

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.47

Wednesday, May 20, 2009

Forty-seventh 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 4:18 o'clock P.M.

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

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

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal's of the Forty-fifth and Forty-sixth Legislative Day's of the 2009 proceedings are read in part.

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

**REPORTS OF COMMITTEES
COMMITTEE ON CORPORATIONS**

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

Senate Bill No. 472 (Public Utilities)

BY Senator Blais

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - REGULATORY POWERS OF ADMINISTRATION (would add two (2) months to the time prescribed for adjudicating rate filings.)

Read and ordered to be placed on the Calendar.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 6191

BY Pacheco, Newberry

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2631/1}

Senator McCaffrey requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator McCaffrey moves passage, seconded by Senator Algieri.

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, 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.

NAYS- 0:

NEW BUSINESS**Senate Resolution No. 939****BY** Senators Gallo, Goodwin, Lynch, Perry**ENTITLED**, SENATE RESOLUTION PROCLAIMING MAY AS "BETTER SPEECH AND HEARING MONTH" IN THE STATE OF RHODE ISLAND {LC2657/1}

Senator Gallo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Gallo moves passage, seconded by Senators Algieri and Sosnowski.

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

GUESTS

Upon suggestion of Senator Gallo and by unanimous consent, the Honorable President, welcomes to the Chamber Al Lake, Tom Landry, Nancy Cordy, Eleen Connery, Pattie Bellini, D'Anne Wellman Owre, Kathy Lake and Terry Kahn.

CONSENT CALENDAR

In order for the day is taken up as follows:

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

Upon motion of Senator Connors, seconded by Senator Blais, the following measures on today's Consent Calendar, by unanimous consent, are read and passed, 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, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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.

Upon suggestion of Senator Connors, and without objection, ordered the motion to lay on the Table.

2. 2009-S 726

BY Raptakis

ENTITLED, AN ACT RELATING TO EDUCATION -- EAST GREENWICH

Committee on Education recommends passage.

Senator Raptakis moves passage, seconded by Senator Walaska.

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

NAYS- 0:

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.

Upon suggestion of Senator Sosnowski, and without objection, ordered to be placed on the Calendar for Thursday, May 21, 2009.

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.

Senator Sheehan moves passage, seconded by Senators Miller, Blais and Pichardo.

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 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, 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 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.

Senator DeVall moves passage, seconded by Senators Gallo, Levesque, DaPonte, Connors and Metts.

Senator DeVall seconded by Senators Gallo, Levesque, DaPonte, Connors and Metts, offers the following written motion to amend.

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

2009 -- S 474 SUBSTITUTE A AS AMENDED

AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- UNDERGROUND UTILITY FACILITIES

Madam President:

I hereby move to amend 2009 -- S 474 SUBSTITUTE A AS AMENDED, entitled "AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- UNDERGROUND UTILITY FACILITIES", as follows:

(1) On page 2, line 18 by deleting the language "sewer,".

(2) On page 2, line 22, after the words "newly installed and inactive" by inserting the language "or abandoned,".

(3) On page 6, line 23, by deleting the words "upon passage" and by inserting in place thereof the language "on November 1, 2009".

Respectfully submitted,

SENATOR DEVALL

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, Bates, Blais, Connors, Cote, DaPonte, Devall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lenihan, Levesque, Lynch, Maher, Maselli, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator DeVall moves passage of the act, as amended, seconded by Senators Ruggerio and DaPonte.

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

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.

Senator Sosnowski moves passage, seconded by Senators Sheehan, Walaska, O'Neill and Lenihan.

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 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, 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:

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.

Senator Lenihan moves passage, seconded by Senators Ciccone, Cote, Walaska and Blais.

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, 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.

NAYS- 0:

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.

Upon suggestion of Senator Levesque 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 Lenihan announces that the Committee on Government Oversight will meet tomorrow, at 3:00 o'clock P.M. in the Senate Lounge 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 Perry and by unanimous consent, the Honorable President, welcomes to the Chamber Lorraine Asselin, Integrated Viral Hepatitis and HIV Program Manager for the Rhode Island Department of Health.

Upon suggestion of Senator Pichardo and by unanimous consent, the Honorable President, welcomes to the Chamber Shauntel Martina, Senator Pichardo's intern from the University of Rhode Island.

ADJOURNMENT

Upon motion of Senator Doyle seconded by Senator Blais the Senate adjourns at 4:40 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR LEO R. BLAIS

Lord, grant us a sense of Your presence, not only during this hurried moment of prayer, but throughout, the entire day, especially as we deliberate and vote on behalf of our constituents. Enable us to make our best judgments and give us strength to do our jobs in your service in spite of criticism Amen.

Appendix**CALENDAR****IN ORDER FOR THURSDAY, MAY 21, 2009:****1. 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.

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.

2. 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.

3. 2009-S 472**BY Blais****ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -
REGULATORY POWERS OF ADMINISTRATION**

Committee on Corporations recommends passage.