

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.27

Tuesday, April 27, 2010

Twenty-seventh 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 4:27 o'clock P.M.

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

PRESENT – 35: The Honorable President Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Felag, Fogarty, Goodwin, Jabour, Lanzi, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 3: Senators Doyle, Gallo, Lenihan

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

NATIONAL ANTHAM

The National Anthem is performed acapella by “A Lively Experiment” group from the University of Rhode Island.

GUESTS

Upon suggestion of Senator Jabour and by unanimous consent, the Honorable President, welcomes to the Chamber David M. Dooley, President of University of Rhode Island.

Upon suggestion of Senator Jabour and by unanimous consent, the Honorable President, welcomes to the Chamber members of “A Lively Experiment Joseph Alberg, Lauren Boltz, Elise DeFusco, Katherine Hammersley, Kiran Kimbell, Linzi Matta, Erin Maughan, Kilian Mooney, Devon Morin, Mike Ottaviano, Billy Ray Poli, Raffi Rachdouni, Andrew St. George, Celia Tafuri and Mark Conley, Director.

COMMUNICATION

The Honorable President presents the following communication:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS STATE HOUSE April 27, 2010 The Honorable M. Teresa Paiva Weed President of the Senate 317 State House Providence, RI 02903 Dear Madam President: Please be advised and let the record reflect that I will be absent from the chamber on Tuesday, April 27, 2010. I would appreciate your recording my letter in the appropriate Senate Journal. Thank you for your attention to this matter. Sincerely, Senator J. Michael Lenihan Senate District 35

Read and ordered to be placed on file.

Also:

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

April 26, 2010

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

Dear Madam President:

Please be advised and let the record reflect that I will be absent from the chamber on Tuesday, April 27, 2010 due to out of state business.

I would appreciate your recording my letter in the appropriate Senate Journal.
Thank you for your attention to this matter.

Sincerely,

Senator Hanna M. Gallo
Senate District 27

Read and ordered to be placed on file.

CONSENT CALENDAR

In order for the day is taken up as follows:

1. 2010-S 2811

BY Bates

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

Upon motion of Senator Connors, seconded by Senators Ruggerio and Bates, the measure on today's Consent Calendar, by unanimous consent, is read and passed, 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, Goodwin, Jabour, Lanzi, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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.

Senator Felag moves passage, seconded by Senator Miller.

The act is read and passed, 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, DaPonte, DeVall, DiPalma, Felag, Fogarty, Goodwin, Jabour, Lanzi, Levesque, Lynch, Maher, Maselli, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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

Committee on Government Oversight recommends passage.

Upon suggestion of Senator Ciccone, and without objection, ordered to be placed at the bottom of the Calendar for Wednesday, April 28, 2010.

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

Committee on Government Oversight recommends passage.

Senator Sheehan moves passage, seconded by Senator Ciccone.

The act is read and passed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Felag, Fogarty, Goodwin, Jabour, Lanzi, Levesque, Lynch,

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

NAYS- 0:

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.

Upon suggestion of Senator McCaffrey, and without objection, ordered to be placed on the Calendar for Tuesday, May 4, 2010.

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.

Senator Levesque moves passage, seconded by Senator McCaffrey.

The act is read and passed, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

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.

Senator Lanzi moves passage, seconded by Senators Jabour, Levesque, Lynch, O'Neill, DiPalma, Connors.

The act is read and passed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Bates, Blais, Ciccone, Connors, Cote, Crowley, DaPonte, DeVall, DiPalma, Felag, Fogarty, Goodwin, Jabour, Lanzi, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, 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 Picard announces that the Committee on Corporations will meet today, at the rise of the Senate, in Room 212 of the State House.

Senator Felag announces that the Committee on Environment and Agriculture will meet tomorrow, at the rise of the Senate, in Room 310 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.

Senator Ciccone announces that the Committee on Labor will meet tomorrow, at the rise of the Senate, in the Senate Lounge of the State House.

GUESTS

Upon suggestion of Senator Lanzi and by unanimous consent, the Honorable President, welcomes to the Chamber Phil West and Anne Grant.

ADJOURNMENT

Upon motion of Senator Ruggerio, seconded by Senator Connors, the Senate adjourns at 4:41 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix**INVOCATION****SENATOR JOHN F. MCBURNEY**

As we reconvene in the Senate Chamber, let us once again contemplate our reasons for being here. Let us also ask of our Creator that he bestow special blessings today on us all and properly guide us in serving the people of our State. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR WEDNESDAY, APRIL 28, 2010:

1. 2010-S 2813

BY Gallo

ENTITLED, SENATE RESOLUTION PROCLAIMING THE WEEK OF APRIL
18-24, 2010, AS THE "GENERAL FEDERATION OF WOMEN'S
CLUBS - CRANSTON COMMUNITY WOMAN'S CLUB VOLUNTEERS IN
ACTION WEEK" IN THE STATE OF RHODE ISLAND

Ordered to be placed on the Consent Calendar.

Appendix**CALENDAR****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.

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

Committee on Government Oversight recommends passage.

IN ORDER FOR TUESDAY, MAY 4, 2010:**1. 2010-S 2213****BY McCaffrey****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT
-- RHODE ISLAND ECONOMIC DEVELOPMENT CORPORATION

Committee on Judiciary recommends passage.