Walaska

ENTITLED, AN ACT RELATING TO EDUCATION

Read and referred to the Senate Committee on Labor.

Also:

Senate Bill No. 67

BY Senators Walaska, Bates

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES

Read and referred to the Senate Committee on Labor.

Also:

Senate Bill No. 68

BY Senators Walaska, Bates

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- PAYMENT OF WAGES

Read and referred to the Senate Committee on Labor.

Also:

Senate Bill No. 69

BY Senators Fogarty P, Gallo, Goodwin, DeVall, Doyle

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- SALES

Read and referred to the Senate Committee on Corporations.

Also:

Senate Bill No. 70

BY Senators Cote, Picard

ENTITLED, AN ACT RELATING TO TAXATION -- TAX CLASSIFICATION

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 71

BY Senators Walaska, Bates

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES - RETIREMENT

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 72

BY Senator Walaska

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES - RETIREMENT SYSTEM - CONTRIBUTION AND BENEFITS

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 73

BY Senator Metts

ENTITLED, AN ACT RELATING TO PUBLIC FINANCE -- STATE BUDGET

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 74

BY Senators Crowley, Sosnowski, Goodwin, Lynch, Levesque C

ENTITLED, AN ACT RELATING TO TAXATION -- CLOTHING SALES

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 75 (by request)

BY Senators Tassoni, Doyle, McBurney

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MOTOR FUEL TAX

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 76

BY Senators Blais, Miller, Maher

ENTITLED, AN ACT RELATING TO TAXATION - PERSONAL INCOME TAX

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 77

BY Senators Fogarty P, Gallo, Goodwin

ENTITLED, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE - UNCLAIMED INTANGIBLE AND TANGIBLE PROPERTY

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 78

BY Senators Blais, Maher

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF HUMAN SERVICES

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 79

BY Senator Walaska

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- ACCIDENTS AND ACCIDENT REPORTS

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 80

BY Senators Bates, Algiere, Blais, Maher

ENTITLED, AN ACT RELATING TO ELECTIONS - ELECTION/VOTING EQUIPMENT AND SUPPLIES -- PARTY LEVERS

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 81

BY Senators Bates, Algiere, Blais, Maher, O'Neill

ENTITLED, AN ACT RELATING TO ELECTIONS -- CONDUCT OF ELECTION AND VOTING EQUIPMENT AND SUPPLIES

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 82

BY Senators Bates, Algiere, McCaffrey

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS-DIVORCE AND SEPARATION

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 83

BY Senators Maselli, Walaska, Fogarty P, Jabour, Picard

ENTITLED, AN ACT RELATING TO ELECTIONS - VOTER IDENTIFICATION

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 84

BY Senators Maselli, Doyle, Jabour, Picard, Miller

ENTITLED, AN ACT RELATING TO ELECTIONS -- ELECTIVE MEETINGS

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 85

BY Senators Perry, Sosnowski, Miller, DeVall, Doyle

ENTITLED, AN ACT RELATING TO ELECTIONS -- REGISTRATION OF VOTERS

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 86

BY Senators Perry, Miller, Sosnowski, Metts, Levesque C

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- SENTENCE AND EXECUTION

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 87

BY Senators Perry, Sosnowski, Pichardo, Miller, Bates

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- INFORMED CONSENT FOR ABORTION

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 88

BY Senator Blais

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- BOARD OF MEDICAL LICENSURE AND DISCIPLINE

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 89

BY Senators Blais, Cote, Maher, O'Neill

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 90

BY Senators Blais

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- MEDICAL MALPRACTICE

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Resolution No. 91

BY Senator Cote

ENTITLED, SENATE RESOLUTION CONGRATULATING ROGER BOUCHARD ON BEING NAMED "CITIZEN OF THE YEAR" BY THE KIWANIS CLUB OF WOONSOCKET

Senator Cote requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Cote moves passage, seconded by Senator Picard.

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, DaPonte, Devall, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

Senate Resolution No. 92

BY Senators Miller, Paiva-Weed, Connors, McBurney, McCaffrey

ENTITLED, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF THE HONORABLE ALBERT E. DEROBIO

Senator Miller requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Miller moves passage, seconded by the entire Senate.

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

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 7, 2009

TO THE HONORABLE, THE SECRETARY OF STATE:

I have the honor to inform you that in accordance with the provisions of Section 42-45-2 of the Rhode Island General Laws, I have made the following reappointment to the Historical Preservation and Heritage Commission:

Dr. Patrick M. Malone of Barrington

for a term expiring June 1, 2010.

To this reappointment, 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 7, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-45-2 of the Rhode Island General Laws, I have made the following reappointment to the Historical Preservation and Heritage Commission:

Dr. E. Pierre Morenon of Providence

for a term expiring June 1, 2011.

To this reappointment, 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 7, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-45-2 of the Rhode Island General Laws, I have made the following reappointment to the Historical Preservation and Heritage Commission:

Dr. Ronald J. Onorato of Newport

for a term expiring June 1, 2010.

To this reappointment, 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 7, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-28.3-2 of the Rhode Island General Laws, I have made the following reappointment to the Fire Safety Code Board of Appeals:

**James B. Jackson of West Warwick
(Labor Representative)**

for a term expiring March 1, 2014.

To this appointment, 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 7, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Public Law 2003 Chapter 344, I have made the following reappointment to the East Providence Waterfront District Commission:

Jacob Harpootian of East Providence
(expertise in the field of commercial real estate development)

for a term expiring March 31, 2012.

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

Sincerely,



Donald L. Carcieri
Governor

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

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE

January 7, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 28-5-8 of the Rhode Island General Laws, I have made the following reappointment to the Commission for Human Rights:

Nancy Kolman Ventrone of Jamestown

for a term expiring July 1, 2013.

To this reappointment, I 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 7, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 4-13-1.3 of the Rhode Island General Laws, I have made the following appointment to Rabies Control Board:

David A. Holden
SPCA Representative

VICE
Kristine Powell
(resigned)

for a term expiring September 1, 2011.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Environment and Agriculture.

Also:

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

January 7, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-99-4 of the Rhode Island General Laws, I have made the following appointment to the Convention Center Authority:

Letitia Carter of Providence

VICE
Marianne Corr
(resigned)

for a term expiring June 30, 2010.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Finance.

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 Room 310 of the State House.

ADJOURNMENT

Upon motion of Senator Connors, seconded by Senator Doyle, and upon suggestion of Senator Picard, the Senate adjourns at 4:24 o'clock P.M. in memory of the Honorable Roger R. Badeau former State Senator from Woonsocket.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR ROGER A. PICARD

O Lord, The God of mercies, Grant unto the soul of your servant Senator Roger Badeau this anniversary of whose death we are keeping, A place of solace, A place of peaceful rest, A place of glorious light.
Amen.