

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.31

Wednesday, April 1, 2009

Thirty-first 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 4:50 o'clock P.M.

The roll is called and a quorum is declared present with 38 Senators present and 0 Senators absent as follows:

PRESENT – 38: 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 – 0:

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

Upon suggestion of Senator DaPonte, 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**

April 1, 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 today, Wednesday, April 1, 2009, due to a family illness. Thank you.

Sincerely,

James C. Sheehan
Senator – District 36

Read and ordered to be placed on file.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 5956

BY Jackson

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Maria Z. Mossaides, Esq. to join Jeanne M. Napolitano and Thomas J. Rupprecht in marriage within the City of Newport, Rhode Island on or about April 18, 2009) {LC2138/1}

Senator McCaffrey requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator McCaffrey moves passage, seconded by Senators Algieri, Connors, Levesque and Jabour.

The act is read and passed, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: 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.

NAYS- 0:

REPORTS OF COMMITTEES

TRANSFER OF BILLS

Senator Miller, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Corporations, to the Committee on Health and Human Services:

Senate Bill No. 471

BY Senator Doyle

ENTITLED, AN ACT RELATING TO INSURANCE - ACCIDENT AND SICKNESS INSURANCE POLICIES (would make changes to health insurance contracts as it pertains to nurse practitioners.)
{LC1896/1}

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

REPORTS OF COMMITTEES COMMITTEE ON JUDICIARY

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

Senate Bill No. 602

BY Senator Paiva-Weed

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - JAMESTOWN JUVENILE HEARING BOARD (would allow the town of Jamestown to establish a juvenile hearing board.)

Read and ordered to be placed on the Calendar.

NEW BUSINESS

Senate Resolution No. 839

BY Senator Cote

ENTITLED, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF ADRIEN N. CAGNON {LC2377/1}

Senator Cote requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Cote moves passage, seconded by Senators Algieri, Metts and Picard.

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

Also:

Senate Resolution No. 840

BY Senator McBurney

ENTITLED, SENATE RESOLUTION PROCLAIMING APRIL 1, 2009 AS "RHODE ISLAND SCHOLARSHIP ADVOCATES DAY" IN THE STATE OF RHODE ISLAND {LC2387/1}

Senator McBurney requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator McBurney moves passage, seconded by Senators Connors and Algieri.

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

SUSPENSION OF RULES

Senate Majority Leader Connors asks the Senate suspend 7.18 of the rules.

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, Levesque, Lynch, Maher, Maselli, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pinga, Raptakis, Ruggiero, Sosnowski, Tassoni, Walaska.

NAYS- 0:

RECONSIDERATION

Senate Resolution No. 792 SUB A as amended

BY Senator Maselli

ENTITLED, SENATE RESOLUTION ADOPTING THE RULES OF THE SENATE {LC2225/1/A}

Senator Maselli seconded by Senators Ruggiero, Algieri, Connors and Blais, offers the following written motion to amend.

FLOOR AMENDMENT

2009 -- S 792 SUBSTITUTE A AS AMENDED

AN ACT ADOPTING THE RULES OF THE SENATE

Mr. President:

I hereby move to amend 2009 -- S 792 SUBSTITUTE A AS AMENDED, entitled "AN ACT ADOPTING THE RULES OF THE SENATE", as follows:

On page 1, by deleting in the title the words "AN ACT" and substituting in place thereof the words "SENATE RESOLUTION".

Respectfully submitted,
SENATOR MASELLI

The motion to amend prevails 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, Lenihan, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pinga, Raptakis, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Maselli moves passage of the act, as amended, seconded by Senators Ruggerio, Algieri, Connors and Blais.

The act is read and passed, by unanimous consent, as amended, 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, Lenihan, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pinga, Raptakis, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 0:

CALENDAR

IN ORDER FOR WEDNESDAY, APRIL 1, 2009:

1. **2009-S 20**

BY Picard

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

Committee on Education recommends passage.

Senator Picard moves passage, seconded by Senators Gallo, Cote, McCaffrey, Connors, Walaska and Jabour.

The act is read and passed, upon a roll call vote with 35 Senators voting in the affirmative and 1 Senator 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, Perry, Picard, Pinga, Raptakis, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 1: Senator Levesque

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 Lynch announces that the Committee on Constitutional and Regulatory Issues will meet today, at the rise of the Senate, in Room 313 of the State House.

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

Senator Felag announces that the Committee on Environment and Agriculture will meet today, at the rise of the Senate, in Room 310 of the State House.

Senator Lenihan announces that the Committee on Government Oversight will meet today, at the rise of the Senate, in Room SB27 of the State House.

Senator Levesque announces that the Committee on Health and Human Services will meet today, at the rise of the Senate, in Room 212 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 Room 310 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.

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

GUESTS

Upon suggestion of Senator Jabour and by unanimous consent, the Honorable President, welcomes to the Chamber the family of Senator Pinga, his wife, Jill Pinga and his daughter Michaela Pinga.

RECESS

Upon motion of Senator Doyle, seconded by Senator Algieri and Connors, and upon suggestion of Senator Cote, the Senate stands at recess at 5:07 o'clock P.M. in memory of Adrien N. Cagnon.

CALLED TO ORDER

The Senate is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, on Thursday, April 2, 2009, at 4:08 o'clock P.M.

COMMITTEE ON CONSTITUTIONAL AND REGULATORY ISSUES

Senator Goodwin, from the Committee on Constitutional and Regulatory Issues, reports back, with recommendation of passage of the following measures:

Senate Bill No. 23 SUB A as amended

BY Senator Tassoni

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- DOGS
{LC9/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 24

BY Senators Tassoni, McBurney, DiPalma, DeVall

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- REGULATION
OF VICIOUS DOGS

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 800

BY Senators Walaska, Lynch, McCaffrey

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- DOGS (would
increase the fines for violations of the dog ordinances in the City of Warwick.) {LC2219/1}

Read and ordered to be placed on the Calendar.

COMMITTEE ON GOVERNMENT OVERSIGHT

Senator Lenihan, from the Committee on Government Oversight, reports back, with recommendation of passage of the following measures:

Senate Bill No. 398

BY Senators Lenihan, Connors, Sheehan, Sosnowski, Ciccone

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS (would prohibit waiver of the bonding requirements on contractors awarded contracts in excess of fifty thousand dollars by the department of transportation or department of administration) {LC1418/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 530

BY Senators Lenihan, Connors, Sheehan, Sosnowski, Ciccone

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES (would prohibit waiving the bond requirements under chapters 37-12 & 37-13 to contractors awarded contracts in excess of \$50,000 by the DOT or DOA or by any state, city or town agency. This act would take effect upon passage.) {LC1416/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 531

BY Senators Lenihan, Connors, Sheehan, Sosnowski, Ciccone

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS (would prohibit the waiver of the bonding requirement on contracts for public works in excess of fifty thousand dollars (\$50,000).) {LC1415/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 678 SUB A

BY Senators Lenihan, Sheehan

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - STATE PURCHASES (would permit the property committee to hire or consult outside experts) {LC1417/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 683 SUB A

BY Senator Lenihan

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - STATE PURCHASES (would require that determinations made regarding state purchases be in detail and made available to the public) {LC1421/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 829 as amended

BY Senators Lenihan, Blais, Ciccone, Levesque C, Sosnowski

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES {LC2279/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 830

BY Senators Sheehan, Levesque C, Blais, Lenihan, Ciccone

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - STATE PURCHASES {LC2278/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 837 as amended

BY Senators Lenihan, Ciccone, Sheehan, Levesque C, Sosnowski

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES {LC2273/1}

Read and ordered to be placed on the Calendar.

ADJOURNMENT

Upon motion of Senator Doyle, seconded by Senator Connors and Algieri the Senate adjourns at 4:09 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATE DANIEL DAPONTE

Lord, please bestow Your special blessings on all assembled in this chamber. Help us to always bear in mind that the people who have elected us to serve them have placed their trust in our capabilities; may we serve them well in the ways which You have taught us. Amen.

Appendix

CALENDAR

IN ORDER FOR TUESDAY, APRIL 7, 2009:

1 2009-S 23 SUB A as amended**BY Tassoni****ENTITLED,** AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY
-- DOGS

Committee on Constitutional & Regulatory Issues recommends indefinite postponement of the original bill and passage of Substitute A as amended.

2 2009-S 24**BY Tassoni****ENTITLED,** AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY --
REGULATION OF VICIOUS DOGS

Committee on Constitutional & Regulatory Issues recommends passage.

3 2009-S 800**BY Walaska****ENTITLED,** AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY
-- DOGS

Committee on Constitutional & Regulatory Issues recommends passage.

4 2009-S 398**BY Lenihan****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS

Committee on Government Oversight recommends passage.

5 2009-S 530**BY Lenihan****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
STATE PURCHASES

Committee on Government Oversight recommends passage.

6 2009-S 531**BY Lenihan****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS

Committee on Government Oversight recommends passage.

7 2009-S 678 SUB A**BY Lenihan****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -
STATE PURCHASES

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

8 2009-S 683 SUB A**BY Lenihan****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -
STATE PURCHASES

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

9 2009-S 829 as amended**BY Lenihan****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
STATE PURCHASES

Committee on Government Oversight recommends passage as amended.

10 2009-S 830**BY Sheehan****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -
STATE PURCHASES

Committee on Government Oversight recommends passage.

11 2009-S 837 as amended**BY Lenihan****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
STATE PURCHASES

Committee on Government Oversight recommends passage as amended.

12 2009-S 602**BY Paiva-Weed****ENTITLED,** AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -
COURTS - JAMESTOWN JUVENILE HEARING BOARD

Committee on Judiciary recommends passage.

Joseph R. Brady
Secretary of the Senate