

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.42

Thursday, May 7, 2009

Forty-second 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 4:16 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 Connors, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journals of the Fortieth and Forty-first Legislative Day's of the 2009 proceedings are read in part.

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

COMMUNICATION

The Honorable President presents the following communication:

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

May 13, 2009

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

Dear Madame President:

Please be advised and let the record reflect that I will be absent from the chamber on Thursday, May 7, 2009, due to illness.

I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you for your attention to this matter.

Sincerely,

Senator J. Michael Lenihan
Senate District 35

Read and ordered to be placed on file.

Also:

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

May 13, 2009

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

Dear Madam President:

Please be advised that I will be absent from the Senate Sessions on Wednesday May 6 and Thursday May 7, 2009. I will be attending a legislative conference in Washington D.C.

I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you for your attention to this matter.

Sincerely,

Senator Elizabeth A. Crowley
Senate District 16

Read and ordered to be placed on file.

**REPORTS OF COMMITTEES
COMMITTEE ON CORPORATIONS**

Senator Miller, from the Committee on Corporations, reports back, with recommendation of passage of the following measures:

Nomination of Mia Caetano Johnson (reappointment), Representing Business of Warwick to the Rhode Island Human Resource Investment Council for a term expiring January 1, 2011

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Frank Benell, Jr. (reappointment) of Providence to the Rhode Island Industrial Recreational Building Authority for a term expiring February 1, 2013

Read and ordered to be placed on the Consent Calendar.

COMMITTEE ON HOUSING AND MUNICIPAL GOVERNMENT

Senator Tassoni from the Committee on Housing and Municipal Government, reports back, with recommendation of passage of the following measures:

Nomination of Christian J. Ladds, AIA (appointment) of Providence VICE Dana Newbrook to the Board of Examiners and Registration of Architects for a term expiring April 1, 2010.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Barbara Feibelman, AIA (reappointment) of Providence to the Board of Examination and Registration of Architects, for a term expiring April 1, 2014.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of David R. Prengaman, AIA (appointment) of Riverside to the Board of Examiners and Registration of Architects for a term expiring April 1, 2011.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of John K. Grosvenor, AIA (appointment) of Newport VICE Joseph Cirillo to the Board of Examination and Registration of Architects, for a term expiring April 1, 2012.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Wilbur E. Yoder, PE (reappointment) of East Greenwich to the Board of Examination and Registration of Architects, for a term expiring April 1, 2013.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Jacob Harpootian, expertise in the field of commercial real estate development (reappointment) of East Providence to the East Providence Waterfront District Commission, for a term expiring March 31, 2012.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of James B. Jackson, Labor Representative (reappointment) of West Warwick to the Fire Safety Code Board of Appeals, for a term expiring March 1, 2014.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Jose V. Monteiro, Jr. (reappointment) of Pawtucket to the Rhode Island Housing and Mortgage Finance Corporation for a term expiring July 1, 2011

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Denise A. Barge (reappointment) of Cranston to the Rhode Island Housing and Mortgage Finance Corporation for a term expiring July 1, 2012.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Bruce L. Davey (reappointment) (Representing structural engineers) of Warwick to the State Building Codes Standards Committee for a term expiring May 1, 2012.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Donald Gagnon (reappointment) (Representing Minimum Housing Inspectors) of Woonsocket to the State Building Codes Standards Committee for a term expiring May 1, 2011.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Paul M. DePace, P.E.(reappointment) (Representing persons with disabilities) of East Greenwich to the State Building Codes Standards Committee for a term expiring May 1, 2012.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Robert E. DeBlois, Jr. (reappointment) (Representing Builders) of Warwick to the State Building Codes Standards Committee for a term expiring May 1, 2011.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Robert M. Stillings (reappointment) (Representing architects) of Barrington to the State Building Codes Standards Committee for a term expiring May 1, 2012.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Allen P. Durand (reappointment) (Representing Rhode Island Building Trades Council) of Fiskville to the State Building Codes Standards Committee for a term expiring May 1, 2011.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Russell Brown (reappointment) (Representing Building Officials from Municipality of 20,000 - 60,000 of Wakefield to the State Building Codes Standards Committee for a term expiring May 1, 2011.

Read and ordered to be placed on the Consent Calendar.

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 Resolution No. 854

BY Senators Sosnowski, Lenihan, Sheehan, Tassoni, Gallo

ENTITLED, JOINT RESOLUTION RESPECTFULLY REQUESTING THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO DEVELOP RECOMMENDATIONS FOR

ESTABLISHING A COMPREHENSIVE PRODUCT STEWARDSHIP APPROACH TO REDUCING ENVIRONMENTAL AND HEALTH RISKS POSED BY THE USE OR DISPOSAL OF PRODUCTS {LC2423/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Resolution No. 856

BY Senators Walaska, Lynch, McCaffrey

ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THAT THE GOVERNOR PRESERVE MATCHING FUNDS ALLOCATED FOR BRUSH NECK COVE DREDGING AND HABITAT RESTORATION IN THE CITY OF WARWICK {LC2311/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Resolution No. 857

BY Senators Levesque C, Perry

ENTITLED, SENATE RESOLUTION SUPPORTING THE INCREASED AWARENESS AND USE OF ADVANCE MEDICAL DIRECTIVES {LC2163/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 346

BY Senators Sheehan, Lenihan, Sosnowski

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - REGISTRATION OF VEHICLES (would allow the registry to issue special license plates for the Friends of Plum Beach Lighthouse, Inc.) {LC1697/1}

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. 324

BY Senators Maselli, Tassoni, Ciccone

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- ACTIONS BY AND AGAINST TOWNS (would require cities, towns, and fire districts to indemnify officials for claims arising out of the performance of their official duties.) {LC1179/1}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 430 (Corrections)

BY Senators Metts, Jabour, Pichardo, Goodwin, Miller

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- SENTENCE AND EXECUTION (would permit the department of corrections to release an inmate on the prior business day of their prison release date or completion of sentence if such date falls on a weekend or on a holiday) {LC1442/1}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 598

BY Senators Jabour, McCaffrey, Lynch, Maselli

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY {LC1286/1}

Read and ordered to be placed on the Calendar.

COMMITTEE ON ENVIRONMENT AND AGRICULTURE

Senator Sosnowski, from the Committee on Environment and Agriculture, reports back, with recommendation of passage of the following measure:

House Bill No. 5986

BY Fox, Fierro, Rice A, Sullivan, DaSilva

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - THE STATE ENERGY CONSERVATION CODE - ADOPTING OF CODE {LC2184/1}

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sosnowski moves passage, seconded by Senators Algieri, Sheehan, Ruggerio and Connors.

The act is read and passed, by unanimous consent, upon a roll call vote with 29 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 29: The Honorable President Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, DaPonte, Devall, DiPalma, Doyle, Fogarty, Goodwin, Levesque, Lynch, Maher, McCaffrey, Metts, Miller, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

NEW BUSINESS

Senate Resolution No. 902**BY** Senators Levesque C, Perry**ENTITLED**, SENATE RESOLUTION HONORING PORTSMOUTH ANIMAL CONTROL OFFICER BETSY HANSON FOR HER HEROIC EFFORTS IN RESCUING A DROWNING DOG {LC2581/1}

Senator Levesque requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Levesque moves passage, seconded by Senators Perry and Tassoni.

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

Also:

Senate Resolution No. 903**BY** Senators McBurney**ENTITLED**, SENATE RESOLUTION CONGRATULATING MARYELLEN BUTKE ON RECEIVING THE "PAUL V. SHERLOCK LEADERSHIP AWARD" {LC2595/1}

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.

CALENDAR

IN ORDER FOR THURSDAY, MAY 7, 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 Ruggerio, and without objection, ordered to be placed on the Calendar for Tuesday, May 12, 2009.

2. 2009-S 297 SUB A as amended**BY Sosnowski****ENTITLED, AN ACT RELATING TO FISH AND WILDLIFE - MARINE
FISHERIES COUNCIL**

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

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

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, 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: The Honorable President Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, DaPonte, Devall, DiPalma, Doyle, Fogarty, Gallo, Goodwin, Jabour, Levesque, Lynch, Maher, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

3. 2009-S 352 SUB A**BY Sosnowski****ENTITLED, AN ACT RELATING TO AGRICULTURE AND FORESTRY --
DISEASES AND PARASITES**

Committee on Environment & Agriculture recommends indefinite postponement of the original bill and passage of Substitute A.

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

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 31 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 31: The Honorable President Paiva Weed and Senators Algieri, Blais, Ciccone, Connors, Cote, DaPonte, DiPalma, Doyle, Fogarty, Gallo, Goodwin, Jabour, Levesque, Lynch, Maher, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

4. 2009-S 128**BY Blais****ENTITLED, AN ACT RELATING TO FOOD AND DRUGS - TRAFFICKING
IN DEXTROMETHORPHAN**

Committee on Health & Human Services recommends passage.

Senator Blais moves passage, seconded by Senator Levesque.

Senator Blais seconded by Senator Levesque, offers the following written motion to amend.

FLOOR AMENDMENT

2009 -- S 128

AN ACT RELATING TO FOOD AND DRUGS - TRAFFICKING IN DEXTROMETHORPHAN

Madam President:

I hereby move to amend 2009 -- S 128, entitled "AN ACT RELATING TO FOOD AND DRUGS - TRAFFICKING IN DEXTROMETHORPHAN", as follows:

(1) On page 1, line 9, by inserting the following language after the word "laws": ", and registrants under section 510 of the Federal Food, Drug, and Cosmetic Act pursuant to 21 USC 321 et seq.."

Respectfully submitted,
SENATOR BLAIS

The motion to amend prevails upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Paiva Weed and Senators Algieri, Bates, Blais, Connors, Cote, DaPonte, Devall, DiPalma, Doyle, Fogarty, Gallo, Goodwin, Jabour, Levesque, Lynch, Maher, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Blais moves passage of the act, as amended, seconded by Senator Levesque.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, DaPonte, Devall, DiPalma, Doyle, Fogarty, Gallo, Goodwin, Jabour, Levesque, Lynch, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

5. 2009-S 245 SUB A as amended

BY Levesque C

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY

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

Senator Levesque seconded by Senators Blais, Perry, Miller and Jabour, offers the following written motion to amend.

FLOOR AMENDMENT

2009 -- S 245 SUBSTITUTE A

AN ACT RELATING TO HEALTH AND SAFETY

Madam President:

I hereby move to amend 2009 -- S 245 SUBSTITUTE A, entitled "AN ACT RELATING TO HEALTH AND SAFETY", as follows:

(1) On page 31, by inserting the following language between lines 14 and 15:

"SECTION 11. Section 42-51-9 of the General Laws in Chapter 42-51 entitled "Governor's Commission on Disabilities" is hereby amended to read as follows:

42-51-9. Definitions. -- The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(1) "People with disabilities" or "individuals with disabilities" means any person who:

(i) Has a physical or mental impairment that substantially limits one or more of the person's major life activities;

(ii) Has a record of that impairment; or

(iii) Is regarded as having that impairment.

(2) "Federal and state laws protecting the rights of individuals with disabilities" means, but is not limited to, the Americans with Disabilities Act of 1990, 42 U.S.C. section 12101 et seq.; Title V of the Rehabilitation Act of 1973, 29 U.S.C. section 794; R.I. Const., art. I, section 2; the provisions of chapter 87 of title 42 and sections ~~23-6-22~~ 23-6.3-11, 37-8-15, 37-8-15.1 and 42-46-13.

(3) "State agency" means any department, division, agency, commission, board, office, bureau, council, or authority, either branch of the Rhode Island general assembly or any agency or any committee thereof, or any other agency that is in any branch of Rhode Island state government and which exercises governmental functions.

(4) "Coordinating compliance" means the authority to:

(i) Issue guidelines, directives, or instructions that are necessary to effectuate compliance with federal and state laws protecting the rights of individuals with disabilities;

(ii) Establish a grievance procedure to promptly and equitably resolve complaints of noncompliance with federal and state laws protecting the rights of individuals with disabilities involving state agencies, including the power to investigate

possible discrimination and eliminate unlawful practices by informal methods of conference, conciliation, and persuasion;

(iii) Initiate complaints against any state agency that willfully fails to comply with federal and state laws protecting the rights of individuals with disabilities to the appropriate state or federal agency; and

(iv) Develop, make periodic revisions to, and oversee the implementation of a transition plan for the removal of environmental and communication barriers in state-owned facilities.

(5) "Providing technical assistance to public and private agencies, businesses, and citizens on complying with federal and state laws protecting the rights of individuals with disabilities" means information dissemination and training designed to encourage the voluntary compliance with laws protecting the rights of individuals with disabilities; conducting disability accessibility surveys and providing advice on how to overcome any barriers to accessibility; and a mediation service to assist parties who voluntarily chose to utilize that service to resolve allegations of discrimination on the basis of disability.

(6) "Promoting on behalf of the people with disabilities and assuring, on behalf of the state, that people with disabilities are afforded the opportunities to exercise all of the rights and responsibilities accorded to citizens of this state" means the authority to act and appear on behalf of the people with disabilities to present evidence and make arguments before any federal, state or local agency or public body regarding matters pending before that agency or public body that may have an adverse effect on persons with disabilities. I hereby move to amend 2009 -- S 128, entitled "AN ACT RELATING TO FOOD AND DRUGS - TRAFFICKING IN DEXTROMETHORPHAN", as follows: (1) On page 1, line 9, by inserting the following language after the word "laws": ", and registrants under section 510 of the Federal Food, Drug, and Cosmetic Act pursuant to 21 USC 321 et seq.."

Respectfully submitted,
SENATOR BLAIS

Senators Perry, Levesque and Miller discuss the amendment.

The motion to amend prevails 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, DaPonte, Devall, DiPalma, Doyle, Fogarty, Gallo, Goodwin, Jabour, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Levesque moves passage of the act, as amended, seconded by Senators Blais , Perry, Miller and Jabour.

The act is read and passed, by unanimous consent, as amended, 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, DaPonte, Devall, DiPalma, Doyle, Fogarty, Gallo, Goodwin, Jabour, 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 247

BY Crowley

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- SEWER CHARGES

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 12, 2009.

7. 2009-S 868

BY Sheehan

ENTITLED, AN ACT AUTHORIZING THE TOWN OF NORTH KINGSTOWN TO ISSUE BONDS AND NOTES FOR AN AMOUNT NOT EXCEEDING \$10,000,000 TO FINANCE THE CONSTRUCTION OF SEWERS AND SEWERAGE SYSTEMS IN THE TOWN INCLUDING THE ACQUISITION OF LAND THEREFOR AND AUTHORIZING THE IMPOSITION OF SEWER ASSESSMENTS AND SERVICE FEES

Committee on Housing & Municipal Government recommends passage.

Senator Sheehan moves passage, seconded by Senators Sosnowski and Ciccone.

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

NAYS- 0:

8. 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 Wednesday, May 13, 2009.

9. 2009-S 204 SUB A**BY Sosnowski****ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
MOTOR VEHICLE OFFENSES**

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

Senator Sosnowski moves passage, seconded by Senators Tassoni, Gallo, Perry, Maselli, DiPalma, O'Neill, Algieri and Sheehan.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, 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, DaPonte, Devall, DiPalma, Doyle, Fogarty, Gallo, Goodwin, Jabour, 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 275 SUB A**BY McCaffrey****ENTITLED, AN ACT RELATING TO DELINQUENT AND DEPENDENT
CHILDREN**

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

Senator McCaffrey moves passage, seconded by Senators Levesque and Lynch.

The bill marked Substitute "A" is read and passed, as amended, in concurrence, and the original bill indefinitely postponed, upon a roll call vote with 28 Senators voting in the affirmative and 6 Senators voting in the negative as follows:

YEAS- 28: The Honorable President Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, DaPonte, Devall, DiPalma, Doyle, Fogarty, Gallo, Goodwin, Levesque, Lynch, Maselli, McBurney, McCaffrey, Miller, Perry, Picard, Pichardo, Pinga, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 6: Senators Jabour, Maher, Metts, O'Neill, Raptakis, Sheehan.

11. 2009-S 583 SUB A

BY Miller

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES--FOSTER
PARENTS BILL OF RIGHTS

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

Upon suggestion of Senator Miller and without objection, ordered to be placed on the Calendar for Tuesday, May 12, 2009.

12. 2009-S 595

BY Bates

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE --
NATIONAL GUARD

Committee on Judiciary recommends passage.

Senator Bates moves passage, seconded by Senators Connors, Doyle, Algieri, McCaffrey, Walaska, Jabour and Pichardo.

The act is read and passed, by unanimous consent, as amended, in concurrence, 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, DaPonte, Devall, DiPalma, Doyle, Fogarty, Gallo, Goodwin, Jabour, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

13. 2009-S 611

BY Levesque C

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

Committee on Judiciary recommends passage.

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

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, DaPonte, Devall, DiPalma, Doyle, Fogarty, Gallo, Goodwin, Jabour, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

NOW PRESIDING

The Honorable President yields the rostrum to the Honorable John F. McBurney, III President Pro Tempore of the Senate at 4:48 P.M.

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 Doyle and by unanimous consent, the Honorable President, welcomes to the Chamber Celia Gomes McGillivray, President, "RI State Nurses Association", Rebecca Patton, President, "American Nurses Association", Ann Neauville, Chair, "RI State Nurses Association", Peter Fontaine, RN, & "President of Epoch Sleep Centers", Sylvia Weber, RN & Lobbyist for "RI State Nurses Association", Donna Policastro, RN & Executive Director, "RI State Nurses Association", Linda Damon, Treasurer, RI State Nurses Association, Senator Catherine Graziano, "Member, RI State Nurses Association", Mary Dwyer, "Immediate Past President, RI State Nurses Association. And President – RI Nurses Institute."

Upon suggestion of Senator Ciccone and by unanimous consent, the Honorable President, welcomes to the Chamber former State Senator, Catherine Graziano.

Upon suggestion of Senator Sheehan and by unanimous consent, the Honorable President, welcomes to the Chamber Anne Lefex, Chris Smith and Max Winograd.

ANNOUNCEMENTS

Senator DeVall announces that the Committee on Housing and Municipal Government will meet today, at the rise of the Senate, in Room 310 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.

RECESS

Upon motion of Senator Doyle, seconded by Senator Connors, and upon suggestion of Senator Paiva Weed, the Senate stands at recess at 4:55 o'clock P.M. in memory of Stephen J. Montalbano.

CALLED TO ORDER

The Senate is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, on Tuesday, May 12, 2007, at 4:10 o'clock P.M.

NEW BUSINESS**Senate Bill No. 904**

BY Senators Algieri, Connors, Sosnowski, Perry, Lynch

ENTITLED, AN ACT RELATING TO HUMAN SERVICES -- HOSPITAL PAYMENTS (would make various changes to the provisions of the general laws pertaining to licensing fees and payments and outpatient adjustments payments.) {LC2589/1}

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 905

BY Senators Walaska, Bates, Algieri, Blais

ENTITLED, AN ACT RELATING TO TAXATION - RESIDENTIAL RENEWABLE ENERGY SYSTEM TAX CREDIT (would expand the number of solar domestic hot water heaters eligible for a residential renewable energy tax credits by qualifying solar capacity domestic hot water heaters with a minimum collector area of 34 square feet, reduced from 60 square feet.) {LC2394/1}

Read and referred to the Senate Committee on Finance

Also:

Senate Bill No. 906

BY Senators Fogarty P, Gallo

ENTITLED, AN ACT RELATING TO THE BURRILLVILLE SEWER COMMISSION {LC2512/1}

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

Also:

Senate Bill No. 907

BY Senators Doyle, Tassoni, McBurney

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY -- CAUSES OF ACTION {LC2412/1}

Read and referred to the Senate Committee on Judiciary

Also:

Senate Bill No. 908

BY Senators Ruggiero, McCaffrey, DaPonte, McBurney, Walaska

ENTITLED, AN ACT RELATING TO ELECTIONS -- CAMPAIGN CONTRIBUTIONS -- EXPENDITURES REPORTING (would raise from \$10,000 to \$15,000 the aggregate amount which a person may contribute to political candidates, political action committees, and political party committees within a calendar year.) {LC2574/1}

Read and referred to the Senate Committee on Judiciary

ADJOURNMENT

Upon motion of Senator Connors, seconded by Senator Algieri, the Senate adjourns at 4:11 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix**INVOCATION****SENATOR DANIEL P. CONNORS**

Almighty Father, Blessed are You for giving us family and friends, To be with us in times of joy and sorrow, To help us in days of need, And to rejoice with us in moments of celebration. Lord, We ask, that You grant strength to the families who have lost loved ones. May You take the souls of the departed forever into Your protection. May Your grace be with them and their families as they meet the challenges ahead. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR TUESDAY, MAY 12, 2009:

- 1 Nomination of Mia Caetano Johnson (reappointment), Representing Business of Warwick to the Rhode Island Human Resource Investment Council, for a term expiring January 1, 2011..**

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

- 2 Nomination of Frank Benell, Jr. (reappointment) of Providence to the Rhode Island Industrial Recreational Building Authority, for a term expiring February 1, 2013..**

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

- 3 Nomination of Christian J. Ladds, AIA (appointment) of Providence VICE Dana Newbrook to the Board of Examiners and Registration of Architects, for a term expiring April 1, 2010..**

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

- 4 Nomination of Barbara Feibelman, AIA (reappointment) of Providence to the Board of Examination and Registration of Architects, for a term expiring April 1, 2014..**

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

- 5 Nomination of David R. Prengaman, AIA (appointment) of Riverside to the Board of Examiners and Registration of Architects, for a term expiring April 1, 2011..**

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

- 6 Nomination of John K. Grosvenor, AIA (appointment) of Newport VICE Joseph Cirillo to the Board of Examination and Registration of Architects, for a term expiring April 1, 2012..**

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

- 7 Nomination of Wilbur E. Yoder, PE (reappointment) of East Greenwich to the Board of Examination and Registration of Architects, for a term expiring April 1, 2013..**

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

8 Nomination of Jacob Harpootian, expertise in the field of commercial real estate development (reappointment) of East Providence to the East Providence Waterfront District Commission, for a term expiring March 31, 2012..

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

9 Nomination of James B. Jackson, Labor Representative (reappointment) of West Warwick to the Fire Safety Code Board of Appeals, for a term expiring March 1, 2014..

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

10 Nomination of Jose V. Monteiro, Jr. (reappointment) of Pawtucket to the Rhode Island Housing and Mortgage Finance Corporation, for a term expiring July 1, 2011..

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

11 Nomination of Denise A. Barge (reappointment) of Cranston to the Rhode Island Housing and Mortgage Finance Corporation, for a term expiring July 1, 2012..

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

12 Nomination of Bruce L. Davey (reappointment) (Representing structural engineers) of Warwick to the State Building Codes Standards Committee, for a term expiring May 1, 2012..

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

13 Nomination of Donald Gagnon (reappointment) (Representing Minimum Housing Inspectors) of Woonsocket to the State Building Codes Standards Committee, for a term expiring May 1, 2011..

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

14 Nomination of Paul M. DePace, P.E.(reappointment) (Representing persons with disabilities) of East Greenwich to the State Building Codes Standards Committee, for a term expiring May 1, 2012..

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

15 Nomination of Robert E. DeBlois, Jr. (reappointment) (Representing Builders) of Warwick to the State Building Codes Standards Committee, for a term expiring May 1, 2011..

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

16 Nomination of Robert M. Stillings (reappointment) (Representing architects) of Barrington to the State Building Codes Standards Committee, for a term expiring May 1, 2012..

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

17 Nomination of Allen P. Durand (reappointment) (Representing Rhode Island Building Trades Council) of Fiskville to the State Building Codes Standards Committee, for a term expiring May 1, 2011..

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

18 Nomination of Russell Brown (reappointment) (Representing Building Officials from Municipality of 20,000 - 60,000) of Wakefield to the State Building Codes Standards Committee, for a term expiring May 1, 2011..

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

19. 2009-S 854

BY Sosnowski

ENTITLED, JOINT RESOLUTION RESPECTFULLY REQUESTING THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO DEVELOP RECOMMENDATIONS FOR ESTABLISHING A COMPREHENSIVE PRODUCT STEWARDSHIP APPROACH TO REDUCING ENVIRONMENTAL AND HEALTH RISKS POSED BY THE USE OR DISPOSAL OF PRODUCTS

Committee on Constitutional & Regulatory Issues recommends passage.

20. 2009-S 856

BY Walaska

ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THAT THE GOVERNOR PRESERVE MATCHING FUNDS ALLOCATED FOR BRUSH NECK COVE DREDGING AND HABITAT

RESTORATION IN THE CITY OF WARWICK

Committee on Constitutional & Regulatory Issues recommends passage.

21. **2009-S 857**

BY Levesque C

ENTITLED, SENATE RESOLUTION SUPPORTING THE INCREASED
AWARENESS AND USE OF ADVANCE MEDICAL DIRECTIVES

Committee on Constitutional & Regulatory Issues recommends passage.

Appendix

CALENDAR

IN ORDER FOR TUESDAY, MAY 12, 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 247

BY Crowley

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- SEWER CHARGES

Committee on Housing & Municipal Government recommends passage.

3. 2009-S 583 SUB A

BY Miller

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES--FOSTER
PARENTS BILL OF RIGHTS

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

4. 2009-S 811

BY Tassoni

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

Committee on Housing & Municipal Government recommends passage.

IN ORDER FOR WEDNESDAY, MAY 13, 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.

2. 2009-S 346

BY Sheehan

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -
REGISTRATION OF VEHICLES

Committee on Constitutional & Regulatory Issues recommends passage.

3. 2009-S 324
BY Maselli
ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- ACTIONS BY
AND AGAINST TOWNS

Committee on Judiciary recommends passage.

4. 2009-S 430
BY Metts
ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- SENTENCE
AND EXECUTION

Committee on Judiciary recommends passage.

5. 2009-S 598
BY Jabour
ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
PROCEDURE GENERALLY

Committee on Judiciary recommends passage.

IN ORDER FOR THURSDAY, MAY 14, 2009:

1. 2009-S 256
BY McCaffrey
ENTITLED, AN ACT RELATING TO PROPERTY -- RECORDING OF
INSTRUMENTS

Committee on Judiciary recommends passage.

2. 2009-S 269 SUB A
BY Raptakis
ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
SUSPENSION OR REVOCATION OF LICENSES

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

3. 2009-S 764 SUB A
BY DiPalma
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -
ADMINISTRATIVE PROCEDURES

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

