

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.24

Wednesday, March 11, 2009

Twenty-fourth 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 4:14 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, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 1: Senator Raptakis

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Twenty-third Legislative Day of the 2009 proceedings is read in part.

Upon suggestion of Senator Fogarty and by unanimous consent, further reading of the Journal is dispensed with and the Journal approved as recorded.

GUESTS

Upon suggestion of Senators Fogarty and Blais and by unanimous consent, the Honorable President, welcomes to the Chamber students from Ponagansett, Natasha Viveiros, Samantha Fiore, Mariah Lamontagne, Andrew Macaruso, Ben LoPiccolo, Dakota Horton, Liz Thacker, Sarah Berthiaume, Heather St. Pierre, Emily Descoteaux, teacher Erin McGinnis, teacher Tara Vilanova and Deb Guadagno.

Upon suggestion of Senators Pichardo and Cote and by unanimous consent, the Honorable President, welcomes to the Chamber Mr. Joseph Le of Woonsocket.

**REPORTS OF COMMITTEES
COMMITTEE ON FINANCE**

Senator DaPonte from the Committee on Finance, reports back, with recommendation of passage of the following measure:

House Bill No. 5112 SUB B

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) {LC633/1/B}

Read and ordered to be placed on the Calendar

COMMITTEE ON JUDICIARY

Senator McCaffrey from the Committee on Judiciary, reports back, with recommendation of passage of the following measures:

Senate Bill No. 373 as amended

BY Senators Lynch, Connors

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- ACCIDENTS AND ACCIDENT REPORTS (would include in the sanctions for failing to stop for an accident resulting in property damage a sentence of up to one year in prison, in addition to the sanctions currently in effect) {LC1449/1}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 591 SUB A (Transportation)

BY Senator Bates

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - CHILD RESTRAINTS {LC1330/1/A}

Read and ordered to be placed on the Calendar.

NEW BUSINESS

Senate Bill No. 788

BY Senators Connors, DaPonte, Maselli

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

Read and referred to the Senate Committee on Judiciary.

CALENDAR**IN ORDER FOR WEDNESDAY, MARCH 11, 2009:**

Senate Majority Leader Connors orders that Items 2,3,4 be placed on tomorrow's Calendar.

1 Nomination of Craig Stenning (appointment) VICE Ellen Nelson as Director of the Department of Mental Health, Retardation and Hospitals.

Committee on Health & Human Services recommends that the Senate give its Advice and Consent to this nomination.

Senator Perry requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Maher moves passage, seconded by Senators Pichardo, Jabour, Walaska, DeVall, O'Neill, Bates, Blais, Algieri, McCaffrey, Goodwin, Miller, DaPonte, Perry, Fogarty Sheehan, Sosnowski and Felag.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 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, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

GUESTS

Upon suggestion of Senators Maher and by unanimous consent, the Honorable President welcomes to the Chamber newly appointed Director of the Department of Mental Health, Retardation and Hospitals Craig Stenning, wife Jane Morgan, son Trefor Woronov, daughter Carys Woronov, daughter Sian Morgan, son Michael Stenning, Connoe Cirelli, Tom Martin, Becky Boss, John Murray.

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.

GUESTS

Upon suggestion of Senator Perry and by unanimous consent, the Honorable President welcomes to the Chamber Gary Alexander, Director of Health and Human Services.

Upon suggestion of Senator Tassoni and by unanimous consent, the Honorable President welcomes to the Chamber Corinne Calise Russo, Director of Elderly Affairs.

ANNOUNCEMENTS

Senator Picard announces that the Committee on Corporations will meet on Tuesday, March 17, 2009, at the rise of the Senate, in Room 212 of the State House.

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

ADJOURNMENT

Upon motion of Senator Doyle seconded by Senator Connors the Senate adjourns at 4:32 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR PAUL W. FOGARTY

Dear God, we ask you today to grant us the strength and confidence to make the decisions that will be of the greatest benefit to our citizens. We are eternally grateful to have the opportunity to serve the people of our state, and therefore, serve you. Amen.

Appendix

CALENDAR

IN ORDER FOR THURSDAY, MARCH 12, 2009:

1. 2009-S 493
BY Walaska
ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION -
REGULATION OF BOATS

Committee on Environment & Agriculture recommends passage.

2. 2009-S 378
BY Sosnowski
ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -
REAL ESTATE SALES DISCLOSURES

Committee on Judiciary recommends passage.

3. 2009-S 561
BY Paiva-Weed
ENTITLED, AN ACT RELATING TO PROPERTY TAX RELIEF IN THE TOWN
OF JAMESTOWN

Committee on Housing & Municipal Government recommends passage.

IN ORDER FOR TUESDAY, MARCH 17, 2009:

1. 2009-S 373 as amended
BY Lynch
ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
ACCIDENTS AND ACCIDENT REPORTS

Committee on Judiciary recommends passage as amended.

2. 2009-S 591 SUB A
BY Bates
ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - CHILD
RESTRAINTS

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A.

3. 2009-H 5112 SUB B
BY Costantino
ENTITLED, AN ACT RELATING TO CENTERS FOR MEDICARE AND
MEDICAID SERVICES WAIVER AND EXPENDITURE
AUTHORITY

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