

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.39

Wednesday, April 29, 2009

Thirty-ninth 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 4:24 o'clock P.M.

The roll is called and a quorum is declared present with 37 Senators present and 1 Senator absent as follows:

PRESENT – 37: The Honorable President Paiva Weed and Senators Algieri, 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 – 1: Senator Bates

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.

APPROVAL OF RECORD

The Senate Journal's of the Thirty-seventh and Thirty-eighth Legislative Day's of the 2009 proceedings are read in part.

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

GUESTS

Upon suggestion of Senator Jabour and by unanimous consent, the Honorable President, welcomes to the Chamber Jessica Jennings, Kari Lang, Tod Damon, Robyn Ericson and Will Touret.

COMMUNICATION

The Honorable President presents the following communication:

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

April 28, 2009

Honorable M. Teresa Paiva Weed
President of the Senate
318 State House
Providence, RI 02903

Dear Madam President:

Please be advised that I will be out of town on business on Wednesday and Thursday, April 29 and 30, 2009 and thus, will be absent from the Senate sessions. I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you for your attention to this matter.

Sincerely,

David E. Bates
DEPUTY MINORITY LEADER

Read and ordered to be placed on file.

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**

April 22, 2009

TO THE HONORABLE, THE SENATE:


I have the honor to inform you that in accordance with the provisions of Section 46-28-5 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island Rivers Council:

Claudia Staniszewski of North Scituate

for a term to expire January 1, 2012.

To this reappointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Environment and Agriculture.

Also:

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

April 22, 2009

TO THE HONORABLE, THE SENATE:


I have the honor to inform you that in accordance with the provisions of Section 35-10-1 of the Rhode Island General Laws, I have made the following reappointment to the State Investment Commission:

J. Michael Costello of Providence

for a term expiring March 1, 2012.

To this reappointment, I 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**

April 22, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-55-4 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island Housing and Mortgage Finance Corporation:

Denise A. Barge of Cranston

for a term to expire July 1, 2012.

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

Sincerely



Donald L. Carcieri
Governor

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

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE

April 21, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 5-1-3 of the Rhode Island General Laws, I have made the following appointment to the Board of Examination and Registration of Architects:

David R. Prengaman, AIA of Riverside

VICE
James Carlson

for a term expiring April 1, 2011.

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

Sincerely,



Donald L. Carcieri
Governor

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

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE

April 22, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 5-1-3 of the Rhode Island General Laws, I have made the following appointment to the Board of Examination and Registration of Architects:

Christian J. Ladds, AIA of Providence

VICE
Dana Newbrook

for a term expiring April 1, 2010.

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

Sincerely,



Donald L. Carcieri
Governor

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

Also:

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

April 22, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

Russell Brown of Wakefield
(Representing Building Officials from Municipality of 20,000 - 60,000)

for a term expiring May 1, 2011.

To this reappointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

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

Also:

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

April 22, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

Allen P. Durand of Fiskville
(Representing Rhode Island Building Trades Council)

for a term expiring May 1, 2011.

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

Sincerely,



Donald L. Carcieri
Governor

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

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE

April 22, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

Robert M. Stillings of Barrington
(Representing architects)

for a term expiring May 1, 2012.

To this reappointment, I request your advice and consent.

Sincerely,
Donald L. Carcieri



Governor

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

Also:

STATE HOUSE

April 22, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

Bruce L. Davey of Warwick
(Representing structural engineers)

for a term expiring May 1, 2012.

To this reappointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

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

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE

April 22, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

Paul M. DePace, P.E. of East Greenwich
(Representing persons with disabilities)

for a term expiring May 1, 2012.

To this reappointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

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

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE

April 22, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

Donald Gagnon of Woonsocket
(Representing Minimum Housing Inspectors)

for a term expiring May 1, 2011.

To this reappointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

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

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

STATE HOUSE

April 22, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 of the Rhode Island General Laws, I have made the following reappointment to the State Building Codes Standards Committee:

Robert E. DeBlois, Jr. of Warwick
(Representing Builders)

for a term expiring May 1, 2011.

To this reappointment, I request your advice and consent.

Sincerely,



Donald L. Carcieri
Governor

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

Also:

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

April 21, 2009

TO THE HONORABLE, THE SENATE:


I have the honor to inform you that in accordance with the provisions of Section 12-1.1-4 of the Rhode Island General Laws, I have made the following reappointment to the State Crime Laboratory Commission:

Chief George L. Kelley, III of Pawtucket
(Representing the Rhode Island Police Chiefs Association)

for a term to expire January 1, 2011.

To this reappointment, 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**

April 21, 2009

TO THE HONORABLE, THE SENATE:


I have the honor to inform you that in accordance with the provisions of Section 12-1.1-4 of the Rhode Island General Laws, I have made the following reappointment to the State Crime Laboratory Commission:

Nancy R. Haley of West Kingston

for a term to expire January 1, 2011.

To this reappointment, 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**

April 21, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 12-1.1-4 of the Rhode Island General Laws, I have made the following reappointment to the State Crime Laboratory Commission:

Clay J. Choquette of Glocester

for a term to expire January 1, 2011.

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

Sincerely,
Donald L. Carcieri



Governor

Read and referred to the Committee on Judiciary.

**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. 6084 as amended

BY Corvese, Schadone, Wasylyk

ENTITLED, AN ACT AUTHORIZING THE TOWN OF NORTH PROVIDENCE TO IMPOSE A SUPPLEMENTAL TAX FOR THE FISCAL YEAR 2008-2009 {LC2405/1}

Read and ordered to be placed on the Calendar.

NEW BUSINESS

Senate Resolution No. 896

BY Senator Perry

ENTITLED, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF HELEN MATAYA GRAVES, PHD. {LC2562/1}

Senator Perry requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

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

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.

Upon suggestion of Senator Connors, and without objection, ordered to be placed on the Calendar for Wednesday, May 06, 2009.

2. **2009-S 108**

BY DiPalma

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

Committee on Corporations recommends passage.

Senator DiPalma moves passage, seconded by Senators Jabour, Cote and Crowley.

Senators Felag and DiPalma discuss the act.

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

NAYS- 0:

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.

Senator Gallo moves passage, seconded by Senators Fogarty, Miller, Metts and Jabour.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, 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, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, Devall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lenihan, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

4. 2009-S 724

BY Doyle

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

Committee on Corporations recommends passage.

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

The act is read and passed, by unanimous consent, 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, 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:

5. 2009-S 125

BY McCaffrey

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

Committee on Health & Human Services recommends passage.

Senator McCaffrey moves passage, seconded by Senators Sheehan, Walaska, Blais, Maher, Doyle and Lynch.

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, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, Devall, DiPalma, Doyle, Felag, Fogarty, Gallo, 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:

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.

Senator Perry seconded by Senators Levesque, Sheehan, Metts Miller, Ruggerio and Goodwin, offers the following written motion to amend.

F L O O R A M E N D M E N T

2009 -- S 185

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

Madam President:

I hereby move to amend 2009 -- S 185, entitled "AN ACT RELATING TO FOOD AND DRUGS -- THE EDWARD O. HAWKINS AND THOMAS C. SLATER MEDICAL MARIJUANA ACT", as follows:

1. On page 1, line 8, by deleting the figure "10" and inserting in place thereof the figure "12".
2. On page 1, line 10, by adding a comma "," after the word "materials".
3. On page 2, line 22, by deleting the word "physician" and inserting in place thereof the word "practitioner".
4. On page 2, line 26, by inserting the language: ", employee" after the language: "board member".
5. On page 3, lines 13 and 14, by deleting the language: "registered qualifying patient or a registered primary caregiver" and inserting in place thereof the word "cardholder".
6. On page 4, line 15, by adding a comma "," after the word "practitioner" and adding a comma "," after the word "nurse".
7. On page 4, lines 22 and 23, by deleting the language: "qualifying patient, or to permit a person to assist with a qualifying patient's medical use of marijuana" and by inserting in place thereof the following language: "patient with a

debilitating medical condition, or to permit a person to assist with the medical use of marijuana by a patient with a debilitating medical condition”.

8. On page 5, line 6, by deleting the figure “23” and inserting in place thereof the figure “21” and by deleting the language “(10)” and inserting in place thereof the language “(14)”.

9. On page 9, line 20, by deleting the figure “11” and inserting in place thereof the figure “12”.

10. On page 10, line 7, after the language “for a” by inserting in place thereof the language: “compassion center if a”.

11. On page 10, line 12, after the language “revoked,” by adding the word “is”.

12. On page 13, line 12, by deleting the apostrophe “ ’ ” after the word “patients”.

13. On page 15, line 4, by adding the word “an” after the word “premises”.

14. On page 15, line 22, by deleting the language: “or a primary caregiver on behalf of a qualifying patient” and inserting in place thereof the following language: “directly or through a qualifying patient’s other primary caregiver”.

15. On page 15, line 26, by deleting the following language: “primary caregiver that the compassion” and inserting in place thereof the following language: “qualifying patient’s other”.

16. On page 16, line 14, by adding the word “other” after the word “patient’s”.

Respectfully submitted,

SENATOR PERRY

Senators Felag and Levesque discuss the amendment.

The motion to amend prevails upon a roll call vote with 34 Senators voting in the affirmative and 1 Senators voting in the negative as follows:

YEAS- 34: The Honorable President Paiva Weed and Senators Algieri, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, Devall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Lanzi, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 1: Senator Jabour

Senator Perry moves passage of the act, as amended, seconded by Senators Connors, Levesque and Sheehan.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 35 Senators voting in the affirmative and 2 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, Devall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Lanzi, Lenihan, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 2: Senators Jabour, Pinga

NOW PRESIDING

The Honorable President yields the rostrum to the Honorable John F. McBurney, III President Pro Tempore of the Senate at 5:04 P.M.

CALENDAR

7. 2009-S 756

BY DiPalma

ENTITLED, AN ACT RELATING TO LITTLE COMPTON AGRICULTURAL CONSERVANCY TRUST

Committee on Housing & Municipal Government recommends passage.

Senator DiPalma moves passage, seconded by Senators Sosnowski and Tassoni.

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: Senators Algieri, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, Devall, DiPalma, Doyle, Felag, Fogarty, Gallo, Jabour, Lenihan, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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.

Senator Paiva Weed moves passage, seconded by Senators Gallo, Pichardo, O'Neill, Algieri, Ruggerio, Miller, DaPonte, Sheehan and Raptakis.

Senator Perry seconded by Senator Paiva Weed, offers the following written motion to amend.

FLOOR AMENDMENT

2009 -- S 539 SUBSTITUTE A

AN ACT RELATING TO INSURANCE - SMALL EMPLOYER HEALTH INSURANCE

Madam President:

I hereby move to amend 2009 -- S 539 SUBSTITUTE A, entitled "AN ACT RELATING TO INSURANCE - SMALL EMPLOYER HEALTH INSURANCE", as follows:

1. On page 4, line 18, by deleting the words "upon passage" and by inserting in place thereof the language " on January 1, 2010".

Respectfully submitted,
SENATOR PERRY

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, Blais, 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, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Paiva Weed moves passage of the act, as amended, seconded by Senator Perry.

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, Blais, 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:

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.

Senator Sosnowski moves passage, seconded by Senators Levesque, Miller, Connors and Tassoni.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, 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, 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:

10. 2009-S 140

BY Perry

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

Committee on Judiciary recommends passage.

Senator Perry moves passage, seconded by Senators Gallo, Levesque, McCaffrey, Miller, Jabour and Metts.

Senators Blais, Perry, Felag, McCaffrey and Raptakis discuss the act.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS- 36: The Honorable President Paiva Weed and Senators Algieri, 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- 1: Senator Blais

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.

Senator Connors moves passage, seconded by Senators Metts, Miller, Levesque and Felag.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS- 36: The Honorable President Paiva Weed and Senators Algieri, 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- 1: Senator Bates

12. 2009-S 218

BY McBurney

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

Committee on Judiciary recommends passage.

Upon suggestion of Senator McBurney and without objection, ordered to be placed on the Calendar for Thursday, May 7, 2009.

13. 2009-S 257

BY McCaffrey

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -
PROCEDURE GENERALLY - INSURANCE

Committee on Judiciary recommends passage.

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

The act is read and passed, by unanimous consent, 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, 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:

14. 2009-S 311

BY Lynch

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -
PROCEDURE GENERALLY - FEES

Committee on Judiciary recommends passage.

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

Senator Lenihan discusses the act.

Senator Lynch seconded by Senators Metts, Jabour, Connors, DeVall, Miller, Goodwin and McCaffrey, offers the following written motion to amend.

F L O O R A M E N D M E N T

2009 -- S 311

AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY - FEES

Madam President:

I hereby move to amend 2009 -- S 311, entitled "AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY - FEES", as follows:

(1.) On page 1, line 5, by deleting the language: "\$40.00" and inserting in place thereof the following language: "\$55.00".

(2.) On page 1, after line 18, by inserting the following language:

"SECTION 2. Section 10-16-4 of the General Laws in Chapter 10-16 entitled "Small Claims and Consumer Claims" is hereby amended to read as follows:

10-16-4. Filing fee -- Waiver of appeal. -- (a) The plaintiff shall pay into the court an entry fee of ~~thirty dollars (\$30.00)~~ fifty-five dollars (\$55.00), of which ~~ten dollars (\$10.00)~~ twenty dollars (\$20.00) shall be placed in a "small claims mediation fund" together with an amount equal to the then prevailing postal rate, for mailing notices in the case, which shall be deemed the beginning of the action. The "small claims mediation fund" shall be established under the control of the state court director of finance; the chief judge of the district court shall be authorized to retain the services of qualified mediators and to direct payment for such services from the "small claims mediation fund."

(b) The plaintiff shall also file with his or her claim a written waiver of right of appeal."

(3.) On page 2, line 1, by deleting the language: "SECTION 2" and inserting in place thereof the following language: "SECTION 3".

Respectfully submitted,

SENATOR MCCAFFREY

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, 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, Ruggiero, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Lynch moves passage of the act, as amended, seconded by Senators Metts, Jabour, Connors, DeVall, Miller, Goodwin and McCaffrey.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 33 Senators voting in the affirmative and 4 Senators voting in the negative as follows:

YEAS- 33: The Honorable President Paiva Weed and Senators Algieri, Ciccone, Connors, Cote, Crowley, DaPonte, Devall, DiPalma, Doyle, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lenihan, Levesque, Lynch, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 4: Senators Blais, Felag, Maher, Raptakis

15. 2009-S 416

BY Sosnowski

**ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE - SEARCH
WARRANTS - MOTOR VEHICLE OFFENSES**

Committee on Judiciary recommends passage.

Senator Sosnowski moves passage, seconded by Senators Raptakis, Crowley, Algieri, McCaffrey and Sheehan.

Senators Sheehan and Raptakis discuss the act.

The act is read and passed, by unanimous consent, 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, 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:

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 & Municipal Government recommends passage in concurrence.

Senator Maher moves passage, seconded by Senators Blais, O'Neill, Tassoni and Sheehan.

The act is read and passed, by unanimous consent, 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, 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:

17. 2009-H 5182

BY Ruggiero

ENTITLED, AN ACT RELATING TO THE TOWN OF MIDDLETOWN

Committee on Housing & Municipal Government recommends passage in concurrence.

Senator DiPalma moves passage, seconded by Senator Tassoni.

The act is read and passed, by unanimous consent, 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, 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 Lynch 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 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 Room 313 of the State House.

Senator DaPonte announces that the Committee on Finance will meet tomorrow, 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 tomorrow, at 2:00 o'clock P.M. in Room 313 of the State House.

Senator Sheehan announces that the Committee on Health and Human Services will meet today, at the rise of the Senate, in the Senate Lounge 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 212 of the State House.

GUESTS

Upon suggestion of Senator Goodwin and by unanimous consent, the Honorable President, welcomes to the Chamber Dale K. Klatzker and Neil Corkery.

Upon suggestion of Senator Pinga and by unanimous consent, the Honorable President, welcomes to the Chamber James Thomas, West Warwick Town Manager.

ADJOURNMENT

Upon motion of Senator Doyle, seconded by Senator Connors, and upon suggestion of Senator Perry, the Senate adjourns at 5:30o'clock P.M. in memory of Hellen Mataya Graves.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR DENNIS L. ALGIERE

Heavenly Father, Help us to know what to do and carry it out without fear or hesitation. Let us fear nothing except to be faithless to you while avoiding bitterness, defensiveness, or retaliation. Amen.

Appendix**CALENDAR****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 & Municipal Government recommends passage.

2. **2009-H 6084 as amended**
BY Corvese
ENTITLED, AN ACT AUTHORIZING THE TOWN OF NORTH PROVIDENCE TO IMPOSE A SUPPLEMENTAL TAX FOR THE FISCAL YEAR 2008-2009

Committee on Finance recommends passage as amended in concurrence.

IN ORDER FOR WEDNESDAY, MAY 6, 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.

IN ORDER FOR THURSDAY, MAY 7, 2009:

1. **2009-S 218**
BY McBurney
ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURES -- PROCEDURES GENERALLY -- PROPERTY -- EXEMPTIONS

Committee on Judiciary recommends passage.