

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 fifth day of January in the year of Our Lord two thousand and ten.

Volume 137, No.23

Thursday, April 8, 2010

Twenty-third Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, at 4:25 o'clock P.M.

The roll is called and a quorum is declared present with 32 Senators present and 6 Senators absent as follows:

PRESENT – 32: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Jabour, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, O'Neill, Perry, Picard, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 6: Senators Blais, Goodwin, Lanzi, Lenihan, Miller, Pichardo.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Twenty-second Legislative Day of the 2010 proceedings is read in part.

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

COMMUNICATIONS

The Honorable President presents the following communications:

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

April 8, 2010

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

Dear Madam President:

Please be advised that due to a business matter, I will be absent from the Senate session on Thursday, April 8, 2010. I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you for your attention to this matter.

Sincerely,

Leo R. Blais
DEPUTY PRESIDENT PRO

Read and ordered to be placed on file.

Also:

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

April 8, 2010

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

Dear President Paiva Weed:

I am writing this letter to respectfully notify you that I will be absent from Senate Session on Thursday, April 8, 2010.

Thank you.

Sincerely,

Beatrice A. Lanzi
Senator – District 26

Read and ordered to be placed on file.

REPORTS OF COMMITTEES

TRANSFER OF BILLS

Senator Perry, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Health and Human Services to the Committee on Finance:

Senate Bill No. 2354

BY Senators Ruggerio, McBurney, Goodwin, Walaska

ENTITLED, AN ACT RELATING TO INSURANCE - HEALTH INSURANCE - COPAYMENTS

(would require that health insurance companies pay bills for ambulance copays or deductibles in excess of fifty dollars (\$50.00) if the patient has not paid the bill within ninety (90) days)

Read and referred to the Committee on Finance.

Also:

Senate Bill No. 2356

BY Senators Ruggerio, Goodwin, McBurney, Pichardo, Metts

ENTITLED, AN ACT RELATING TO HUMAN SERVICES -- PUBLIC ASSISTANCE ACT (would set minimum Medicaid reimbursement rates for transport services)

Read and referred to the Committee on Finance.

TRANSFER OF BILLS

Senator Perry, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Health and Human Services to the Committee on Judiciary:

Senate Bill No. 2420

BY Senator Levesque C

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- PHYSICIAN

ASSISTANTS (would remove the allowance for "graduate practice" status for physician assistants, would grant immunity from liability for gratuitous emergency assistance to state-licensed and federally-credentialed physician assistants)

Read and referred to the Committee on Judiciary.

TRANSFER OF BILLS

Senator Sosnowski, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Environment and Agriculture to the Committee on Finance:

Senate Bill No. 2441**BY** Senators Tassoni, Sosnowski, Maselli**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION (would create the Rhode Island Artificial Reef Program) {LC1518/1}

Read and referred to the Committee on Finance.

**REPORTS OF COMMITTEES
COMMITTEE ON JUDICIARY**

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

Senate Bill No. 2225**BY** Senators Perry, Levesque C, Miller, Metts, Sosnowski**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- SENTENCE AND EXECUTION (would require termination of imprisonment on a deferred sentence when the grand jury fails to return an indictment and termination of imprisonment for violation of a suspended sentence or probationary period) {LC1093/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2501**BY** Senators Jabour, DiPalma, Pichardo**ENTITLED**, AN ACT RELATING TO TAXATION -- POLITICAL ORGANIZATIONS (would impose a state tax of seven and one-half percent (7.5%) on the taxable income over one hundred dollars (\$100) of each political organization) {LC1024/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2643 SUB A**BY** Senators Lynch, Maselli**ENTITLED**, AN ACT RELATING TO ELECTIONS -- RHODE ISLAND CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORTING (would eliminate the additional qualification requirements of independent candidates who wish to participate in the matching public funds program) {LC1426/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2647 SUB A**BY** Senators Walaska

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - OPERATORS' AND CHAUFFEURS' LICENSES (would provide that the administrator of the dmV, may require the applicant to successfully complete a motor vehicle road test only; provided, however, that a physical age of 75 years or older may not be the sole determining factor of good cause) {LC2062/1/A}

Read and ordered to be placed on the 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 measure:

Senate Resolution No. 2248 SUB A

BY Senators DiPalma, Connors, Jabour, Sosnowski, Paiva-Weed

ENTITLED, SENATE RESOLUTION CREATING A SPECIAL SENATE COMMISSION TO STUDY MUNICIPAL SHARED SERVICES {LC1684/1/A}

Read and ordered to be placed on the Consent Calendar.

NEW BUSINESS

Senate Resolution No. 2771

BY Senator Algieri

ENTITLED, SENATE RESOLUTION CELEBRATING "NATIONAL CANCER REGISTRARS WEEK" ON APRIL 12TH THROUGH THE 16TH IN THE STATE OF RHODE ISLAND {LC2123/1}

Senator Algieri requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Algieri moves passage, seconded by Senator Connors.

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

Also:

Senate Resolution No. 2772

BY Senator Fogarty P

ENTITLED, SENATE RESOLUTION CELEBRATING THE CENTENNIAL OF THE HARRISVILLE FIRE DISTRICT {LC1854/1}

Senator Fogarty requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

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

CONSENT CALENDAR

In order for the day is taken up as follows:

1. **2010-S 2708**
BY McCaffrey
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
2. **2010-S 2717**
BY Sosnowski
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
3. **2010-H 7577**
BY Naughton
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
4. **2010-H 7830**
BY Gallison
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
5. **2010-H 7831**
BY Rice A
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
6. **2010-H 7837**
BY Jackson
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Upon motion of Senator Connors, seconded by Senator Algieri, the 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, Ciccone, Connors, Cote, Crowley, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Jabour, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, O'Neill, Perry, Picard, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

CALENDAR

IN ORDER FOR THURSDAY, APRIL 8, 2010:

1. **2010-S 2210****BY Jabour****ENTITLED,** AN ACT RELATING TO TAXATION -- ESTATE AND TRANSFER
TAXES--LIABILITY AND COMPUTATION

Committee on Judiciary recommends passage.

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

2. **2010-S 2230****BY McCaffrey****ENTITLED,** AN ACT RELATING TO PROPERTY - MECHANICS' LIENS

Committee on Judiciary recommends passage.

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

The act is read and passed, by unanimous consent, upon a roll call vote with 31 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

3. **2010-S 2341****BY McCaffrey****ENTITLED,** AN ACT RELATING TO PROPERTY -- MORTGAGE
FORECLOSURE AND SALE

Committee on Judiciary recommends passage.

Senator McCaffrey moves passage, seconded by Senator Levesque

The act is read and passed, by unanimous consent, upon a roll call vote with 31 Senators voting in the affirmative and 0 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS- 31: The Honorable President Paiva Weed and Senators Bates, Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Jabour, Levesque, Lynch, Maher, Maselli,

McBurney, McCaffrey, Metts, O'Neill, Perry, Picard, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ABSTAINED- 1: Senator Algieri

4. 2010-S 2342

BY Picard

ENTITLED, AN ACT RELATING TO BUSINESS AND PROFESSIONS -
AGENCY RELATIONSHIP - RESIDENTIAL REAL ESTATE
TRANSACTION

Committee on Judiciary recommends passage.

Senator Picard moves passage, seconded by Senators Ciccone and McCaffrey

The act is read and passed, by unanimous consent, upon a roll call vote with 30 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 30: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Connors, Cote, Crowley, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Jabour, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, O'Neill, Perry, Picard, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

5. 2010-S 2343

BY Jabour

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -
PROCEDURE GENERALLY - PROPERTY EXEMPT FROM
ATTACHMENT, HOMESTEAD EXEMPTION AND PROPERTY
TAX EXEMPTIONS

Committee on Judiciary recommends passage.

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

The act is read and passed, by unanimous consent, upon a roll call vote with 31 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

6. 2010-S 2347**BY Levesque C****ENTITLED, AN ACT RELATING TO PROPERTY**

Committee on Judiciary recommends passage.

Senator Levesque moves passage, seconded by Senator McCaffrey.

The act is read and passed, by unanimous consent, upon a roll call vote with 30 Senators voting in the affirmative and 0 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS- 30: The Honorable President Paiva Weed and Senators Bates, Ciccone, Connors, Cote, Crowley, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Jabour, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, O'Neill, Perry, Picard, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ABSTAINED- 1: Senator Algieri

7. 2010-S 2459**BY Levesque C****ENTITLED, AN ACT RELATING TO TAXATION - TAX SALES**

Committee on Judiciary recommends passage.

Senator Levesque moves passage, seconded by Senators McCaffrey Fogarty and Metts.

The act is read and passed, by unanimous consent, upon a roll call vote with 31 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

1. 2010-S 2210**BY Jabour****ENTITLED, AN ACT RELATING TO TAXATION -- ESTATE AND TRANSFER
TAXES--LIABILITY AND COMPUTATION**

Committee on Judiciary recommends passage.

Senator Jabour moves passage, seconded by Senators Cote and Levesque.

The act is read and passed, by unanimous consent, upon a roll call vote with 31 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

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 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 Algieri the Senate adjourns at 4:38 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix**INVOCATION****SENATOR LEONIDAS P. RAPTAKIS**

Dear God, we ask you today to grant us the strength and confidence to make the decisions that will be of the greatest benefit to our citizens. We are eternally grateful to have the opportunity to serve the people of our state, and therefore, serve you. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR TUESDAY, APRIL 13, 2010:

1. 2010-S 2248 SUB A

BY DiPalma

ENTITLED, SENATE RESOLUTION CREATING A SPECIAL SENATE
COMMISSION TO STUDY MUNICIPAL SHARED SERVICES

Committee on Constitutional & Regulatory Issues recommends indefinite postponement of the original bill and passage of Substitute A.

Appendix**CALENDAR****IN ORDER FOR WEDNESDAY, APRIL 14, 2010:****1. 2010-S 2225****BY Perry****ENTITLED,** AN ACT RELATING TO CRIMINAL PROCEDURE -- SENTENCE
AND EXECUTION

Committee on Judiciary recommends passage.

2. 2010-S 2501**BY Jabour****ENTITLED,** AN ACT RELATING TO TAXATION -- POLITICAL
ORGANIZATIONS

Committee on Judiciary recommends passage.

3. 2010-S 2643 SUB A**BY Lynch****ENTITLED,** AN ACT RELATING TO ELECTIONS -- RHODE ISLAND
CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORTINGCommittee on Judiciary recommends indefinite postponement of the original bill and
passage of Substitute A.**4 2010-S 2647 SUB A****BY Walaska****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES -
OPERATORS' AND CHAUFFEURS' LICENSESCommittee on Judiciary recommends indefinite postponement of the original bill and
passage of Substitute A.