

**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.16

Wednesday, February 11, 2009

Sixteenth 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 4:09 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, Lanzi, Lenihan, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Picard, Pichardo, Pinga, Raptakis, Sheehan, Sosnowski, Tassoni, Walaska.

**ABSENT** – 2: Senators Perry and Ruggerio

**INVOCATION**

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

(See Appendix for Invocation)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**APPROVAL OF RECORD**

The Senate Journal's of the Fourteenth and Fifteenth Legislative Day's of the 2009 proceedings are read in part.

Upon suggestion of Senator Felag, and by unanimous consent, further reading of the Journal's are dispensed with and the Journal's approved as recorded.

## GUESTS

Upon suggestion of Senators Sosnowski and by unanimous consent, the Honorable President, welcomes to the Chamber Joel Hovanesian, a fisherman from South Kingstown.

## 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 42-102-2 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island Human Resource Investment Council:

**Mia Caetano Johnson of Warwick**  
(Representing Business)

for a term expiring January 1, 2011

To this reappointment, I 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**

February 9, 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 Director of the Department of Mental Health, Retardation and Hospitals:

**Craig Stenning**

VICE  
Ellen Nelson

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

Sincerely,



Donald L. Carcieri  
Governor

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

Also:

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

February 9, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-7.2-3 of the Rhode Island General Laws, I have made the following appointment:

**Gary D. Alexander**  
**Secretary, Office of Health and Human Services**

VICE  
Jane A. Hayward

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

Sincerely,



Donald L. Carcieri  
Governor

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

**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. 12**

**BY** Senator Miller

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES ( would allow Edward L. Rondeau to join John E. Picozzi and Laura Rogers in marriage on or about June 6, 2009 within the City of Newport, Rhode Island.)

Read and ordered to be placed on the Consent Calendar.

Also:

**Senate Bill No. 41****BY** Senators Walaska, Lynch, McCaffrey**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES ( would allow the Honorable Scott Avedisian to join Tina Marie Travis and Christopher Michael Bajakian in marriage)

Read and ordered to be placed on the Consent Calendar.

Also:

**Nomination of Dr. Patrick M. Malone (reappointment) of Barrington to the Historical Preservation and Heritage Commission for a term expiring June 1, 2010.**

Read and ordered to be placed on the Consent Calendar.

Also:

**Nomination of Dr. E. Pierre Morenon (reappointment) of Providence to the Historical Preservation and Heritage Commission for a term expiring June 1, 2011**

Read and ordered to be placed on the Consent Calendar.

Also:

**Nomination of Dr. Ronald J. Onorato (reappointment) of Newport to the Historical Preservation and Heritage Commission for a term expiring June 1, 2010**

Read and ordered to be placed on the Consent Calendar.

Also:

**Nomination of Nancy Kolman Ventrone (reappointment) of Jamestown to the Commission for Human Rights for a term expiring July 1, 2013**

Read and ordered to be placed on the Consent Calendar.

**NEW BUSINESS****House Resolution No. 5386****BY** Fox**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 Senators Doyle and Algieri.

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

### CALENDAR

#### IN ORDER FOR WEDNESDAY, FEBRUARY 11, 2009:

**1. 2009-S 53 SUB A as amended**

**BY DaPonte**

**ENTITLED, AN ACT STATE AFFAIRS AND GOVERNMENT -- THE RHODE ISLAND MEDICAID REFORM ACT**

Committee on Finance recommends indefinite postponement of the original bill and passage of Substitute A as amended.

Senator DaPonte moves passage, seconded by Senators Connors, Doyle, DeVall, Maselli, Walaska, Pichardo, Jabour, Sosnowski and Felag.

Senator DaPonte seconded by Senators Connors, Doyle and Bates, offers the following written motion to amend.

#### FLOOR AMENDMENT

TO

2009 -- S 53 SUBSTITUTE A, AS AMENDED

AN ACT STATE AFFAIRS AND GOVERNMENT -- THE RHODE ISLAND MEDICAID REFORM ACT

Madam President:

I hereby move to amend 2009 -- S 53 SUBSTITUTE A, AS AMENDED, entitled "AN ACT STATE AFFAIRS AND GOVERNMENT -- THE RHODE ISLAND MEDICAID REFORM ACT", as follows:

1. On page 2, line 29, after the word and comma "organizations," by inserting the following language: "licensed substance abuse treatment providers,".
2. On page 5, line 34, by inserting a period (.) after the word "regulations".
3. On page 6, by inserting the following language between lines 7 and 8: "(c) To ensure all services allowable for Medicare reimbursement for beneficiaries who are dually eligible, selective contractors must be willing and able to accept Medicare."

4. On page 6, line 26, by deleting the word “excluding” and inserting in place thereof the language “in addition to”.
5. On page 6, line 27, by inserting the language “and mental disabilities” after the word “disabilities”.

Respectfully submitted,  
SENATOR DAPONTE

The motion to amend prevails 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, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lenihan, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Picard, Pichardo, Pinga, Raptakis, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator DaPonte moves passage of the act, as amended, seconded by Senators Connors, Bates and DiPalma.

The act is read and passed, by unanimous consent, as amended, 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, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lenihan, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Picard, Pichardo, Pinga, Raptakis, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**2. 2009-S 127**

**BY DiPalma**

**ENTITLED, AN ACT RELATING TO THE CITY OF NEWPORT**

Committee on Housing & Municipal Government recommends passage.

Senator DiPalma moves passage, seconded by Senators Felag, Tassoni, Connors and DaPonte.

The act is read and passed, by unanimous consent, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 33: Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, Devall, DiPalma, Doyle, Felag, Fogarty, Goodwin, Jabour, Lanzi, Lenihan, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Picard, Pichardo, Pinga, Raptakis, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

## NOW PRESIDING

The Honorable Madam President yields the rostrum to the Honorable John F. McBurney III President Pro Tempore of the Senate at 4:22 o'clock P.M.

**3. 2009-S 130****BY Maher****ENTITLED,** AN ACT RELATING TO THE RATIFICATION OF THE HOME RULE CHARTER OF THE TOWN OF RICHMOND

Committee on Housing & Municipal Government recommends passage.

Senator Maher moves passage, seconded by Senators Connors and Blais

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, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lenihan, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Picard, Pichardo, Pinga, Raptakis, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**4. 2009-S 160****BY Connors****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- TRAFFIC CONTROL DEVICES

Committee on Housing & Municipal Government recommends passage.

Senator Connors moves passage, seconded by Senators Miller, DeVall, Tassoni, Doyle, McCaffrey, Goodwin, Crowley, Jabour and Metts.

The act is read and passed, by unanimous consent, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 33: Senators Algieri, Bates, Blais, Connors, Cote, Crowley, DaPonte, Devall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lenihan, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Picard, Pichardo, Pinga, Raptakis, Sheehan, 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.

**NEW BUSINESS****Senate Resolution No. 227**

**BY** Senators Sosnowski, Felag, Sheehan

**ENTITLED**, JOINT RESOLUTION RESPECTFULLY REQUESTING THE NATIONAL MARINE FISHERIES SERVICE TO SUSPEND ITS CONSIDERATION OF THE SECRETARIAL INTERIM ACTION REGARDING THE NORTHEAST MULTISPECIES FISHERY

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sosnowski moves passage, seconded by Senator Gallo and Felag.

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

**ANNOUNCEMENTS**

Senator Goodwin announces that the Committee on Constitutional and Regulatory Issues will meet today, at the rise of the Senate, in Room 310 of the State House.

Senator Picard announces that the Committee on Corporations will meet tomorrow, at the rise of the Senate, in Room 212 of the State House.

Senator Metts announces that the Committee on Education will meet today, at the rise of the Senate, in Room 211 of the State House.

Senator Felag announces that the Committee on Environment and Agriculture will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Felag announces that the Committee on Finance will meet tomorrow, at 3:00 o'clock P.M. in Room 211 of the State House.

Senator Connors announces that the deadline to submit bills is tomorrow February 12, 2009.

**RECESS**

Upon motion of Senator Doyle, seconded by Senator Connors, and upon suggestion of Senator Metts, the Senate stands at recess at 4:32 o'clock P.M. in memory of John M. Huntley.



**CALLED TO ORDER**

The Senate is called to order by the Honorable M. Teresa Paiva Weed, Madam President of the Senate, on Thursday, February 12, 2009, at 4:13 o'clock P.M

**FROM THE HOUSE OF REPRESENTATIVES**

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

**House Resolution No. 5270**

**BY** Palumbo

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

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

Also:

**House Bill No. 5001 SUB A**

**BY** Baldelli-Hunt

**ENTITLED**, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- LICENSED ACTIVITIES (department of administration authority to post required notices in languages he or she deems appropriate. The act would also impose certain consumer protection measures upon "check cashers" by allowing customers to rescind deferred deposit transactions) {LC122/2/A}

Received and referred to the Senate Committee on Corporations

Also:

**House Bill No. 5112 SUB A as amended**

**BY** Costantino, Naughton, Slater, Giannini, Almeida

**ENTITLED**, AN ACT RELATING TO CENTERS FOR MEDICARE AND MEDICAID SERVICES WAIVER AND EXPENDITURE AUTHORITY (would authorize the implementation of the Rhode Island Global Consumer Choice Compact Demonstration subject to various restrictions that would require prior general assembly approval) {LC633/3/A}

Received and referred to the Senate Committee on Finance

Also:

**House Bill No. 5075**

**BY** Walsh

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGE ( would allow the Honorable Julia L. Aurigemma, Superior Court Judge for the State of Conn. to join Lauren M. Miller & Joel S. Orkin-Ramey in marriage at the 1661 Inn, New Shoreham, Rhode Island)

Received and referred to the Senate Committee on Judiciary

Also:

**House Bill No. 5043**

**BY** Walsh, Rice M

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow David Piper to join Rachel Mir and Christopher Piper in marriage)

Received and referred to the Senate Committee on Judiciary

Also:

**House Bill No. 5006 SUB A**

**BY** Mattiello

**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - FRAUD AND FALSE DEALING (would create the misdemeanor criminal offense of "defrauding the administration of a drug or alcohol test.") {LC183/1/A}

Received and referred to the Senate Committee on Judiciary

Also:

**House Bill No. 5072**

**BY** Ferri, Serpa, Naughton, McNamara, Gemma

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES ( would allow the Honorable Scott Avedisian, Mayor of the City of Warwick to join Tina Marie Travis and Christopher Michael Bajakian in marriage within the City of Warwick, Rhode Island)

Received and referred to the Senate Committee on Judiciary

Also:

**House Bill No. 5042**

**BY** Segal

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow Charles C. Vail to join Valerie Maine and Jordan Rosenblum in marriage)

Received and referred to the Senate Committee on Judiciary

Also:

**House Bill No. 5041**

**BY** Lally

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Kevin H. Michael to join Elizabeth Webster Coffin and Matthew Sprague Turco in marriage)

Received and referred to the Senate Committee on Judiciary

## NEW BUSINESS

**Senate Resolution No. 228****BY** Senators Maher, Algieri, Connors, Bates, Cote**ENTITLED**, SENATE RESOLUTION HONORING SENATOR KEVIN A. BREENE FOR HIS SERVICE TO THE PEOPLE OF THE STATE OF RHODE ISLAND

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

Also:

**Senate Bill No. 229****BY** Senators Walaska, Bates**ENTITLED**, AN ACT RELATING TO INSURANCE -- LIFE SETTLEMENTS ACT ( would create comprehensive standards in the establishment and administration of life settlements contracts.)  
{LC1017/1}

Read and referred to the Senate Committee on Corporations

Also:

**Senate Bill No. 230****BY** Senator McCaffrey**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- RETAIL SALE OF GASOLINE ( would mandate retailers of gasoline to maintain a compressed air pump at no cost to a consumer during business hours.)

Read and referred to the Senate Committee on Corporations

Also:

**Senate Bill No. 231****BY** Senators Bates, Sosnowski, Walaska, Algieri, Miller**ENTITLED**, AN ACT RELATING TO INSURANCE - FIRE INSURANCE POLICIES AND RESERVES ( would provide for the application of the hurricane deductible for losses in Block Island from hurricane force sustained winds reported by the national weather service.)

Read and referred to the Senate Committee on Corporations

Also:

**Senate Bill No. 232****BY** Senators DiPalma, Felag, Levesque C, Connors, DeVall**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- ESTABLISHING A GREEN BUILDINGS ACT ( would require all public buildings, inc. schools, to be constructed or

renovated, to meet standards established by the US Green Building Council Leadership in Energy & Env. Design green building rating silver standard.)

Read and referred to the Senate Committee on Environment and Agriculture

Also:

**Senate Bill No. 233**

**BY** Senator Felag

**ENTITLED**, AN ACT RELATING TO EDUCATION -- COOPERATIVE SERVICE AMONG SCHOOL DISTRICTS ( would reorganize & reconstitute the educational collaboratives in this state. Also make certain exemptions for the DeBlois School in regard to administrative & financial functions.)

Read and referred to the Senate Committee on Education

Also:

**Senate Bill No. 234**

**BY** Senators Maselli, Doyle

**ENTITLED**, AN ACT RELATING TO EDUCATION ( would transfer the Johnston school department from the Providence vocational area to the William E. Davies vocational area.)

Read and referred to the Senate Committee on Education

Also:

**Senate Bill No. 235**

**BY** Senators DiPalma, Paiva-Weed, Walaska, McBurney, Levesque C

**ENTITLED**, AN ACT RELATING TO TAXATION -- SALES AND USE TAX--LIABILITY AND COMPUTATION ( would authorize Newport to pursue collection against delinquent hotel & motel taxpayers in the same manner as the city is permitted to collect delinquent property taxes.) {LC1120/1}

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 236**

**BY** Senator McCaffrey

**ENTITLED**, AN ACT RELATING TO TAXATION - SALES AND USE TAXES - - LIABILITY AND COMPUTATION ( would prohibit the lessor of a leased motor vehicle from charging a lessee any sales or use tax on that portion of lease payment that is comprised of taxes payable by the lessor on the leased motor vehicle.)

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 237**

**BY** Senators Algieri, Maher

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- DIVISION OF MOTOR VEHICLES ( would require the administrator of the division of motor vehicles to maintain an office in Westerly and that it be open for at least three (3) days per week.)

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 238**

**BY** Senator Maselli

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - RHODE ISLAND RESOURCE RECOVERY CORPORATION ( would make land leased by the resource recovery corporation to a private entity subject to taxation by the municipality within which it is located.)

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 239**

**BY** Senators Felag, McBurney

**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - MOTOR CARRIERS OF PROPERTY ( would increase the diesel price emergency surcharge from three dollars (\$3.00) to five dollars (\$5.00).)

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 240**

**BY** Senators Pichardo, Felag, Tassoni, Raptakis, Perry

**ENTITLED**, AN ACT RELATING TO TAXATION -- SALES AND USE TAXES -- LIABILITY AND COMPUTATION

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 241**

**BY** Senators Sosnowski, Perry, Miller, Blais, Crowley

**ENTITLED**, AN ACT RELATING TO TAXATION - OPTIONAL LOCAL SALES AND USE TAX ON SUGAR SWEETENED BEVERAGES ( would authorize cities and towns to impose an additional local sales tax on sugar sweetened beverages not to exceed twenty percent (20%).)

Read and referred to the Senate Committee on Finance

Also:

**Senate Bill No. 242** (Lieutenant Governor)

**BY** Senators Perry, Miller, Sheehan, Crowley, Sosnowski

**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES -- MEDICAL ASSISTANCE--LONG-TERM CARE AND FINANCE REFORM ( would amend certain provisions relative to medical assistance, long-term care service and finance reform.) {LC1087/1}

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

Also:

**Senate Bill No. 243**

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

**ENTITLED**, AN ACT RELATING TO INSURANCE -- INDIVIDUAL HEALTH INSURANCE COVERAGE ( would expand the definition of eligible individual as it relates to guaranteed availability of coverage by health insurers to include someone whose COBRA coverage was terminated.)

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

Also:

**Senate Bill No. 244**

**BY** Senators Algieri, Maher

**ENTITLED**, AN ACT RELATING TO INSURANCE -- REIMBURSEMENT RATE DISCLOSURE ( would require all health insurers to disclose the reimbursement rate to hospitals in Rhode Island for medical services, equipment & other associated costs.)

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

Also:

**Senate Bill No. 245**

**BY** Senator Levesque C

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY ( would add a new chapter on the prevention and supervision of contagious diseases, specifically HIV/AIDS and make technical amendments affected by that new chapter.)

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

Also:

**Senate Bill No. 246**

**BY** Senators Maher, Algieri

**ENTITLED**, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES ( would permit the town of Exeter to assess and tax new real estate construction as completed after the assessment date on a pro rata basis.)

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

Also:

**Senate Bill No. 247****BY** Senators Crowley, Connors, DeVall**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- SEWER CHARGES ( would make the lien for sewage charges, previously granted only to specified municipalities, a law of general application.)

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

Also:

**Senate Bill No. 248****BY** Senator Levesque C**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- PHYSICIAN ASSISTANTS

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 249** (Secretary of State)**BY** Senators Jabour, Perry, Paiva-Weed, Bates, McBurney**ENTITLED**, AN ACT RELATING TO ELECTIONS - PARTY COMMITTEES AND CONVENTIONS ( would require state committees of political parties to nominate candidates, when none had filed before the deadline, in the same location where the original declaration of candidacy should have filed) {LC1171/1}

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 250****BY** Senators Levesque C, Metts, Pichardo, Perry, Crowley**ENTITLED**, AN ACT RELATING TO PROPERTY (would impose an immediate 180 day moratorium on foreclosures and actions for evictions of tenants of foreclosed property)

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 251****BY** Senators McCaffrey, Walaska, Crowley**ENTITLED**, AN ACT RELATING TO ELECTIONS -- NOMINATION OF PARTY AND INDEPENDENT CANDIDATES (would provide local boards of canvassers with nomination papers for local candidates and a certification process for nomination papers for local candidates through the use of the central voter registration system)

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 252**

**BY** Senators McCaffrey, Walaska, Crowley

**ENTITLED**, AN ACT RELATING TO ELECTIONS -- VOTING DISTRICTS AND OFFICIALS

(would require a local board of canvassers to divide the town, representative district, or ward into voting districts, to increase the size of voting districts from 1,900 voters to 3,000 voters to be served by the polling place)

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 253**

**BY** Senators O'Neill E, Jabour, Cote, Maher, Pinga

**ENTITLED**, AN ACT RELATING TO ELECTIONS -- STATEWIDE REFERENDA ELECTIONS

(would provide a procedure for arguments for and against ballot measures to be printed in the voter handbooks distributed to each resident's address prior to each general election) {LC1125/1}

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 254** (by request)

**BY** Senator Cote

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

GENERALLY (would reduce the statutory interest in civil actions from twelve percent (12%) to six percent (6%) {LC1020/1}

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 255**

**BY** Senator McCaffrey

**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- THEFT, EMBEZZLEMENT,

FALSE PRETENSES, AND MISAPPROPRIATION (would punish a person guilty of a larceny upon a person 65 years old or older with a fine of not more than \$50,000, or 3 times the value of the property, imprisonment of up to 25 years, or both)

Read and referred to the Senate Committee on Judiciary

Also:



**Senate Bill No. 256****BY** Senator McCaffrey**ENTITLED**, AN ACT RELATING TO PROPERTY -- RECORDING OF INSTRUMENTS ( act would require a fee of ten dollars (\$10.00) to be paid in order to release a lis pendens filed by bailbondsmen)

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 257****BY** Senator McCaffrey**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY - INSURANCE (would provide that when a person commences an action for injuries to the person in a timely manner, and service against the insured tortfeasor is returned marked "non est inventus" and filed with the court within six (6) months)

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 258****BY** Senators Bates, Blais, Maher, Felag, Fogarty P**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - OPEN MEETINGS (would make public notice of school committee meetings in newspapers optional)

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 259** (by request)**BY** Senator Cote**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE IN PARTICULAR ACTIONS - JOINT AND SEVERAL LIABILITY (would limit liability of a tortfeasor to only several damages if it is found that the defendant is no more than twenty-five percent (25%) liable) {LC1019/1}

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 260****BY** Senators McCaffrey, Walaska, Crowley**ENTITLED**, AN ACT RELATING TO ELECTIONS - VOTING DISTRICTS AND OFFICIALS (would consolidate various provisions of the general laws regarding the election or appointment of moderators and clerks in various municipalities)

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 261**

**BY** Senators DiPalma, Sosnowski, Gallo, Felag, Levesque C

**ENTITLED**, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE - COLLECTION AND MANAGEMENT OF DECEDENTS' ESTATES (would allow any executor or administrator of an estate to donate a conservation easement on real estate to obtain the benefit of a federal state tax exclusion)

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 262**

**BY** Senators Felag, DiPalma, McBurney

**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- SEXUAL OFFENDER REGISTRATION (would require sexual offender registration and public notification upon conviction regardless of the status of any appeal)

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 263**

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

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- SUSPENSION OR REVOCATION OF LICENSES (would require the license plates of a vehicle be confiscated if the owner was arrested for driving while their license was suspended, revoked or cancelled)

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 264**

**BY** Senators Raptakis, Maselli, Blais, Tassoni, Sosnowski

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MOTOR VEHICLE OFFENSES ( would increase the penalties for those convicted of driving under the influence, resulting in death and driving under the influence, resulting in serious bodily injury.)

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 265**

**BY** Senator Paiva-Weed

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES ( would allow Mark Mckee to join Christina Conarroe and Brian Gould in marriage within the City of Newport, Rhode Island)

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 266**

**BY** Senator Paiva-Weed

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

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 267**

**BY** Senators Raptakis, Maselli, Blais, Tassoni, Sosnowski

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- DRIVING UNDER THE INFLUENCE OF LIQUOR OR DRUGS ( would create a 10 year look back permit for every violation of driving under the influence 1st conviction.)

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 268**

**BY** Senator Maselli

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - RHODE ISLAND RESOURCE RECOVERY CORPORATION

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 269**

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

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- SUSPENSION OR REVOCATION OF LICENSES (would make it a felony to operate a motor vehicle when an individual's license to operate is suspended/ revoked/cancelled for operating under the influence or refusing to submit to a chemical test)

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 270****BY** Senators DiPalma, Sosnowski, Gallo, Felag, Levesque C**ENTITLED**, AN ACT RELATING TO FIDUCIARIES -- TRUSTEE POWERS (would expand the powers of a trustee to allow them to donate a conservation easement on any real property in order to obtain the benefit of the state tax exclusion)

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 271****BY** Senators Lynch, Connors, Levesque C, Miller, Perry**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS -- FAMILY COURT (would allow for a divorce in this state whether or not the parties would have been eligible to marry in RI so long as the marriage or domestic relationship is recognized elsewhere)

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 272****BY** Senators Doyle, Connors, McCaffrey**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - FRAUD AND FALSE DEALING (act would create the misdemeanor criminal offense of "defrauding the administration of a drug or alcohol test")

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 273** (by request)**BY** Senator Tassoni**ENTITLED**, AN ACT RELATING TO INSURANCE -- MEDICAL HEALTH INSURANCE CONTINUATION ACT (would set a three (3) year limit for former spouses to be able to receive health plan coverage through their ex-spouse's coverage) {LC1021/1}

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 274****BY** Senators McCaffrey, Gallo**ENTITLED**, AN ACT RELATING TO CRIMINALS - CORRECTIONAL INSTITUTIONS ( would change the title of the executive secretary of the parole board to administrator)

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 275**

**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))

Read and referred to the Senate Committee on Judiciary

Also:

**Senate Bill No. 276**

**BY** Senators McCaffrey, Walaska

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- RHODE ISLAND ECONOMIC DEVELOPMENT CORPORATION (would require the director and all board members of the Rhode Island Airport Corporation to receive the advice and consent of the senate prior to service) {LC1103/1}

Read and referred to the Senate Committee on Judiciary

**ADJOURNMENT**

Upon motion of Senator Doyle, seconded by Senator Connors, the Senate adjourns at 4:23 o'clock P.M.

JOSEPH R. BRADY  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SENATOR WALTER S. FELAG, JR.**

Almighty God, help us through the stresses and strains of the day by granting us your serenity and peace. Amen.

**Appendix****CONSENT CALENDAR****IN ORDER FOR THURSDAY, FEBRUARY 12, 2009:****1 Nomination of Dr. Patrick M. Malone (reappointment) of Barrington to the Historical Preservation and Heritage Commission for a term expiring June 1, 2010.**

Committee on Judiciary recommends that the Senate give its Advice and Consent to this nomination.

**2 Nomination of Dr. E. Pierre Morenon (reappointment) of Providence to the Historical Preservation and Heritage Commission for a term expiring June 1, 2011.**

Committee on Judiciary recommends that the Senate give its Advice and Consent to this nomination.

**3 Nomination of Dr. Ronald J. Onorato (reappointment) of Newport to the Historical Preservation and Heritage Commission for a term expiring June 1, 2010.**

Committee on Judiciary recommends that the Senate give its Advice and Consent to this nomination.

**4 Nomination of Nancy Kolman Ventrone (reappointment) of Jamestown to the Commission for Human Rights for a term expiring July 1, 2013.**

Committee on Judiciary recommends that the Senate give its Advice and Consent to this nomination.

**5 2009-S 12****BY Miller****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

**6 2009-S 41****BY Walaska****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

**JOSEPH R. BRADY**  
**Secretary of the Senate**