

**State of Rhode Island and Providence Plantations**

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**Journal of the Senate**

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**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.**

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Volume 136, No.13

Wednesday, February 4, 2009

Thirteenth Legislative Day

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The Senate meets pursuant to adjournment and is called to order by the Honorable M. Teresa Paiva Weed, Madam President of the Senate, at 4:13 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, Fogarty, Gallo, Goodwin, Jabour, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

**ABSENT** – 2: Senator Lanzi, Lenihan.

**INVOCATION**

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

(See Appendix for Invocation)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**GUESTS**

Upon suggestion of Senator McBurney and by unanimous consent, the Honorable President, welcomes to the Chamber Charlie Nikou.

**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**

February 3, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-16.1-6 of the Rhode Island General Laws, I have made the following reappointment to the Labor and Training Board of Review:

**Nathaniel J. Rendine Esquire  
Representative of Labor**

for a term expiring February 1, 2015.

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**

February 3, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-17.7-3 of the Rhode Island General Laws, I have made the following appointment as Hearing Officer in the Division of Administrative Adjudication in the State Department of Environmental Management:

**David M. Spinella of North Providence**

VICE  
Mary F. McMahon  
(retired)

for a term expiring March 1, 2012.

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**

February 2, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-6-3 of the Rhode Island General Laws, I have made the following appointment as the Director of Administration:

**Gary S. Sasse of East Greenwich**

VICE  
Jerome Williams

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

Sincerely,



Donald L. Carcieri  
Governor

Read and referred to the Committee on Finance

Also:

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

February 3, 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:

**Charles F. Brown, IV**  
Representing the Department of Environmental Management

VICE

Lori Gibson

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.

### NEW BUSINESS

#### **Senate Resolution No. 165**

**BY** Senators Pichardo, Paiva-Weed, DaPonte, Connors, Metts

**ENTITLED**, SENATE RESOLUTION CONGRATULATING PRESIDENT BARACK OBAMA ON HIS INAUGURATION AS THE 44TH PRESIDENT OF THE UNITED STATES OF AMERICA

Senator Connors requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Connors moves passage, seconded by Senator Pichardo.

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

Also:

#### **Senate Bill No. 166**

**BY** Senators Cote, Picard, Bates, Lenihan, O'Neill E

**ENTITLED**, AN ACT RELATING TO ELECTIONS -- INITIATIVE AND REFERENDUM

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

Also:

#### **Senate Resolution No. 167**

**BY** Senators Cote, Picard, Bates, Lenihan, O'Neill E

**ENTITLED**, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (INITIATIVE AND REFERENDUM)

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

Also:

#### **Senate Resolution No. 168**

**BY** Senators Tassoni, Ruggerio, McBurney, Ciccone

**ENTITLED**, JOINT RESOLUTION URGING THE UNITED STATES CONGRESS TO LIFT THE FEDERAL BAN ON SPORTS WAGERING

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

Also:

**Senate Bill No. 169**

**BY** Senators Tassoni, McBurney, Ruggerio, Ciccone

**ENTITLED**, AN ACT RELATING TO SPORTS, RACING AND ATHLETICS -- RHODE ISLAND YOUTH SPORTS OVERSIGHT COUNCIL

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

Also:

**Senate Resolution No. 170**

**BY** Senator Doyle

**ENTITLED**, JOINT RESOLUTION CREATING A SPECIAL JOINT COMMISSION TO STUDY THE EDUCATION OF CHILDREN WITH AUTISM IN THE STATE OF RHODE ISLAND

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

Also:

**Senate Bill No. 171**

**BY** Senator McBurney

**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - UNIFORM RELOCATION EXPENSES

Read and referred to the Senate Committee on Corporations

Also:

**Senate Bill No. 172**

**BY** Senators Walaska, Bates, Felag, Sosnowski, McCaffrey

**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- WHEELCHAIR ACCESSIBLE TAXICABS

Read and referred to the Senate Committee on Corporations

Also:

**Senate Bill No. 173**

**BY** Senators Walaska, Lynch, McCaffrey

**ENTITLED**, AN ACT RELATING TO EDUCATION - HEALTH AND SAFETY OF PUPILS

Read and referred to the Senate Committee on Education

Also:

**Senate Bill No. 174**

**BY** Senator Levesque C

**ENTITLED**, AN ACT RELATING TO TAXATION

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 175**

**BY** Senator Levesque C

**ENTITLED**, AN ACT RELATING TO TAXATION -- ESTATE AND TRANSFER TAXES -- LIABILITY AND COMPUTATION

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 176**

**BY** Senators Sosnowski, Sheehan

**ENTITLED**, AN ACT RELATING TO EDUCATION - UNIVERSITY OF RHODE ISLAND

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 177**

**BY** Senators Ciccone, Tassoni, McCaffrey, Ruggerio, McBurney

**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 178**

**BY** Senators Metts, Pichardo, Jabour, Crowley, Levesque C

**ENTITLED**, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 179**

**BY** Senators Ciccone, Tassoni, Ruggiero, Jabour  
**ENTITLED**, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 180**

**BY** Senator Levesque C

**ENTITLED**, AN ACT RELATING TO EDUCATION - SCHOOL COMMITTEES AND SUPERINTENDENTS

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 181**

**BY** Senators Tassoni, McBurney, Ciccone

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

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 182**

**BY** Senator Levesque C

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- RI COORDINATES HEALTH PLANNING ACT OF 2006

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 183**

**BY** Senator McBurney

**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIC PROCEDURE - COURTS - TRAFFIC TRIBUNAL

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 184**

**BY** Senator McBurney

**ENTITLED**, AN ACT RELATING TO TAXATION -- ESTATE AND TRANSFER TAXES

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 185**

**BY** Senators Perry, Goodwin, McCaffrey, Pichardo, Sosnowski  
**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS -- THE EDWARD O. HAWKINS AND  
THOMAS C. SLATER MEDICAL MARIJUANA ACT

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

Also:

**Senate Bill No. 186**

**BY** Senators Perry, Sosnowski, Sheehan, Algieri, Maher  
**ENTITLED**, AN ACT RELATING TO INSURANCE -- AUTHORIZING BINDING ARBITRATION  
WHEN HOSPITALS AND COMMERCIAL HEALTH INSURERS BARGAIN TO IMPASSE

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

Also:

**Senate Bill No. 187**

**BY** Senator Levesque C  
**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY

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

Also:

**Senate Bill No. 188**

**BY** Senator Levesque C  
**ENTITLED**, AN ACT RELATING TO INSURANCE

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

Also:

**Senate Bill No. 189**

**BY** Senator Levesque C  
**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- PHARMACIES

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

Also:

**Senate Bill No. 190**

**BY** Senators Walaska, Lynch, McCaffrey  
**ENTITLED**, AN ACT RELATING TO HIGHWAYS

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

Also:



**Senate Bill No. 191**

**BY** Senators Sosnowski, Doyle, Felag, Tassoni, Gallo

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- FIRE SAFETY

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

Also:

**Senate Bill No. 192**

**BY** Senators Blais, Maher, Fogarty P, Cote, Goodwin

**ENTITLED**, AN ACT RELATING TO PUBLIC FINANCE -- PROHIBITING THE USE OF PUBLIC FUNDS FOR ABORTIONS

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 193**

**BY** Senators Blais, Maher, Fogarty P, Cote, Goodwin

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - ABORTION

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 194**

**BY** Senator Levesque C

**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS -- GOOD SAMARITAN OVERDOSE PREVENTION ACT

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 195**

**BY** Senators Perry, Jabour, Miller, Levesque C, Pichardo

**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- FUNERAL DIRECTOR/EMBALMER FUNERAL SERVICE ESTABLISHMENTS

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 196**

**BY** Senator Levesque C

**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- MERIT SYSTEM

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 197**

**BY** Senator Perry

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 198**

**BY** Senators Ciccone, Tassoni, Ruggerio, Jabour

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

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 199**

**BY** Senators Raptakis, Blais, Tassoni, Doyle, Maher

**ENTITLED**, AN ACT RELATING TO CRIMINALS -- CORRECTIONAL INSTITUTIONS

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 200**

**BY** Senator Levesque C

**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- GRAND JURIES

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 201**

**BY** Senators Jabour, Levesque C, DeVall, Crowley, Cote

**ENTITLED**, AN ACT RELATING TO ELECTIONS -- FEDERAL ELECTIVE OFFICERS

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 203 (by request)**

**BY** Senators Bates, O'Neill E

**ENTITLED**, AN ACT RELATING TO ELECTIONS -- POLITICAL PARTY

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 204**

**BY** Senators Sosnowski, Perry, Tassoni, DiPalma  
**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOBILE  
TELEPHONE USE

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 205**

**BY** Senators Sosnowski, Sheehan  
**ENTITLED**, AN ACT RELATING TO ELECTIONS -- ELECTIVE MEETINGS

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 206**

**BY** Senators Levesque C  
**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS - STATE RIGHTS OF  
IMMIGRANTS

02/04/2009 Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 207**

**BY** Senator Levesque C  
**ENTITLED**, AN ACT RELATING TO INSURANCE -- CAUSES OF ACTION/LIABILITY  
INSURANCE

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 208**

**BY** Senators Sosnowski, Felag, Perry, DiPalma  
**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - CHILDREN

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 209**

**BY** Senators Sosnowski, Doyle, Perry, Miller, DiPalma  
**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - RHODE ISLAND  
PROTECTION FROM SECONDHAND SMOKE FOR CHILDREN ACT OF 2009

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 210**

**BY** Senators Cote, Sheehan, Picard, Maselli, Felag  
**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 211**

**BY** Senators Ciccone, Tassoni, Ruggerio, Jabour  
**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- RESTRICTING  
RADIO FREQUENCY IDENTIFICATION DEVICES

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 212**

**BY** Senator Levesque C  
**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- ARREST

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 213**

**BY** Senator Levesque C  
**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- IDENTIFICATION AND  
APPREHENSION OF CRIMINALS

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 214**

**BY** Senator Levesque C  
**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 215**

**BY** Senator Levesque C  
**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- REGULATION OF SALES

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 216**

**BY** Senator McBurney  
**ENTITLED**, AN ACT RELATING TO FIDUCIARIES

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 217**

**BY** Senator McBurney

**ENTITLED**, AN ACT RELATING TO TAXATION -- ESTATE AND TRANSFER TAXES -- LIABILITY AND COMPUTATION

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 218**

**BY** Senator McBurney

**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURES -- PROCEDURES GENERALLY -- PROPERTY -- EXEMPTIONS

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 219**

**BY** Senators Metts, Pichardo, Jabour, Crowley

**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- THE OPEN CONTRACTING ACT

Read and referred to the Senate Committee on Labor

Also:

**Senate Resolution No. 220**

**BY** Senators Gallo, Miller, Lanzi

**ENTITLED**, SENATE RESOLUTION CONGRATULATING LINDA IDE ON HER RETIREMENT FROM THE OFFICE OF THE AUDITOR GENERAL AFTER 33 YEARS OF DEDICATED SERVICE

Read and ordered to be placed on the Senate Consent Calendar

Also:

**Senate Bill No. 221****BY** Senator Sosnowski**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF WHALE ROCK LAND COMPANY

Read and ordered to be placed on the Senate Consent Calendar

**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 tomorrow, at the rise of the Senate, in Room 211 of the State House.

Senator DeVall announces that the Committee on Housing and Municipal Government will meet tomorrow, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Connors announces that the deadline to submit bills to be drafted to Legislative Council is Tuesday, February 10<sup>th</sup>. The last day for introduction is February 12<sup>th</sup>.

**ADJOURNMENT**

Upon motion of Senator Doyle, seconded by Senator Connors, the Senate adjourns at 4:22 o'clock P.M.

JOSEPH R. BRADY  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SENATOR DENNIS L. ALGIERE**

Dear God, we ask that you be with us today in our thoughts and actions as we try to work for the benefit of all our constituents. Amen.

**Appendix**

**CONSENT CALENDAR**

**IN ORDER FOR THURSDAY, FEBRUARY 5, 2009:**

1. **2009-S 220**

**BY Gallo**

**ENTITLED,** SENATE RESOLUTION CONGRATULATING LINDA IDE ON HER RETIREMENT FROM THE OFFICE OF THE AUDITOR GENERAL AFTER 33 YEARS OF DEDICATED SERVICE

Ordered to be placed on the House Consent Calendar

2. **2009-S 221**

**BY Sosnowski**

**ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF WHALE ROCK LAND COMPANY

Ordered to be placed on the House Consent Calendar

**Joseph R. Brady**  
**Secretary of the Senate**