

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.26

Thursday, April 15, 2010

Twenty-sixth 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 4:22 o'clock P.M.

The roll is called and a quorum is declared present with 34 Senators present and 4 Senators absent as follows:

PRESENT – 34: The Honorable President Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Jabour, Lanzi, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, O'Neill, Perry, Picard, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 4: Senators Goodwin, Lenihan, Miller, Pichardo

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 7263 SUB A

BY Rice M, Naughton, Pollard, Walsh, Malik

ENTITLED, AN ACT RELATING TO THE STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF ENVIRONMENTAL MANAGEMENT -- DIVISIONS (would authorize the dept of environmental management, agriculture division, to work in conjunction with the dept of health and other state agencies pursuant to a memorandum of agreement on farm and farm facility issues) {LC865/1/A}

Read and referred to the Committee on Environment and Agriculture.

**REPORTS OF COMMITTEES
COMMITTEE ON ENVIRONMENT AND AGRICULTURE**

Senator Sosnowski from the Committee on Environment and Agriculture, reports back, with recommendation of passage of the following measure:

Senate Bill No. 2437 SUB A as amended (by request)

BY Senators Algiere, Maher, Sosnowski

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- HAZARDOUS WASTE CLEANUP (would exempt from liability a person who in the normal course of government duties provides assistance or services in mitigating hazardous discharge, to further include local fire departments, districts and representatives of the Rhode Island DEM) {LC1695/1/A}

Read and ordered to be placed on the Calendar.

NEW BUSINESS**Senate Bill No. 2802**

BY Senators Felag, DiPalma

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LIQUOR LICENSES {LC2426/1}

Read and referred to the Committee on Constitutional and Regulatory Issues.

Also:

Senate Bill No. 2803

BY Senator Felag

ENTITLED, AN ACT RELATING TO TAXATION - ALTERNATIVE FUEL TAX CREDIT {LC2414/1}

Read and referred to the Committee on Finance.

Also:

Senate Bill No. 2804

BY Senators Lanzi, Gallo, Miller

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- RETIREMENT OF MUNICIPAL EMPLOYEES {LC2361/1}

Read and referred to the Committee on Finance.

Also:

Senate Bill No. 2805

BY Senator Sosnowski

ENTITLED, AN ACT RELATING TO EDUCATION - UNIVERSITY OF RHODE ISLAND {LC2403/1}

Read and referred to the Committee on Finance.

Also:

Senate Bill No. 2806

BY Senators Perry, Gallo, Sosnowski, Crowley, Lanzi

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - SEXUALLY TRANSMITTED DISEASES {LC2446/1}

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

Also:

Senate Bill No. 2807

BY Senators Fogarty P, Gallo

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - PASCOAG UTILITY DISTRICT {LC2407/1}

Read and referred to the Committee on Municipal Government.

Also:

Senate Bill No. 2808

BY Senator Algieri

ENTITLED, AN ACT RELATING TO AMENDING THE CHARTER OF THE MISQUAMICUT FIRE DISTRICT {LC1773/1}

Read and referred to the Committee on Municipal Government.

Also:

Senate Bill No. 2811**BY** Senator Bates**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER
GIVENS MARINE SURVIVAL CO., INC. {LC2462/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Resolution No. 2812**BY** Senators Sheehan, Crowley, Tassoni, Perry, Bates**ENTITLED**, SENATE RESOLUTION PROCLAIMING THE MONTH OF APRIL, 2010, AS
"PARKINSON'S DISEASE AWARENESS MONTH" IN THE STATE OF RHODE ISLAND
{LC2459/1}

Senator Sheehan requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sheehan moves passage, seconded by Senators Algieri and Ruggerio.

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

CONSENT CALENDAR

In order for the day is taken up as follows:

1 2010-H 7242**BY Shallcross Smith****ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**2 2010-H 7240****BY Coderre E****ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**3 2010-H 7246****BY Azzinaro****ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**4 2010-H 7248****BY McNamara****ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Upon motion of Senator Connors, seconded by Senator Ruggerio, the measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: The Honorable President Paiva Weed and Senators Algiere, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Jabour, Lanzi, 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 15, 2010:

1 Nomination of The Honorable Gilbert V. Indeglia as Justice of the Rhode Island Supreme Court.

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

Senator McCaffrey seconded by Senators Perry, Ruggerio, Connors, Gallo, DeVall, Tassoni, DaPonte, Algiere, Bates, Lynch, Jabour, DiPalma, O'Neill, Maher and Blais moves that advice and consent of the Senate be given this appointment.

Senators McCaffrey, Sosnowski, Jabour, Blais, Algiere and Connors discuss the appointment.

The advice and consent of the Senate is given this appointment, 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 Algiere, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Jabour, Lanzi, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, O'Neill, Perry, Picard, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

GUESTS

Upon suggestion of Senator Sosnowski and by unanimous consent, the Honorable President welcomes to the Chamber Associate Justice, of the Supreme Court, Gilbert Indeglia, his wife Elizabeth "Besty" Indeglia, his daughter Bethany Indeglia of South Kingstown, RI.

Upon suggestion of Senator Algiere and by unanimous consent, the Honorable President welcomes to the Chamber Steven Burke, Steve MaCarthur and Judge Jeffery Lanphear, of the Superior Court.

CALENDAR

2 2010-S 2225**BY Perry****ENTITLED,** AN ACT RELATING TO CRIMINAL PROCEDURE -- SENTENCE
AND EXECUTION

Committee on Judiciary recommends passage.

Senator Perry moves passage, seconded by Senators Levesque, DaPonte, Jabour and Metts.

The act is read and passed, upon a roll call vote with 24 Senators voting in the affirmative and 7 Senators voting in the negative as follows:

YEAS- 24: The Honorable President Paiva Weed and Senators Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Jabour, Lanzi, Levesque, Lynch, Maselli, McCaffrey, Metts, Perry, Picard, Ruggerio, Sosnowski, Tassoni.

NAYS- 7: Senators Algieri, Bates, Blais, Maher, O'Neill, Pinga, Raptakis.

3 2010-S 2501**BY Jabour****ENTITLED,** AN ACT RELATING TO TAXATION -- POLITICAL
ORGANIZATIONS

Committee on Judiciary recommends passage.

Senator Jabour moves passage, seconded by Senator McCaffrey.

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, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Jabour, Lanzi, Levesque, Lynch, McCaffrey, Metts, O'Neill, Perry, Picard, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

4 2010-S 2643 SUB A**BY Lynch****ENTITLED,** AN ACT RELATING TO ELECTIONS -- RHODE ISLAND
CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORTING

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

Senator Lynch moves passage, seconded by Senators McCaffrey, O'Neill and Sheehan.

The bill marked Substitute “A” is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 33: The Honorable President Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Jabour, Lanzi, Levesque, Lynch, Maher, Maselli, McCaffrey, Metts, O'Neill, Perry, Picard, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

5 2010-S 2647 SUB A

BY Walaska

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -
OPERATORS' AND CHAUFFEURS' LICENSES

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

Senator Walaska moves passage, seconded by Senators Lynch, Maselli, McCaffrey and Levesque.

Senators Connors, Felag and Ciccone discuss the act.

The bill marked Substitute “A” is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 33: The Honorable President Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Jabour, Lanzi, Levesque, Lynch, Maher, Maselli, 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 Senators Algieri and Connors, the Senate adjourns at 4:53 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR MICHAEL J. MCCAFFREY

Lord, we ask you to keep us safe and healthy over the vacation break, and allow us to return refreshed so we may continue to serve in the best interests of our people. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR TUESDAY, APRIL 27, 2010:

1 2010-S 2811

BY Bates

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER GIVENS MARINE SURVIVAL CO., INC.

Ordered to be placed on the Consent Calendar

Joseph R. Brady
Secretary of the Senate

Thursday, April 15, 2010

Appendix**CALENDAR****IN ORDER FOR TUESDAY, APRIL 27, 2010:****1 2010-S 2665****BY Felag****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
RETAIL SALE OF GASOLINE

Committee on Corporations recommends passage.

2 2010-S 2443**BY Lenihan****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -
STATE PURCHASES

Committee on Government Oversight recommends passage.

3 2010-S 2445**BY Sheehan****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -
STATE PURCHASES

Committee on Government Oversight recommends passage.

4 2010-S 2213**BY McCaffrey****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT
-- RHODE ISLAND ECONOMIC DEVELOPMENT CORPORATION

Committee on Judiciary recommends passage.

5 2010-S 2317**BY Levesque C****ENTITLED,** AN ACT RELATING TO CRIMINAL OFFENSES -- COMMUNITY
OBLIGATIONS AND BANKING OFFENSES --THEFT,
EMBEZZLEMENT, FALSE PRETENSES, AND
MISAPPROPRIATIONS

Committee on Judiciary recommends passage.

6 2010-S 2346

BY Lanzi

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -
DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Committee on Judiciary recommends passage.

IN ORDER FOR WEDNESDAY, APRIL 28, 2010:

1 2010-S 2437 SUB A as amended

BY Algieri

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- HAZARDOUS
WASTE CLEANUP

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

Joseph R. Brady
Secretary of the Senate

Thursday, April 15, 2010