

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. 61

Tuesday, June 23, 2009

Sixty-first 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 4:26 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, 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, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 1: Senator Pichardo

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Sixtieth Legislative Day of the 2009 proceedings is read in part.

Upon suggestion of Senator Jabour and by unanimous consent, further reading of the Journal is dispensed with and the Journal approved as recorded.

GUESTS

Upon suggestion of Senators Ruggerio and Jabour and by unanimous consent, the Honorable President, welcomes to the Chamber Peter S. Mancini, President of the Providence City Council.

Upon suggestion of Senator DiPalma and by unanimous consent, the Honorable President, welcomes to the Chamber Mathew Alofsin, Stephen Deleo and Liam O'Regan from the Town of Middletown.

Upon suggestion of Senator Maselli and by unanimous consent, the Honorable President, welcomes to the Chamber Zachary Coro, Jacob Coro, Gian Martellini, Joseph Bongiovianni, Stephen Pennacchia, James Picchi, Zachary DeSimone and Christopher Vizzacco from Johnston

Upon suggestion of Senator O'Neill and by unanimous consent, the Honorable President, welcomes to the Chamber Tyler Duquette from Lincoln

Upon suggestion of Senator Gallo and by unanimous consent, the Honorable President, welcomes to the Chamber Anthony Cofone from Cranston

Upon suggestion of Senator Jabour and by unanimous consent, the Honorable President, welcomes to the Chamber Frank Caprio, II.

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
RHODE ISLAND**

June 15, 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 appointment to the Rhode Island Housing and Mortgage Finance Corporation:

Mark R. Noble of Wakefield

VICE
Anthony J. Marouchoc
(resigned)

for a term to expire July 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
RHODE ISLAND
June 16, 2009
TO THE HONORABLE, THE SENATE:
I have the honor to inform you that in accordance with the provisions of Section 42-128-6 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Housing Resources Commission:
Carrie E. Zaslow of Providence (Community Development Intermediary)
VICE Barbara Fields Karlin
for a term expiring January 31, 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
RHODE ISLAND
June 15, 2009
TO THE HONORABLE, THE SENATE:
I have the honor to inform you that in accordance with the provisions of Section 42-45-2 of the Rhode Island General Laws, I have made the following reappointment to the Historical Preservation and Heritage Commission:
Robert H. Goff, Jr. of Providence
for a term expiring June 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
RHODE ISLAND**

June 15, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-45-2 of the Rhode Island General Laws, I have made the following reappointment to the Historical Preservation and Heritage Commission:

John K. Grosvenor of Newport

for a term expiring June 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
RHODE ISLAND**

June 16, 2009


TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-28.2-23 of the Rhode Island General Laws, I have made the following reappointment to the Fire Education and Training Coordinating Board:

Bernard Patenaude of Cranston
(Representing RI Association of Firefighters)

for a term expiring January 31, 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
RHODE ISLAND**

June 16, 2009


TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-28.2-23 of the Rhode Island General Laws, I have made the following reappointment to the Fire Education and Training Coordinating Board:

John Silva of North Providence
(Representing RI Association of Firefighters)

for a term expiring January 31, 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
RHODE ISLAND**

June 15, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-57-7 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island Higher Education Assistance Authority:

Dr. William Croasdale of Kingston

for a term expiring July 1, 2013.

To this reappointment, I respectfully 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
RHODE ISLAND**

June 15, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 36-3-6 of the Rhode Island General Laws, I have made the following reappointment to the Personnel Appeal Board:

Morris Weintraub of Providence

for a term expiring April 1, 2015.

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Finance

Also:

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

June 15, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 17-7-3 of the Rhode Island General Laws, I have made the following appointment to the State Board of Elections:

Richard DuBois, MBA of North Smithfield


VICE
Judith Bailey

(resigned)

for a term expiring June 1, 2018.

To this appointment, 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
RHODE ISLAND**

June 16, 2009

TO THE HONORABLE, THE SENATE:


I have the honor to inform you that in accordance with the provisions of Section 42-99-4 of the Rhode Island General Laws, I have made the following reappointment to the Convention Center Authority:

Jeffrey Hirsh of Warren

for a term expiring June 30, 2013.

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
RHODE ISLAND**

June 15, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 28-5-8 of the Rhode Island General Laws, I have made the following reappointment to the Commission for Human Rights:

Alberto Aponte Cardona of West Greenwich

for a term expiring July 1, 2014.

To this reappointment, I 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
RHODE ISLAND**

June 17, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 17-7-3 of the Rhode Island General Laws, I have made the following appointment to the State Board of Elections:

William E. West of Portsmouth

VICE
Thomas V. Iannitti
(resigned)

for a term expiring June 1, 2013.

To this appointment, 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
RHODE ISLAND**

June 16, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-4-6 of the Rhode Island General Laws, I have made the following reappointment to the State Medical Examiners Commission:

Susan Tasca of Cranston

for a term expiring June 30, 2012.

To this reappointment, I request your advice and consent.

Sincerely,
Donald L. Carcieri



Governor

Read and referred to the Committee on Health and Human Services

Also:

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

June 16, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-4-6 of the Rhode Island General Laws, I have made the following reappointment to the State Medical Examiners Commission:

Michael A. Schuster of Narragansett

for a term expiring June 30, 2012.

To this reappointment, I request your advice and consent.

Sincerely,
Donald L. Carcieri



Governor

Read and referred to the Committee on Health and Human Services

Also:

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

June 16, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-4-6 of the Rhode Island General Laws, I have made the following reappointment to the State Medical Examiners Commission:

James Celenza of Providence

for a term expiring June 30, 2012.

To this reappointment, I request your advice and consent.

Sincerely,
Donald L. Carcieri



Governor

Read and referred to the Committee on Health and Human Services

Also:

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

June 16, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-4-6 of the Rhode Island General Laws, I have made the following reappointment to the State Medical Examiners Commission:

Todd S. Manni of Smithfield

for a term expiring June 30, 2012.

To this reappointment, I request your advice and consent.

Sincerely,
Donald L. Carcieri



Governor

Read and referred to the Committee on Health and Human Services.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
RHODE ISLAND

June 16, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-15.1-2 of the Rhode Island General Laws, I have made the following appointment to the Water Resources Board:

Allan Klepper of Barrington

VICE
Richard Mignanelli
(resigned)

for a term expiring March 1, 2010.

To this appointment, I respectfully 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
RHODE ISLAND

June 15, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-82-3 of the Rhode Island General Laws, I have made the following reappointment to the Agricultural Lands Preservation Commission:

David J. Wallace of Exeter

for the term expiring January 1, 2014.

To this reappointment, I respectfully 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
RHODE ISLAND**

June 15, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 37-6-1 of the Rhode Island General Laws, I have made the following reappointment to the State Properties Committee:

Robert W. Kay of Lincoln

for a term expiring March 1, 2012.

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

Sincerely,



Donald L. Carcieri
Governor

Read and referred to the Committee on Finance.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RHODE ISLAND

June 16, 2009

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-128-6 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island Housing Resources Commission:

Thomas Kravitz of Burrillville
(Local Planner)

for a term expiring January 31, 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.

**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. 294 SUB A (Attorney General)

BY Senator Goodwin

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- HOME HEATING OIL SALES {LC1387/1/A}

Read and ordered to be placed on the 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:

House Bill No. 6022

BY Loughlin

ENTITLED, AN ACT RELATING TO LITTLE COMPTON AGRICULTURAL CONSERVANCY TRUST {LC2335/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 985

BY Senators O'Neill E, Connors

ENTITLED, AN ACT IN AMENDMENT OF SECTION 4 OF AN ACT PASSED AT THE JANUARY SESSION 1930, ENTITLED "AN ACT TO INCORPORATE THE SAYLESVILLE FIRE DISTRICT IN THE TOWN OF LINCOLN" AS AMENDED {LC2795/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 1000

BY Senators Paiva-Weed, DiPalma

ENTITLED, AN ACT RELATING TO CITIES AND TOWNS -- DISTRICT MANAGEMENT AUTHORITIES {LC2817/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 1001**BY** Senators DiPalma, Paiva-Weed**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- HISTORICAL AREA ZONING
{LC2818/1}

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 measures:

House Bill No. 5061 SUB A**BY** Edwards, Malik, Gallison, Pollard, Silva**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - INDUSTRIAL PROPERTY AND REMEDIATION REUSE (would expand the scope of liability and penalties for violations of the Industrial Property Remediation and Reuse Act.) {LC157/1/A}

Read and ordered to be placed on the Consent Calendar

Also:

House Resolution No. 5616**BY** Walsh, Ferri, Segal, Rice M**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
{LC1662/1}

Read and ordered to be placed on the Consent Calendar

Also:

House Bill No. 5690 SUB A**BY** Rice M, Naughton, Walsh, Carter, Pollard**ENTITLED**, AN ACT RELATING TO AGRICULTURE AND FORESTRY -- DISEASES AND PARASITES (would establish the Asian Longhorn Beetle & the Emerald Ash Borer as a nuisance. It would also establish penalties for unlawful importation & transportation of said pests) {LC1210/1/A}

Read and ordered to be placed on the Consent Calendar

Also:

House Bill No. 5461 SUB A**BY** Segal, Ruggiero, Rice A, Edwards, Kennedy

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- RENEWABLE ENERGY STANDARD {LC1367/1/A}

Read and ordered to be placed on the Calendar

COMMITTEE ON FINANCE

Senator DaPonte from the Committee on Finance, reports back, with recommendation of passage of the following measures:

Nomination of Andrew K. Reilly (appointment) of Newport to the State Investment Council, for a term expiring February 4, 2012.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Robert D. Guidici (reappointment) of Johnston to the State Investment Council, for a term expiring February 4, 2012.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of J. Michael Costello (reappointment) of Providence to the State Investment Commission for a term expiring March 1, 2012.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Edward F. Yazbak (appointment) of North Smithfield to the Public Finance Management Board, for a term expiring March 31, 2011.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Thomas M. Bruce, III (appointment) of Cumberland to the Public Finance Management Board, for a term expiring March 31, 2012.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Letitia Carter (appointment) of Providence VICE Marianne Corr (resigned) to the Convention Center Authority, for a term expiring June 30, 2010.

Read and ordered to be placed on the Consent Calendar.

COMMITTEE ON LABOR

Senator Fogarty, from the Committee on Labor, reports back, with recommendation of passage of the following measure:

House Bill No. 5777 (Business Regulation)

BY Watson

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - LAND SURVEYORS
{LC1663/1}

Read and ordered to be placed on the Consent Calendar.

COMMITTEE ON JUDICIARY

Senator McCaffrey from the Committee on Judiciary, reports back, with recommendation of passage of the following measures:

Senate Bill No. 264

BY Senators Raptakis, Maselli, Blais, Tassoni, Sosnowski

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MOTOR VEHICLE OFFENSES (would increase the penalties for those convicted of driving under the influence, resulting in death and driving under the influence, resulting in serious bodily injury.)

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 423 SUB A (Attorney General)

BY Senators Sosnowski, Maselli, Sheehan, Algiere, Felag

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES (would repeal the enhancement of penalties for subsequent offenses of DUI, death resulting and DUI resulting in serious bodily injury/would replace the enhancement of penalties with an amended single range of penalties) {LC409/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 584 SUB A as amended

BY Miller, Connors, Metts, Tassoni

ENTITLED, AN ACT RELATING TO ELECTIONS - CONDUCT OF ELECTION
{LC1404/2/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 617 SUB A

BY Senators Crowley, McCaffrey, DeVall, Sosnowski, Perry

ENTITLED, AN ACT RELATING TO ELECTIONS - PRIMARY ELECTIONS (act would allow local boards, with the approval of the board of elections, to combine two (2) or more voting districts and the combined district shall be treated as a voting district) {LC1217/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 988

BY Senator DiPalma

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2765/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 987

BY Senator Paiva-Weed

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2752/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 979

BY Senator Sosnowski

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Marcia Reback to join Maureen G. Martin and Kevin W. Ryan in marriage within the Town of Narragansett, Rhode Island on or about August 1, 2009.) {LC2770/1}

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 Bill No. 622

BY Senators Ruggerio, Ciccone, McBurney, Doyle, Tassoni

ENTITLED, AN ACT RELATING TO SPORTS RACING AND ATHLETICS -- MIXED MARTIAL ARTS (would permit mixed martial arts matches in Rhode Island and provides the rules, regulations and guidelines for such matches) {LC1089/1}

Read and ordered to be placed on the Calendar

Also:

House Bill No. 6006

BY Gemma, Ferri, Naughton, Flaherty, McNamara

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY - DOGS (would increase the fines imposed by the Municipal Court for a violation of the dog ordinances) {LC2287/1}

Read and ordered to be placed on the Consent Calendar

Also:

House Resolution No. 5691

BY Palumbo

ENTITLED, JOINT RESOLUTION CREATING A SPECIAL JOINT COMMISSION TO STUDY THE EDUCATION OF CHILDREN WITH AUTISM IN THE STATE OF RHODE ISLAND {LC1704/1}

Read and ordered to be placed on the Consent 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. 5002 SUB A as amended

BY Fox

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS

(would create long-term contracting standards for the development of renewable energy.) {LC102/2/A}

Senator Connors requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

The act is read and passed, by unanimous consent, 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, Crowley, Devall, DiPalma, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Levesque, Lynch, Maher, Maselli, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pinga, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

NEW BUSINESS

Senate Resolution No. 1004**BY** Senators Miller, Gallo, Ruggiero**ENTITLED**, SENATE RESOLUTION RESPECTFULLY REQUESTING THE RHODE ISLAND PUBLIC TRANSIT AUTHORITY TO RESTORE THE ELMWOOD/AUBURN #20 BUS LINE IN THE CITY OF CRANSTON {LC2854/1}

Read and ordered to be placed on the Consent Calendar

Also:

SUSPENSION OF THE RULES

Only those rules which actually impede or could impede the operation of the continuous calendar and other aspects of the big push need to be suspended, the rest can and should be left in place. Rules 3.5 (Time for Sessions); 4.5 (Filing with Secretary of the Senate); 4.10-1 (Public Bills); 4.10-2 (Committee Amendments); 6.1 (Time for Committee Meetings); 6.2 (Committee Agenda -- Posting); 6.4-3 (Public Hearing); 6.5 (Hearing and Consideration ~ Bills); 7.6 (Calendar); 9.4 (Questions Presented). The Rules listed above be suspended and the remainder left in place.

CONSENT CALENDAR

In order for the day is taken up as follows:

- 1 Nomination of Magistrate Angela Paulhus (appointment) as Magistrate of the Rhode Island Family Court, for a term of ten (10) years.**
- 2. 2009-S 948
BY DiPalma
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**
- 3. 2009-S 949
BY Miller
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**
- 4. 2009-S 950
BY Maher
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**
- 5. 2009-H 6155
BY Martin
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**
- 6. 2009-H 6211
BY Lally
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

7. 2009-H 6231**BY Menard****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES****8. 2009-H 6240****BY Lally****ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF ETA ZETA OF LAMBDA CHI ALPHA**

Upon motion of Senator Connors, seconded by Senator Algieri, the following measures on today's Consent Calendar, by unanimous consent, are read and passed, 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, Bates, Blais, Ciccone, Connors, Cote, Crowley, Devall, DiPalma, Felag, Fogarty, Gallo, Goodwin, Lanzi, Lenihan, Levesque, Lynch, Maher, Maselli, McCaffrey, Metts, Miller, Perry, Picard, Pinga, Raptakis, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

CALENDAR**IN ORDER FOR TUESDAY, JUNE 23, 2009:****1. 2009-S 568 as amended****BY McCaffrey****ENTITLED, AN ACT RELATING TO ELECTIONS -- BALLOT ARRANGEMENT**

Committee on Judiciary recommends passage as amended.

Senator McCaffrey moves passage, seconded by Senator Levesque.

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

FLOOR AMENDMENT**2009 -- S 568 AS AMENDED****AN ACT RELATING TO ELECTIONS -- BALLOT ARRANGEMENT**

Madam President:

I hereby move to amend 2009 -- S 568 AS AMENDED, entitled "AN ACT RELATING TO ELECTIONS -- BALLOT ARRANGEMENT", as follows:

1. On page 2, by deleting line 1, and inserting in place thereof the following new language:

“SECTION 2. All voting machines and related supplies and equipment purchased by the State of Rhode Island after June 30, 2009, shall be capable of reading and processing ballots prepared in the format required by section 1 of this act.

SECTION 3. This act shall take effect upon the state’s procurement of voting machines and related supplies and equipment to replace the voting machines and related supplies and equipment used in the general election conducted on November 4, 2008.”

Respectfully submitted,
SENATOR MCCAFFREY

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

NAYS- 0:

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

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

NAYS- 0:

2. 2009-S 450

BY Goodwin

**ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -
AUTOMOBILE BODY REPAIR SHOPS**

Committee on Constitutional & Regulatory Issues recommends passage.

Senator Goodwin moves passage, seconded by Senators Lynch, Cote and Ciccone.

Senator Goodwin seconded by Senators Lynch, Cote and Ciccone, offers the following written motion to amend.

FLOOR AMENDMENT

2009 -- S 450

AN ACT RELATING TO BUSINESSES AND PROFESSIONS - AUTOMOBILE BODY REPAIR SHOPS

Madam President:

I hereby move to amend 2009 -- S 450, entitled "AN ACT RELATING TO BUSINESSES AND PROFESSIONS - AUTOMOBILE BODY REPAIR SHOPS", as follows:

On page 1, line 10, after the language "location." by inserting the following language:

"This section shall not apply to glass repair and installation."

Respectfully submitted,
SENATOR GOODWIN

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

NAYS- 0:

Senator Goodwin moves passage of the act, as amended, seconded by Senator Ruggerio.

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

NAYS- 0:

3. 2009-S 229 SUB A

BY Walaska

ENTITLED, AN ACT RELATING TO INSURANCE -- LIFE SETTLEMENTS ACT

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

Senator Walaska moves passage, seconded by Senators Miller and Cote.

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

NAYS- 0:

4. 2009-S 387

BY Bates

ENTITLED, AN ACT RELATING TO INSURANCE -- EXAMINATIONS

Committee on Corporations recommends passage.

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

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

2009 -- S 387

AN ACT RELATING TO INSURANCE -- EXAMINATIONS

Madam President:

I hereby move to amend 2009 -- S 387, entitled "AN ACT RELATING TO INSURANCE -- EXAMINATIONS", as follows:

By deleting all of the language following the enactment clause and inserting in place thereof the following language:

"SECTION 1. Sections 27-13.1-1, 27-13.1-2, 27-13.1-3, 27-13.1-4, 27-13.1-5 and 27-13.1-6 of the General Laws in Chapter 27-13.1 entitled "Examinations" are hereby amended to read as follows:

27-13.1-1. Purpose. -- The purpose of this chapter is to provide an effective and efficient system for examining the activities, operations, financial ~~conditions~~ condition, and affairs of all persons transacting the business of insurance in this state and all persons otherwise subject to the jurisdiction of the director. The provisions of this chapter are intended to enable the director to adopt a flexible system of examinations ~~which~~ that directs resources as may be deemed appropriate and

necessary for the administration of the insurance and insurance related laws of this state.

27-13.1-2. Definitions. -- The following terms, as used in this chapter, shall have the ~~following~~ respective meanings hereinafter ~~as~~ set forth:

(1) "Company" means ~~any~~ a person engaging in or proposing or attempting to engage in any transaction or kind of insurance or surety business and any person or group of persons who may otherwise be subject to the administrative, regulatory, or taxing authority of the director;

(2) "Department" means the department of business regulation;

(3) "Director" means the director of the department of business regulation of this state or his or her designee;

(4) "Examiner" means ~~any~~ an individual or firm having been authorized by the director to conduct an examination or financial analysis under this chapter;

(5) "Insurer" means any insurance company doing business in this state; and

(6) "Person" means ~~any~~ an individual, aggregation of individuals, trust, association, partnership or corporation, or any affiliate ~~of them~~ thereof.

27-13.1-3. Authority, scope, and scheduling of examinations. -- (a) The director or any of his or her examiners may conduct an examination under this chapter of any company as often as the director in his or her sole discretion deems appropriate, but shall, at a minimum, conduct an examination of every insurer licensed in this state not less frequently than once every five (5) years. In scheduling and determining the nature, scope, and frequency of the examinations, the director shall consider ~~any~~ such matters as the results of financial statement analyses and ratios, changes in management or ownership, actuarial opinions, reports of independent certified public accountants, and other criteria as set forth in the Financial Condition Examiners' Handbook adopted by the National Association of Insurance Commissioners and in effect when the director exercises discretion under this section.

(b) For ~~the~~ purposes of completing an examination of ~~any~~ a company under this chapter, the director may examine or investigate any person, or the business of any person, in so far as the examination or investigation is, in the sole discretion of the director, necessary or material to the examination of the company.

(c) In lieu of an examination under this chapter of ~~any~~ a foreign or alien insurer licensed in this state, the director may accept an examination report on the company as prepared by the insurance department for the company's state of domicile or port of entry state only if:

(1) The insurance department was at the time of the examination accredited under the National Association of Insurance Commissioners' financial regulation standards and accreditation program; or

(2) The examination is performed under the supervision of an accredited insurance department or with the participation of one or more examiners who are employed by an accredited state insurance department and who, after a review of the examination work papers and report, state under oath that the examination was performed in a manner consistent with the standards and procedures required by their insurance department. **27-13.1-4. Conduct of examinations. --**

(a) Upon determining that an examination should be conducted, the director or the director's designee shall issue an examination warrant appointing one or more examiners to perform the examination and instructing them as to the scope of the examination. In conducting the examination, the examiner shall observe those guidelines and procedures set forth in the Examiners' Handbook ~~in effect at the time of the examination~~ adopted by the National Association of Insurance Commissioners. The director may also employ ~~any such~~ other guidelines or procedures as the director may deem appropriate.

(b) Every company or person from whom information is sought, its officers, directors, and agents ~~must~~ shall provide to the examiners appointed under subsection ~~(d)~~ (a) timely, convenient and free access at all reasonable hours at its offices to all books, records, accounts, papers, documents, and any or all computer or other recordings relating to the property, assets, business, and affairs of the company being examined. The officers, directors, employees, and agents of the company or person must facilitate the examination and aid in the examination so far as it is in their power to do so. The refusal of ~~any~~ a company, by its officers, directors, employees, or agents, to submit to examination or to comply with any reasonable written request of the examiners shall be grounds for suspension or refusal of, or nonrenewal of any license or authority held by the company to engage in an insurance or other business subject to the director's jurisdiction. Any such proceedings for suspension, revocation, or refusal of ~~any~~ a license or authority shall be conducted pursuant to ~~that section of~~ the Administrative Procedures Act, chapter 35 of title 42, ~~governing emergency suspensions~~. Nothing in this subsection shall preclude the director from initiating action pursuant to ~~chapter~~ chapters 14.1, 14.3, or any other chapter of this title.

(c) The director or any of his or her examiners shall have the power to issue subpoenas, to administer oaths, and to examine under oath any person as to any matter pertinent to the examination. Upon the failure or refusal of any person to obey a subpoena, the director may petition a court of competent jurisdiction, and upon proper showing, the court may enter an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey the court order shall be punishable as contempt of court. Such subpoena may also be enforced pursuant to section 42-14-16.

(d) When making an examination under this chapter, the director may retain attorneys, appraisers, independent actuaries, independent certified public accountants, or other professionals and specialists as examiners, the cost of which shall be borne by the company ~~which~~ that is the subject of the examination.

(e) Nothing contained in this chapter shall be construed to limit the director's authority to terminate or suspend ~~any~~

an examination in order to pursue other legal or regulatory action pursuant to the insurance laws of this state. Findings of fact and conclusions made pursuant to ~~any~~ an examination shall be prima facie evidence in any legal or regulatory action.

(f) Nothing contained in this chapter shall be construed to limit the director's authority to use and, if appropriate, to make public any final or preliminary examination report, any examiner or company work papers or other documents, or any other information discovered or developed during the course of ~~any~~ an examination in the furtherance of any legal or regulatory action ~~which~~ that the director may, in his or her sole discretion, deem appropriate.

27-13.1-5. Examination reports. -- (a) General description. - ~~All~~ An examination ~~reports~~ report shall be comprised of only facts appearing upon the books, records, or other documents of the company, its agents or other persons examined, or as ascertained from the testimony of its officers or agents or other persons examined concerning its affairs, and ~~the~~ such conclusions and recommendations as the examiners find reasonably warranted from the facts.

(b) Filing of examination report. - No later than sixty (60) days following ~~the~~ completion of the examination, the examiner in charge shall file with the department a verified written report of examination under oath. Upon receipt of the verified report, the department shall transmit the report to the company examined, together with a notice that shall require that the company examined file with the ~~commissioner~~ director a written response to all comments and recommendations contained in the examination report within thirty (30) days. The response shall include a written plan of how and when the comments and recommendations contained in the examination report will be corrected and/or implemented. For each comment and recommendation, the response must include an implementation date and a completion date for each corrective action. In lieu of these requirements, the company may submit a rebuttal to any comment or recommendation contained in the examination report.

(c) Adoption of report on examination. - Within thirty (30) days of the end of the period allowed for the receipt of written responses or rebuttals, the director shall fully consider and review the report, together with any written responses or rebuttals and any relevant portions of the examiner's workpapers and enter an order:

(1) Adopting the examination report as filed or with modification or corrections. If the examination report reveals that the company is operating in violation of any law, regulation, or prior order of the director, the director may order the company to take any action the director considers necessary and appropriate to cure the violation; or

(2) Rejecting the examination report with directions to the examiners to reopen the examination for the purposes of obtaining additional data, documentation, or information, and refile pursuant to this section; and

(3) Calling for an investigatory hearing with no less than twenty (20) days notice to the company for the purposes of obtaining additional documentation, data, information, and testimony.

(d) Orders and procedures. - (1) All orders entered pursuant to this section shall be accompanied by findings and conclusions resulting from the director's consideration and review of the examination report, relevant examiner workpapers, and any written responses or rebuttals. Any order shall be considered a final administrative decision and may be appealed pursuant to the Administrative Procedures Act, chapter 35 of title 42, and shall be served upon the company by certified mail, together with a copy of the adopted examination report. Within thirty (30) days of the issuance of the adopted report, the company shall file affidavits executed by each of its directors stating under oath that they have received a copy of the adopted report and related orders.

(2) (i) Any hearing conducted under this section by the director or authorized representative shall be conducted as a nonadversarial confidential investigatory proceeding as necessary for the resolution of any inconsistencies, discrepancies, or disputed issues apparent upon the face of the filed examination report or raised by or as a result of the director's review of relevant workpapers or by the written response or rebuttal of the company. Within twenty (20) days of the conclusion of any hearing, the director shall enter an order pursuant to this section.

(ii) The director ~~may appoint legal counsel and a member of the insurance division's examination section as authorized representatives~~ shall not appoint an examiner as an authorized representative to conduct the hearing. The hearing shall proceed expeditiously with discovery by the company limited to the examiner's workpapers ~~which~~ that tend to substantiate any assertions set forth in any written response or rebuttal. The director or his or her representative may issue subpoenas for the attendance of any witnesses or the production of any documents deemed relevant to the investigation whether under the control of the department, the company, or other persons. The documents produced shall be included in the record and testimony taken by the director or his or her representative shall be under oath and preserved for the record.

(iii) Nothing contained in this section shall require the department to disclose any information or records that would indicate or show the existence or content of any investigation or activity of a criminal justice agency.

(iv) The hearing shall proceed with the director or his or her representative posing questions to the persons subpoenaed ~~persons~~. ~~After this, the~~ Thereafter, the company and the department may present testimony relevant to the investigation. Cross-examination shall be conducted only by the director or his or her representatives. The company and the department shall be permitted to make closing statements and may be represented by counsel of their choice.

(e) Publication and use. - (1) Upon the adoption of the examination report under this section, the director shall continue to hold the content of the examination report as private and confidential information for a period of thirty (30) days ~~following the mailing of the notice of order~~, except to the extent provided in subsection (b). After this, the commissioner may open the report for public inspection so long as no court of competent jurisdiction has stayed its publication;

(2) Nothing contained in this title, ~~or any other provision of law,~~ shall prevent or be construed as prohibiting the commissioner from disclosing the content of an examination report, preliminary examination report or results, or any matter relating ~~to the report thereto,~~ to the insurance department of this or any other state or country, or to law enforcement officials of this or any other state or agency of the federal government at any time, so long as the agency or office receiving the report or matters relating ~~to it thereto~~ agrees in writing to hold it confidential and in a manner consistent with this chapter;

(3) In the event the director determines that regulatory action is appropriate as a result of any examination, he or she may initiate any proceedings or actions as provided by law.

~~(f) Confidentiality Privilege for, and confidentiality of ancillary information~~ Privilege for, and confidentiality of ancillary information. - (1)(i) ~~All working papers, recorded information, documents, and copies of them~~ Except as provided in section 5(e) above and in this subsection, documents, materials, or other information, including, but not limited to, all working papers, and copies thereof, created, produced by, obtained by, or disclosed to the director or any other person in the course of an examination made under this chapter, or in the course of analysis by the director of the financial condition or market conduct of a company shall be confidential by law and privileged, must be given confidential treatment and are not subject to subpoena and may not be made public by the director or any other person, except to the extent provided in subsection (e). Access may also be granted to the National Association of Insurance Commissioners. The parties must agree in writing prior to receiving the information to provide to it the same confidential treatment as required by this section, unless the prior written consent of the company to which it pertains has been obtained. shall not be subject to the Access to Public Records Act, chapter 38-2, shall not be subject to subpoena, and shall not be subject to discovery or be admissible in evidence in any private civil action. The director is authorized to use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as part of the director's official duties.

(ii) Documents, materials or other information, including, but not limited to, all working papers, and copies thereof, in the possession or control of the National Association of Insurance Commissioners and its affiliates and subsidiaries shall be confidential by law and privileged, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action if they are:

(A) Created, produced or obtained by or disclosed to the National Association of Insurance Commissioners and its affiliates and subsidiaries in the course of the National Association of Insurance Commissioners and its affiliates and subsidiaries assisting an examination made under this chapter, or assisting a director in the analysis of the financial condition or market conduct of a company; or

(B) Disclosed to the National Association of Insurance Commissioners and its affiliates and subsidiaries under

subdivision (3) of this subsection by a director or commissioner.

(iii) For the purposes of paragraph (f)(1)(i), "act" includes the law of another state or jurisdiction that is substantially similar to this act.

(2) Neither the director nor any person who received the documents, material or other information while acting under the authority of the director, including the National Association of Insurance Commissioners and its affiliates and subsidiaries, shall be permitted to testify in any private civil action concerning any confidential documents, materials or information subject to subdivision (f)(1).

(3) In order to assist in the performance of the director's duties, the director:

(i) May share documents, materials or other information, including the confidential and privileged documents, materials or information subject to subdivision (f)(1), with other state, federal and international regulatory agencies, with the National Association of Insurance Commissioners and its affiliates and subsidiaries, and with state, federal and international law enforcement authorities, provided that the recipient agrees to maintain the confidentiality and privileged status of the document, material, communication or other information;

(ii) May receive documents, materials, communications or information, including otherwise confidential and privileged documents, materials or information, from the National Association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any document, material or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material or information; and

(iii) May enter into agreements governing sharing and use of information consistent with this subsection.

(4) No waiver of any applicable privilege or claim of confidentiality in the documents, materials or information shall occur as a result of disclosure to the director under this section or as a result of sharing as authorized in subdivision (f)(3).

(5) A privilege established under the law of any state or jurisdiction that is substantially similar to the privilege established under this subsection shall be available and enforced in any proceeding in, and in any court of, this state.

(6) In this subsection, the terms "department," "insurance department," "law enforcement agency," "regulatory agency," and the "National Association of Insurance Commissioners" include, but are not limited to, their employees, agents, consultants and contractors.

27-13.1-6. Conflict of interest. -- (a) ~~No~~ An examiner may not be appointed by the director if the examiner, either directly or indirectly, has a conflict of interest or is affiliated with the management of or owns a pecuniary interest in any person subject to examination under this chapter. This section shall not be construed to automatically preclude an examiner

from being:

(1) A policyholder or claimant under an insurance policy;

(2) A grantor of a mortgage or similar instrument on the examiner's residence to a regulated entity if done under customary terms and in the ordinary course of business;

(3) An investment owner in shares of regulated diversified investment companies; or

(4) A settlor or beneficiary of a "blind trust" into which any otherwise impermissible holdings have been placed.

(b) Notwithstanding the requirements of this section, the director may retain from time to time on an individual basis, qualified actuaries, certified public accountants, or other similar individuals who are independently practicing their professions, even though ~~these~~ these persons may from time to time be similarly employed or retained by persons subject to examination under this chapter.

SECTION 2. Chapter 27-13.1 of the General Laws entitled "Examinations" is hereby amended by adding thereto the following sections:

27-13.1-3.1. Authority, scope and scheduling of financial analysis. – (a) The director and any of his or her examiners may conduct annual and quarterly financial analysis under this chapter of each company licensed in this state. All authority granted in conducting an examination under this chapter shall apply to the conduct of a financial analysis of a company except that a warrant is not required and the financial analysis will be conducted based on guidelines and procedures set forth in the Financial Analysis Handbook as adopted by the National Association of Insurance Commissioners. The director may also employ any other guidelines or procedures as the director may deem appropriate.

(b) The financial analysis of a company is a continuous process utilized primarily for monitoring the financial strength of a company and therefore a final report is not required, however, where there are significant financial concerns a financial examination under this chapter will be conducted and an examination report will be issued in accordance with section 27-13.1-5.

(c) All correspondence, emails, memorandums and other documentation used in the financial analysis process are considered to be confidential financial analysis workpapers in accordance with subsection 27-13.1-5(f).

(d) The total cost of the financial analysis shall be borne by the company as set forth in section 27-13.1-7.

27-13.1-8. Immunity from liability. – (a) No cause of action shall arise nor shall any liability be imposed against the director, the directors authorized representatives or an examiner appointed by the director for any statements made or conduct performed in good faith while carrying out the provisions of this chapter.

(b) No cause of action shall arise, nor shall any liability be imposed against any person for the act of communicating

or delivering information or data to the director or the director's authorized representative or examiner pursuant to an examination made under this chapter, if the act of communication or delivery was performed in good faith and without fraudulent intent or the intent to deceive.

(c) This section does not abrogate or modify in any way any common law or statutory privilege or immunity heretofore enjoyed by any person identified in subsection (a) herein.

(d) A person identified in subsection (a) herein shall be entitled to an award of attorney's fees and costs if he or she is the prevailing party in a civil cause of action for libel, slander or any other relevant tort arising out of activities in carrying out the provisions of this chapter and the party bringing the action was not substantially justified in doing so. For purposes of this section a proceeding is "substantially justified" if it has a reasonable basis in law or fact at the time that it was initiated.

SECTION 3. This act shall take effect upon passage. "

Respectfully submitted,
SENATOR MILLER

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

NAYS- 0:

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

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

NAYS- 0:

5. 2009-S 461 SUB A

BY Bates

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS

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

Senator Bates moves passage, seconded by Senators 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 and 1 Senator abstaining as follows:

YEAS- 36: The Honorable President Paiva Weed and Senators 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, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ABSTAINED- 1: Senator Algieri

6. 2009-S 462 SUB A

BY Blais

ENTITLED, AN ACT RELATING TO INSURANCE - RHODE ISLAND LIFE
AND HEALTH INSURANCE GUARANTY ASSOCIATION ACT

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

Senator Blais moves passage, seconded by Senator Miller.

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, 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, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

7. 2009-S 475

BY Walaska

ENTITLED, AN ACT RELATING TO FIDUCIARIES - UNIFORM
MANAGEMENT OF INSTITUTIONAL FUNDS

Committee on Corporations recommends passage.

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

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 and 1 Senator abstaining as follows:

YEAS- 36: The Honorable President Paiva Weed and Senators 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, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ABSTAINED- 1: Senator Algieri

8. 2009-S 953

BY Fogarty P

**ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -
HOME PROPANE GAS SALES**

Committee on Corporations recommends passage.

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

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

NAYS- 0:

9. 2009-S 968

BY Walaska

**ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS
-- BROADBAND DEPLOYMENT AND INVESTMENT ACT**

Committee on Corporations recommends passage.

Senator Walaska moves passage, seconded by Senators Connors, Miller and Ruggerio.

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

NAYS- 0:

10. 2009-S 973**BY Algieri****ENTITLED, AN ACT RELATING TO THE CHARLESTOWN FIRE DISTRICT**

Committee on Housing & Municipal Government recommends passage.

Senator Algieri moves passage, seconded by Senator Blais.

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, 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, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

11. 2009-S 428 SUB A**BY Sheehan****ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
JUDICIAL SELECTION**

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

Upon suggestion of Senator Ruggerio, and without objection, ordered to be placed at the bottom of the Calendar.

12. 2009-S 605 SUB A as amended**BY Perry****ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - TRAFFICKING
OF PERSONS AND INVOLUNTARY SERVITUDE**

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

Upon suggestion of Senator Connors, and without objection, ordered to be placed at the bottom of the Calendar.

13. 2009-S 974**BY Blais****ENTITLED, AN ACT RELATING TO THE RHODE ISLAND HOUSING AND
MORTGAGE FINANCE CORPORATION**

Committee on Judiciary recommends passage.

Senator Blais moves passage, seconded by Senators McCaffrey and Ruggerio.

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

NAYS- 0:

14. 2009-H 5088 SUB A

BY Costantino

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -
LOCATION OF GAS REGULATORS AND GAS METERS

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

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

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, 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, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

15. 2009-H 5181 as amended

BY Menard

ENTITLED, AN ACT RELATING TO CUMBERLAND HILL FIRE DISTRICT
IN THE TOWN OF CUMBERLAND

Committee on Housing & Municipal Government recommends passage as amended in concurrence.

Senator Picard moves passage, seconded by Senators Ciccone, Tassoni and Connors.

The act is read and passed, by unanimous consent, as amended, in concurrence, 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, 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, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

TRANSMITTAL

By unanimous consent, all Senate 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 Environment and Agriculture will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

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 Room 212 of the State House.

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.

ADJOURNMENT

Upon motion of Senator Doyle seconded by Senator Connors the Senate adjourns at 5:07 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR PAUL V. JABOUR

Lord, today we express to You our gratitude and especially thank You for the many friendships we have formed. Enable us to enjoy the days ahead, ever mindful of Your presence in our lives. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR WEDNESDAY, JUNE 24, 2009:

- 1. Nomination of Andrew K. Reilly (appointment) of Newport to the State Investment Council, for a term expiring February 4, 2012.**

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

- 2. Nomination of Robert D. Guidici (reappointment) of Johnston to the State Investment Council, for a term expiring February 4, 2012.**

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

- 3. Nomination of J. Michael Costello (reappointment) of Providence to the State Investment Commission for a term expiring March 1, 2012.**

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

- 4. Nomination of Edward F. Yazbak (appointment) of North Smithfield to the Public Finance Management Board, for a term expiring March 31, 2011.**

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

- 5. Nomination of Thomas M. Bruce, III (appointment) of Cumberland to the Public Finance Management Board, for a term expiring March 31, 2012.**

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

- 6. Nomination of Letitia Carter (appointment) of Providence VICE Marianne Corr (resigned) to the Convention Center Authority, for a term expiring June 30, 2010..**

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

7. 2009-S 979**BY Sosnowski****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

8. 2009-S 987**BY Paiva-Weed****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

9. 2009-S 988**BY DiPalma****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**

Committee on Judiciary recommends passage.

10. 2009-S 993**BY Algieri****ENTITLED, SENATE RESOLUTION EXTENDING SINCERE BEST WISHES TO KENNETH E. ARNOLD, ESQ. ON THE OCCASION OF HIS 60TH BIRTHDAY**

Ordered to be placed on the Consent Calendar

11. 2009-S 1004**BY Miller****ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THE RHODE ISLAND PUBLIC TRANSIT AUTHORITY TO RESTORE THE ELMWOOD/AUBURN #20 BUS LINE IN THE CITY OF CRANSTON**

Ordered to be placed on the Consent Calendar

12. 2009-H 5061 SUB A**BY Edwards****ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - INDUSTRIAL PROPERTY AND REMEDIATION REUSE**

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

13. 2009-H 5616**BY Walsh****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 Environment & Agriculture recommends passage in concurrence.

14. **2009-H 5690 SUB A**

BY Rice M

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 in concurrence.

15. **2009-H 5691**

BY Palumbo

ENTITLED, JOINT RESOLUTION CREATING A SPECIAL JOINT
COMMISSION TO STUDY THE EDUCATION OF CHILDREN WITH
AUTISM IN THE STATE OF RHODE ISLAND

Committee on Constitutional & Regulatory Issues recommends passage in concurrence.

16. **2009-H 5777**

BY Watson

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -
LAND SURVEYORS

Committee on Labor recommends passage in concurrence.

17. **2009-H 6006**

BY Gemma

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -
DOGS

Committee on Constitutional & Regulatory Issues recommends passage in concurrence.

Appendix**CALENDAR****IN ORDER FOR WEDNESDAY, JUNE 24, 2009:****1. 2009-S 264****BY Raptakis****ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -
MOTOR VEHICLE OFFENSES**

Committee on Judiciary recommends passage.

2. 2009-S 283**BY Maher****ENTITLED, AN ACT RELATING TO SPORTS, RACING, AND ATHLETES -
BOXING**

Committee on Constitutional & Regulatory Issues recommends passage.

3. 2009-S 284**BY Maher****ENTITLED, AN ACT RELATING TO SPORTS, RACING AND ATHLETICS --
BOXING AND WRESTLING**

Committee on Constitutional & Regulatory Issues recommends passage.

4. 2009-S 294 SUB A**BY Goodwin****ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
HOME HEATING OIL SALES**

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

5. 2009-S 423 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.

6. 2009-S 428 SUB A**BY Sheehan****ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
JUDICIAL SELECTION**

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

7. **2009-S 505**

BY Fogarty P

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES --
RETIREMENT SYSTEM -- CONTRIBUTIONS AND BENEFITS

Committee on Finance recommends passage.

8. **2009-S 543 SUB A**

BY Perry

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - ASSISTED
LIVING RESIDENCE LICENSING ACT

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

9. **2009-S 584 SUB A as amended**

BY Miller

ENTITLED, AN ACT RELATING TO ELECTIONS - CONDUCT OF ELECTION

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

10. **2009-S 605 SUB A as amended**

BY Perry

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - TRAFFICKING
OF PERSONS AND INVOLUNTARY SERVITUDE

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

11. **2009-S 617 SUB A**

BY Crowley

ENTITLED, AN ACT RELATING TO ELECTIONS - PRIMARY ELECTIONS

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

12. **2009-S 622**

BY Ruggerio

ENTITLED, AN ACT RELATING TO SPORTS RACING AND ATHLETICS --
MIXED MARTIAL ARTS

Committee on Constitutional & Regulatory Issues recommends passage.

13. **2009-S 945**
BY Felag
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT
-- ECONOMIC DEVELOPMENT CORPORATION

Committee on Finance recommends passage.

14. **2009-S 971**
BY Sheehan
ENTITLED, AN ACT AUTHORIZING THE TOWN COUNCIL OF THE TOWN
OF NORTH KINGSTOWN TO EXEMPT FROM TAXATION THE
GILBERT STUART MEMORIAL, INC.

Committee on Housing & Municipal Government recommends passage.

15. **2009-S 976**
BY Algieri
ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL
LICENSES

Committee on Constitutional & Regulatory Issues recommends passage.

16. **2009-S 985**
BY O'Neill E
ENTITLED, AN ACT IN AMENDMENT OF SECTION 4 OF AN ACT PASSED AT
THE JANUARY SESSION 1930, ENTITLED "AN ACT TO
INCORPORATE THE SAYLESVILLE FIRE DISTRICT IN THE
TOWN OF LINCOLN" AS AMENDED

Committee on Housing & Municipal Government recommends passage.

17. **2009-S 986**
BY Sheehan
ENTITLED, AN ACT AUTHORIZING THE TOWN COUNCIL OF THE TOWN
OF NORTH KINGSTOWN TO EXEMPT FROM TAXATION THE
COCUMCUSSOC ASSOCIATION

Committee on Housing & Municipal Government recommends passage.

18. **2009-S 1000**
BY Paiva-Weed
ENTITLED, AN ACT RELATING TO CITIES AND TOWNS -- DISTRICT
MANAGEMENT AUTHORITIES

Committee on Housing & Municipal Government recommends passage.

19. **2009-S 1001**

BY DiPalma

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- HISTORICAL
AREA ZONING

Committee on Housing & Municipal Government recommends passage.

20. **2009-H 5461 SUB A**

BY Segal

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS --
RENEWABLE ENERGY STANDARD

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

21. **2009-H 6022**

BY Loughlin

ENTITLED, AN ACT RELATING TO LITTLE COMPTON AGRICULTURAL
CONSERVANCY TRUST

Committee on Housing & Municipal Government recommends passage in concurrence.