

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.46

Tuesday, May 19, 2009

Forty-sixth 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 4:21 o'clock P.M.

The roll is called and a quorum is declared present with 36 Senators present and 2 Senators absent as follows:

PRESENT – 36: The Honorable President Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, 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.

ABSENT – 2: Senators Crowley, Lanzi

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Forty-fourth Legislative Day of the 2009 proceedings is read in part.

Upon suggestion of Senator Lynch 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**

May 19, 2009

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

Dear Madam President:

I am writing to inform you that I will be absent from Legislative Session on Thursday, May 21, 2009. I will be out of state on business.

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

Thank you.

Sincerely yours,

Leonidas P. Raptakis
Senator – District 33

Read and ordered to be placed on file.

NEW BUSINESS**Senate Resolution No. 938**

BY Senators DiPalma, Paiva-Weed

ENTITLED, SENATE RESOLUTION HONORING CHIEF STEPHEN P. MARTIN ON THE OCCASION OF HIS RETIREMENT FROM THE MIDDLETOWN FIRE DEPARTMENT {LC2569/1}

Senator DiPalma requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

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

CALENDAR

IN ORDER FOR TUESDAY, MAY 19, 2009:

1. **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.

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

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

NAYS- 0:

2. **2009-S 480****BY Gallo****ENTITLED,** AN ACT RELATING TO EDUCATION

Committee on Education recommends passage.

Senator Gallo moves passage, seconded by Senators Fogarty, DeVall, Maselli, Bates, Maher, Felag and Sosnowski.

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

NAYS- 0:

3. 2009-S 482 SUB A**BY Gallo****ENTITLED, AN ACT RELATING TO EDUCATION -- COOPERATIVE SERVICE AMONG SCHOOL DISTRICTS**

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

Senator Gallo moves passage, seconded by Senators Fogarty, DeVall, Sosnowski, Blais and Pichardo.

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

NAYS- 0:

4. 2009-S 726**BY Raptakis****ENTITLED, AN ACT RELATING TO EDUCATION -- EAST GREENWICH**

Committee on Education recommends passage.

Upon suggestion of Senator Ruggerio, and without objection, ordered to be placed on the Calendar for Wednesday, May 20, 2009.

5. 2009-S 728**BY Pichardo****ENTITLED, AN ACT RELATING TO EDUCATION**

Committee on Education recommends passage.

Senator Pichardo moves passage, seconded by Senators Gallo, Levesque, Jabour, DeVall and Metts.

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, Felag, Fogarty, Gallo, Jabour, Lenihan, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

6. 2009-S 732 SUB A as amended**BY Sosnowski****ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION - THE
WATER USE AND GOVERNMENT EFFICIENCY ACT OF 2009**

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

Upon suggestion of Senator Sosnowski, and without objection, ordered to be placed on the Calendar for Wednesday, May 20, 2009.

7. 2009-S 161**BY Connors****ENTITLED, AN ACT RELATING TO ELECTIONS**

Committee on Judiciary recommends passage.

Senator Connors moves passage, seconded by Senators McCaffrey, Pichardo, Ruggerio and DaPonte.

Senators Sheehan and Blais discuss the act.

The act is read and passed, upon a roll call vote with 26 Senators voting in the affirmative and 9 Senators voting in the negative as follows:

YEAS- 26: The Honorable President Paiva Weed and Senators Ciccone, Connors, DaPonte, Devall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Levesque, Lynch, Maselli, McBurney, McCaffrey, Metts, Miller, Perry, Picard, Pichardo, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 9: Senators Algieri, Bates, Blais, Cote, Lenihan, Maher, O'Neill, Pinga, Sheehan.

8. 2009-S 212**BY Levesque C****ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- ARREST**

Committee on Judiciary recommends passage.

Senator Levesque moves passage, seconded by Senators Perry 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, Felag, Gallo, Goodwin, Jabour, Lenihan, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

9. 2009-S 429**BY Perry****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
CONFIDENTIALITY OF HEALTH CARE COMMUNICATIONS AND
INFORMATION ACT -- HEALTH CARE COMMUNICATIONS AND
INFORMATION

Committee on Judiciary recommends passage.

Senator Perry moves passage, seconded by Senators Doyle, Levesque, Miller, Goodwin 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, DaPonte, Devall, DiPalma, Doyle, Felag, Gallo, Goodwin, Jabour, Lenihan, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

10. 2009-S 572**BY Perry****ENTITLED,** AN ACT RELATING TO CRIMINAL OFFENSES -- SEXUAL
ASSAULT PROTECTIVE ORDERS

Committee on Judiciary recommends passage.

Senator Perry moves passage, seconded by Senators Goodwin, Miller, McCaffrey and Lynch.

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, Felag, Gallo, Goodwin, Jabour, Lenihan, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

11. 2009-S 614**BY McCaffrey****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES -
MOTOR VEHICLE OFFENSES

Committee on Judiciary recommends passage.

Upon suggestion of Senator McCaffrey and without objection, ordered to be placed on the Calendar for Tuesday May 26, 2009.

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 today, at the rise of the Senate, in Room 211 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.

ADJOURNMENT

Upon motion of Senator Doyle seconded by Senator Algieri the Senate adjourns at 4:42 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR ERIN P. LYNCH

Almighty Father, Remind us that optimism is the faith that leads to achievement. Nothing can be done without hope and confidence. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR WEDNESDAY, MAY 20, 2009:

1 Nomination of Magistrate Jeanne L. Shepard (appointment) as Magistrate for the Domestic Violence Calendar for a term of ten (10) years..

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

Appendix**CALENDAR****IN ORDER FOR WEDNESDAY, MAY 20, 2009:****1 Nomination of Gary D. Alexander VICE Jane A. Hayward Secretary, Office of Health and Human Services.**

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

2. 2009-S 726**BY Raptakis****ENTITLED, AN ACT RELATING TO EDUCATION -- EAST GREENWICH**

Committee on Education recommends passage.

3. 2009-S 732 SUB A as amended**BY Sosnowski****ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION - THE WATER USE AND GOVERNMENT EFFICIENCY ACT OF 2009**

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

4. 2009-S 292 SUB A as amended**BY Sheehan****ENTITLED, AN ACT RELATING TO THE RHODE ISLAND ECONOMIC DEVELOPMENT**

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

5. 2009-S 474 SUB A as amended**BY DeVall****ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- UNDERGROUND UTILITY FACILITIES**

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

6. 2009-S 414 SUB A as amended**BY Sosnowski****ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION - SEPARATION OF POWERS - COASTAL RESOURCES MANAGEMENT COUNCIL**

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

7. **2009-S 672 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 828 as amended**

BY Levesque C

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -
STATE PURCHASES

Committee on Government Oversight recommends passage as amended.

IN ORDER FOR TUESDAY, MAY 26, 2009:

1. **2009-S 614**

BY McCaffrey

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -
MOTOR VEHICLE OFFENSES

Committee on Judiciary recommends passage.