

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.49

Tuesday, May 26, 2009

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

The roll is called and a quorum is declared present with 35 Senators present and 3 Senators absent as follows:

PRESENT – 35: 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, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 3: Senators Bates, Metts, Raptakis

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

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**

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

Dear President Paiva Weed:

In my Capacity as Chief Judge of the Rhode Island Court, I respectfully request the advice and consent of the Rhode Island Senate to the appointment of Magistrate Angela Paulhus to the position of Magistrate for a term of ten (10) years pursuant to RIGL Section 8-10-3.1 as amended.

Magistrate Paulhus has been a full time Family Court magistrate for the past nine years. Previously Magistrate Paulhus served as a Special Assistant Attorney General in the Juvenile Prosecution Unit in 1992 and served in that capacity until 1999.

In November of 1999 I appointed her as Legal Counsel of the Rhode Island Family Court and in September of 2000 she was appointed to her current position as a Magistrate in the Family Court where she still presides.

Angela Paulhus embodies the concept of professionalism in so many ways: she is knowledgeable, unflappable, caring and has ability to listen and make sound judgments. She always treats people with utmost respect while possessing integrity and professionalism. Magistrate Paulhus has an impeccable reputation within the community and among her colleagues.

In closing, I respectfully submit to you that Magistrate Angela Paulhus would not only be an asset to the judiciary, but an asset to the entire State of Rhode Island. I appreciate your consideration of this appointment and stand ready to assist you in any way that I can.

Sincerely yours,

Jeremiah S. Jeremiah, Jr.
Chief Judge

Read and referred to the Committee on Judiciary.

COMMUNICATION

The Honorable President presents the following communications:

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

May 21, 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 Tuesday, May 26, 2009 and thus, will be absent from the Senate session. 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.

Also:

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

May 26, 2009

Honorable M. Teresa Paiva-Weed
Senate President
Room 318,
State House
Providence, RI 02903

Dear Madam President:

Please be advised that I will be absent from the Senate session today May 26, 2009.

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

Thank you for your assistance.

Sincerely,

Harold M. Metts
Senator District 6

Read and ordered to be placed on file.

**REPORTS OF COMMITTEES
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:

Senate Bill No. 133 SUB A

BY Senators Tassoni, DiPalma, McBurney, Maselli

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- PUBLIC BUILDINGS {LC689/2/A}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 191

BY Senators Sosnowski, Doyle, Felag, Tassoni, Gallo

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- FIRE SAFETY (would lessen the implementation of the fire safety code requirements upon places of worship.)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 781

BY Senators Levesque C, DiPalma, Paiva-Weed, Bates, Felag

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES {LC1965/1}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 926 (By Request)

BY Senator Algieri

ENTITLED, AN ACT RELATING TO THE RETIREMENT OF POLICE OFFICERS OF THE TOWN OF WESTERLY (makes certain changes to the retirement system for police officers of the town of Westerly.) {LC2629/1}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 927

BY Senator Algieri

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- MINIMUM HOUSING STANDARDS -- TOWN OF WESTERLY (would reduce the membership of the housing board of review of the town of Westerly to three (3) members.) {LC2576/1}

Read and ordered to be placed on the Calendar

Also:

House Bill No. 5079

BY Malik, Gablinske

ENTITLED, AN ACT RELATING TO THE TOWN OF WARREN

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. 143

BY Senators Miller, Connors, Metts, Tassoni, Levesque C

ENTITLED, AN ACT REALTING TO STATE AFFAIRS AND GOVERNMENT ELECTIONS - CONDUCT OF ELECTION (would make the state board of elections subject to the provisions of the administrative procedures act.)

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 148 as amended

BY Senators Ciccone, Tassoni, Ruggerio

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- GENERAL OFFICERS

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 205 SUB A

BY Senators Sosnowski, Sheehan

ENTITLED, AN ACT RELATING TO ELECTIONS -- ELECTIVE MEETINGS (would set the statewide poll closing time as 8:00 pm.) {LC474/1/A}

Read and ordered to be placed on the Calendar

Also:

Senate Bill No. 249 (Secretary of State)

BY Senators Jabour, Perry, Paiva-Weed, Bates, McBurney

ENTITLED, AN ACT RELATING TO ELECTIONS - PARTY COMMITTEES AND CONVENTIONS (would require state committees of political parties to nominate candidates, when none had filed before the deadline, in the same location where the original declaration of candidacy should have filed) {LC1171/1}

Read and ordered to be placed on the Calendar.

CALENDAR

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.

Senator McCaffrey seconded by Senators Algieri, Levesque and Lynch, offers the following written motion to amend.

FLOOR AMENDMENT

2009 -- S 614

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

Madam President:

I hereby move to amend 2009 -- S 614, entitled "AN ACT RELATING TO MOTOR AND OTHER VEHICLES -
MOTOR VEHICLE OFFENSES", as follows:

On page 1, line 6, by deleting the language "city, or town".

Respectfully submitted,
SENATOR LEVESQUE

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

NAYS- 0:

Senator McCaffrey moves passage of the act, as amended, seconded by Senators Levesque and Algieri.

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

NAYS- 0:

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.

Upon suggestion of Senator Levesque and without objection, ordered to be placed on the Calendar for Thursday, May 28, 2009.

3. 2009-S 472

BY Blais

**ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -
REGULATORY POWERS OF ADMINISTRATION**

Committee on Corporations recommends passage.

Upon suggestion of Senator Blais and without objection, ordered to be placed on the Calendar for Tuesday, June 2, 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.

ADJOURNMENT

Upon motion of Senator Doyle, seconded by Senators Connors, Ruggerio and Algieri the Senate adjourns at 4:28 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR FRANK A. DEVALL, Jr.

Almighty God, we thank Thee for the gift of this new day. May we wisely invest its hours to enhance the welfare of our fellow Rhode Islanders. In doing so, help us to break through all barriers of prejudice and selfishness. Amen.

Appendix**CALENDAR****IN ORDER FOR WEDNESDAY, MAY 27, 2009:****1. 2009-S 865****BY Ciccone****ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
STATE PURCHASES**

Committee on Government Oversight recommends passage.

2. 2009-S 924 as amended**BY Lenihan****ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
STATE PURCHASES**

Committee on Government Oversight recommends passage as amended.

3. 2009-S 242 SUB A as amended**BY Perry****ENTITLED, AN ACT RELATING TO HUMAN SERVICES -- MEDICAL
ASSISTANCE--LONG-TERM CARE AND FINANCE REFORM**

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

4. 2009-S 390 SUB A**BY Lynch****ENTITLED, AN ACT RELATING TO INSURANCE - DENTAL SERVICE
CORPORATIONS**

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

5. 2009-S 545**BY Tassoni****ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY**

Committee on Health & Human Services recommends passage.

6. 2009-S 546 as amended**BY Doyle****ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - DEPARTMENT
OF HEALTH**

Committee on Health & Human Services recommends passage as amended.

7. **2009-S 552 SUB A**

BY Perry

ENTITLED, AN ACT RELATING TO FOOD AND DRUGS -- UNIFORM
CONTROLLED SUBSTANCES ACT

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

8. **2009-S 706**

BY Gallo

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -
RHODE ISLAND HEALTH CARE REFORM ACT OF 2004

Committee on Health & Human Services recommends passage.

9. **2009-S 748 SUB A**

BY Lynch

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - LONG TERM
CARE COORDINATING COUNCIL

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

10. **2009-S 440**

BY Blais

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS --
HOISTING ENGINEERS

Committee on Labor recommends passage.

11. **2009-S 441**

BY Blais

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS

Committee on Labor recommends passage.

12. **2009-S 641**

BY Ruggiero

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
LABOR AND PAYMENT OF DEBTS BY CONTRACTORS

Committee on Labor recommends passage.

13. **2009-S 659**

BY Raptakis

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS --
MINIMUM WAGES

Committee on Labor recommends passage.

IN ORDER FOR THURSDAY, MAY 28, 2009:

1. 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.

2. 2009-S 133 SUB A

BY Tassoni

**ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
PUBLIC BUILDINGS**

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

3. 2009-S 191

BY Sosnowski

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- FIRE SAFETY

Committee on Housing & Municipal Government recommends passage.

4. 2009-S 781

BY Levesque C

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES

Committee on Housing & Municipal Government recommends passage.

5. 2009-S 926

BY Algiere

**ENTITLED, AN ACT RELATING TO THE RETIREMENT OF POLICE
OFFICERS OF THE TOWN OF WESTERLY**

Committee on Housing & Municipal Government recommends passage.

6. 2009-S 927

BY Algiere

**ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- MINIMUM
HOUSING STANDARDS -- TOWN OF WESTERLY**

Committee on Housing & Municipal Government recommends passage.

7. 2009-S 143**BY Miller****ENTITLED,** AN ACT REALTING TO STATE AFFAIRS AND GOVERNMENT ELECTIONS - CONDUCT OF ELECTION

Committee on Judiciary recommends passage.

8. 2009-S 148 as amended**BY Ciccone****ENTITLED,** AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- GENERAL OFFICERS

Committee on Judiciary recommends passage as amended.

9. 2009-S 205 SUB A**BY Sosnowski****ENTITLED,** AN ACT RELATING TO ELECTIONS -- ELECTIVE MEETINGS

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

10. 2009-S 249**BY Jabour****ENTITLED,** AN ACT RELATING TO ELECTIONS - PARTY COMMITTEES AND CONVENTIONS

Committee on Judiciary recommends passage.

11. 2009-H 5079**BY Malik****ENTITLED,** AN ACT RELATING TO THE TOWN OF WARREN

Committee on Housing & Municipal Government recommends passage in concurrence.

IN ORDER FOR TUESDAY, JUNE 2, 2009:**1. 2009-S 472****BY Blais****ENTITLED,** AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - REGULATORY POWERS OF ADMINISTRATION

Committee on Corporations recommends passage.

