

## 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.38

Tuesday, April 28, 2009

Thirty-eighth 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 4:28 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 Maselli, to deliver the invocation.

(See Appendix for Invocation)

### PLEDGE OF ALLEGIANCE TO THE FLAG

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

### NEW BUSINESS

**Senate Resolution No. 893**

**BY** Senators Tassoni, Maselli, Fogarty P

**ENTITLED**, SENATE RESOLUTION CREATING A SPECIAL SENATE TASK FORCE TO DEVELOP A PLAN FOR THE UTILIZATION OF ELEANOR SLATER HOSPITAL TO DISSEMINATE PRESCRIPTION DRUGS TO STATE AND MUNICIPAL WORKERS {LC2554/1}

Senator Tassoni requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

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

Also:

**Senate Resolution No. 894**

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

**ENTITLED**, SENATE RESOLUTION HONORING MARY FERRAZZOLI ON THE DEDICATION OF THE MARY FERRAZZOLI PARK ON MAY 2, 2009 {LC2520/1}

Senator DiPalma requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

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

Also:

**Senate Resolution No. 895**

**BY** Senators DiPalma, Paiva-Weed

**ENTITLED**, SENATE RESOLUTION CONGRATULATING DAVID P. LEYS OF MIDDLETOWN FOR BEING CHOSEN THE "CITIZEN OF THE YEAR" BY THE NEWPORT LODGE OF ELKS #104 {LC2496/1}

Senator DiPalma requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

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

### CONSENT CALENDAR

In order for the day is taken up as follows:

- 1 Nomination of Ronald J. Gibson (appointment) (Public Member) of East Greenwich VICE Daniel Varin (resigned) to the Water Resources Board, for a term expiring March 1, 2012.**

**2 Nomination of Samuel H. Kitchell (appointment) (Representative of a Large Water User) of East Greenwich VICE Jon Schock to the Water Resources Board, for a term expiring March 1, 2011..**

**3 Nomination of Jon Schock (appointment) (Public Member) of East Greenwich VICE Ian Y. Morrison (resigned) to the Water Resources Board, for a term expiring March 1, 2012..**

Upon motion of Senator Connors, seconded by Senator Algieri, the following measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 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.

NAYS- 0:

#### CALENDAR

##### IN ORDER FOR TUESDAY, APRIL 28, 2009:

**1. 2009-S 811**

**BY Tassoni**

**ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- GENERAL POWERS

Committee on Housing & Municipal Government recommends passage.

Upon suggestion of Senator Tassoni and without objection, ordered to be placed on the Calendar for Tuesday, May 5, 2009.

**2. 2009-S 211**

**BY Ciccone**

**ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- RESTRICTING RADIO FREQUENCY IDENTIFICATION DEVICES

Committee on Judiciary recommends passage.

Senator Ciccone moves passage, seconded by Senators Levesque, McCaffrey and O'Neill.

Senator Ciccone seconded by Senators Levesque, McCaffrey and O'Neill, offers the following written motion to amend.

#### FLOOR AMENDMENT

2009 -- S 211

AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- RESTRICTING RADIO FREQUENCY IDENTIFICATION DEVICES

Madam President:

I hereby move to amend 2009 -- S 211, entitled "AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- RESTRICTING RADIO FREQUENCY IDENTIFICATION DEVICES", as follows:

On page 2, between lines 11 and 12, by adding the following language:

"(e) Nothing contained herein shall be construed to prohibit a school's use of RFID in the case of a student with special needs where:

(1) It is determined that there is no less restrictive alternative available to monitor the student's movement in order to prevent elopement;

(2) The use of RFID has been agreed to by both the school and the student's parent(s) or legal guardian;

(3) The use of RFID technology is included in the student's individual education plan; and

(4) The student's parent(s) or legal guardian have been provided information about the benefits and limits of the technology in tracking a student who has eloped."

Respectfully submitted,  
SENATOR CICCONE

The motion to amend prevails upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 37: The Honorable President Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, Crowley, 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:

Senator Ciccone moves passage of the act, as amended, seconded by Senator O'Neill.

Senators Blais and O'Neill discuss the act.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 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.

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.

### **ANNOUNCEMENTS**

Senator Felag announces that the Committee on Finance will meet on Thursday, April 30, 2009, at 2:00 o'clock P.M. in Room 211 of the State House.

Senator Lenihan announces that the Committee on Government Oversight will meet on Thursday, April 30, 2009, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Sheehan announces that the Committee on Health and Human Services will meet tomorrow, at the rise of the Senate, in the Senate Lounge of the State House.

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

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

### **ADJOURNMENT**

Upon motion of Senator DaPonte, seconded by Senator Ruggerio, and upon suggestion of Senator DaPonte, the Senate adjourns at 4:40 o'clock P.M. in memory Lois Ann Castro, she was the wife of former Rhode Island State Senator, William A. Castro.

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

**Appendix**

**INVOCATION**

**SENATOR CHRISTOPHER B. MASELLI**

Lord, we ask you to show us our place in this chamber, to define our duties, to direct our energies for the common good, and to always guide us as we work. Amen.

## Appendix

## CALENDAR

## IN ORDER FOR WEDNESDAY, APRIL 29, 2009:

1. 2009-S 107

BY Jabour

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -  
LOCATION OF GAS REGULATORS AND GAS METERS

Committee on Corporations recommends passage.

2. 2009-S 108

BY DiPalma

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --  
SOLICITATION BY CHARITABLE ORGANIZATIONS

Committee on Corporations recommends passage.

3. 2009-S 473 SUB A

BY Gallo

ENTITLED, AN ACT RELATING TO INSURANCE -- CASUALTY INSURANCE  
RATINGS

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

4. 2009-S 724

BY Doyle

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- CHECK  
CASHING

Committee on Corporations recommends passage.

5. 2009-S 125

BY McCaffrey

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --  
FUNERAL DIRECTORS

Committee on Health & Human Services recommends passage.

6. 2009-S 185

BY Perry

ENTITLED, AN ACT RELATING TO FOOD AND DRUGS -- THE EDWARD O.  
HAWKINS AND THOMAS C. SLATER MEDICAL MARIJUANA  
ACT

Committee on Health & Human Services recommends passage.

7. **2009-S 756**

**BY DiPalma**

**ENTITLED,** AN ACT RELATING TO LITTLE COMPTON AGRICULTURAL CONSERVANCY TRUST

Committee on Housing & Municipal Government recommends passage.

8. **2009-S 539 SUB A**

**BY Paiva-Weed**

**ENTITLED,** AN ACT RELATING TO INSURANCE - SMALL EMPLOYER HEALTH INSURANCE

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

9. **2009-S 704 SUB A**

**BY Sosnowski**

**ENTITLED,** AN ACT RELATING TO IN AMENDMENT OF AND IN ADDITION TO THE ACT, PASSED AT THE JANUARY SESSION, A.D. 1883, ENTITLED "AN ACT TO INCORPORATE THE UNION FIRE DISTRICT OF SOUTH KINGSTOWN", AS AMENDED

Committee on Housing & Municipal Government recommends indefinite postponement of the original bill and passage of Substitute A.

10. **2009-S 140**

**BY Perry**

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

Committee on Judiciary recommends passage.

11. **2009-S 162**

**BY Connors**

**ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - THE CIVIL RIGHTS ACT OF 1990

Committee on Judiciary recommends passage.

12. **2009-S 218**

**BY McBurney**

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

Committee on Judiciary recommends passage.



**13. 2009-S 257****BY McCaffrey****ENTITLED,** AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -  
PROCEDURE GENERALLY - INSURANCE

Committee on Judiciary recommends passage.

**14. 2009-S 311****BY Lynch****ENTITLED,** AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -  
PROCEDURE GENERALLY - FEES

Committee on Judiciary recommends passage.

**15. 2009-S 416****BY Sosnowski****ENTITLED,** AN ACT RELATING TO CRIMINAL PROCEDURE - SEARCH  
WARRANTS - MOTOR VEHICLE OFFENSES

Committee on Judiciary recommends passage.

**16. 2009-H 5179****BY Driver****ENTITLED,** AN ACT RELATING TO THE RATIFICATION OF THE HOME  
RULE CHARTER OF THE TOWN OF RICHMOND

Committee on Housing &amp; Municipal Government recommends passage in concurrence.

**17. 2009-H 5182****BY Ruggiero****ENTITLED,** AN ACT RELATING TO THE TOWN OF MIDDLETOWN

Committee on Housing &amp; Municipal Government recommends passage in concurrence.

**IN ORDER FOR TUESDAY, MAY 5, 2009:****1. 2009-S 811****BY Tassoni****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- GENERAL  
POWERS

Committee on Housing &amp; Municipal Government recommends passage.