

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.28

Wednesday, April 28, 2010

Twenty-eighth 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 4:24 o'clock P.M.

The roll is called and a quorum is declared present with 38 Senators present and 0 Senators absent as follows:

PRESENT – 38: 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, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

ABSENT – 0:

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

**REPORTS OF COMMITTEES
COMMITTEE ON CORPORATIONS**

Senator Miller from the Committee on Corporations, reports back, with recommendation of passage of the following measures:

Senate Bill No. 2179

BY Senators DeVall, Ruggerio, Tassoni

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- MERCURY REDUCTION AND EDUCATION ACT

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2398 SUB A

BY Senator Miller

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- LICENSED ACTIVITIES (would amend the "Adopting the Federal Secure and Fair Enforcement for Mortgage Lending Act of 2009" by making technical corrections and by ensuring the act would apply to the chapter of the general laws regarding "Licensed Activities) {LC1565/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2400 SUB A

BY Senators Miller, Bates, Jabour, Gallo, Pichardo

ENTITLED, AN ACT RELATING TO INSURANCE (would amend the Insurance Holding Company Act to being it into conformance with the current National Association of Insurance Commissioners Model Act) {LC1611/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2714 SUB A

BY Senators Lynch, Walaska, Bates

ENTITLED, AN ACT RELATING TO INSURANCE (would add a trend test to the risk based capital statutes governing insurers and health organizations, financial health determinations) {LC1946/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2715 SUB A**BY** Senators Lynch, Walaska, Bates**ENTITLED**, AN ACT RELATING TO INSURANCE (would rename the Rhode Island Insurers Insolvency Fund the Rhode Island Property and Casualty Insurance Guaranty Association and would amend the chapter to bring it into compliance with the current NAIC model act upon which the statute is based) {LC1952/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2397 SUB A**BY** Senators Miller, Bates, Gallo, Jabour**ENTITLED**, AN ACT RELATING TO INSURANCE - STANDARDS AND DIRECTOR'S AUTHORITY FOR COMPANIES DEEMED TO BE IN HAZARDOUS FINANCIAL CONDITION (would update the standards upon which it can be determined whether an insurer is in hazardous financial condition and the remedies the director may make in accordance with the current NAIC Model Act) {LC1558/1/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:

Senate Bill No. 2021**BY** Senators DiPalma, Tassoni, Lynch, Pinga, DeVall**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - STATE PURCHASES (would require the state purchasing officer to select in-state, or joint venture vendors with an in-state place of business when all other aspects of a purchase are identical.)

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2120**BY** Senator Fogarty P**ENTITLED**, AN ACT RELATING TO TAXATION - PROPERTY (would permit the town of Burrillville to extend the tax amount determination pursuant to this chapter)

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:

Senate Bill No. 2751

BY Senator Felag

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- CONTRACTORS' BONDS (would provide for prompt reimbursement for traffic details on public works projects in the town of Warren) {LC2111/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2752

BY Senator Felag

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - STORM DRAINAGE SYSTEM MAINTENANCE (would allow the town of Warren to inspect its storm drainage systems every three (3) years instead of on an annual basis) {LC2110/1}

Read and ordered to be placed on the Calendar

NEW BUSINESS**Senate Resolution No. 2814**

BY Senator McBurney

ENTITLED, SENATE RESOLUTION PROCLAIMING APRIL 28, 2010, AS "RHODE ISLAND SCHOLARSHIP ADVOCATES DAY" IN THE STATE OF RHODE ISLAND {LC2509/1}

Senator McBurney requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

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

Also:

Senate Resolution No. 2815

BY Senators Raptakis, Gallo, Jabour, Connors, Algieri

ENTITLED, SENATE RESOLUTION PROCLAIMING MAY 19TH OF 2010 AS "GREEK PONTIAN GENOCIDE REMEMBRANCE DAY" IN THE STATE OF RHODE ISLAND {LC2418/1}

Senator Raptakis requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Raptakis moves passage, seconded by Senator Algiere.

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

Also:

Senate Resolution No. 2816

BY Senators Raptakis, Miller, Jabour, Perry, Paiva-Weed

ENTITLED, SENATE RESOLUTION RECOGNIZING THE 62ND ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL AND REAFFIRMING THE BONDS OF CLOSE FRIENDSHIP AND COOPERATION BETWEEN THE UNITED STATES AND ISRAEL {LC2378/1}

Senator Raptakis requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Raptakis moves passage, seconded by Senator Miller.

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

Also:

Senate Resolution No. 2809

BY Senators Gallo, Raptakis, Lanzi, Ruggerio, Jabour

ENTITLED, SENATE RESOLUTION PROCLAIMING APRIL 24, 2010, AS "ARMENIAN GENOCIDE REMEMBRANCE DAY" TO COMMEMORATE THE ARMENIAN GENOCIDE OF 1915 TO 1923 AND IN HONOR OF ARMENIAN-AMERICANS {LC2420/1}

Senator Gallo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Gallo moves passage, seconded by Senators Raptakis, Jabour, Metts and Goodwin.

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

GUESTS

Upon suggestion of Senators Gallo, Goodwin, Metts, Jabour, Raptakis and Ruggerio and by unanimous consent, the Honorable President, welcomes to the Chamber members of the Armenian National Committee, Ani Haroian, Paul Haroian, George Mangalo, Steve Elmasian and John Mkrtshjan.

Upon suggestion of Senator Pichardo and by unanimous consent, the Honorable President, welcomes to the Chamber Nathan Newman, Executive Director of the Progressive States Network.

COMMITTEE ON FINANCE

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

Senate Bill No. 2781 SUB A

BY Senators Felag, DiPalma

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - GENERAL POWERS (would allow cities and towns to postpone their budget decisions and would extend the period of time that any law, statute or ordinance requiring action on such budget decisions for a period of ninety (90) days for the years of 2010 and 2011 only) {LC2396/1/A}

Senator Felag requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Felag moves passage, seconded by Senators Connors, Ruggerio, DaPonte, McBurney, Fogarty, Tassoni and Pichardo.

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

NAYS- 0:

NEW BUSINESS**Senate Bill No. 2817**

BY Senator DaPonte

ENTITLED, AN ACT RELATING TO TAXATION -- MOTOR VEHICLE AND TRAILER EXCISE TAX ELIMINATION ACT OF 1988 {LC2518/1}

Senator DaPonte requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator DaPonte moves passage, seconded by Senator Connors.

The act is read and passed, upon a roll call vote with 35 Senators voting in the affirmative and 1 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, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi,

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

NAYS- 1: Senator Picard

Also:

Senate Bill No. 2818

BY Senator DaPonte

ENTITLED, AN ACT RELATING TO STATE RETIREMENT SYSTEM {LC2517/1}

Senator DaPonte requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator DaPonte moves passage, seconded by Senators Connors and Ruggerio.

The act is read and passed, upon a roll call vote with 36 Senators voting in the affirmative and 2 Senators voting in the negative as follows:

YEAS- 36: 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, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 2: Senators Blais, Maher.

Also:

Senate Bill No. 2819

BY Senators Sosnowski, Miller, Felag, Ruggerio, McCaffrey

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- CONTRACTING STANDARD FOR RENEWABLE ENERGY {LC2483/1}

Read and referred to the Senate Committee on Environment and Agriculture

CONSENT CALENDAR

In order for the day is taken up as follows:

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

Upon motion of Senator Connors, seconded by Senator Algiere, the measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 38: The Honorable President Paiva Weed and Senators Algiere, 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, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

CALENDAR

IN ORDER FOR WEDNESDAY, APRIL 28, 2010:

1. 2010-S 2437 SUB A as amended

BY Algiere

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.

Senator Algiere moves passage, seconded by Senator Sosnowski.

Senator Sosnowski seconded by Senators Algiere, Maher, Connors, offers the following written motion to amend.

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

TO

2010 -- S 2437 SUBSTITUTE A

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

Madam President:

I hereby move to amend 2010 -- S 2437 SUBSTITUTE A, entitled "AN ACT RELATING TO HEALTH AND SAFETY -- HAZARDOUS WASTE CLEANUP", as follows:

1. On page 2, line 21, after the language "the responsible party", by inserting the following language: "or to any vendor of a responsible party. For the purpose of this section, "vendor" means any individual, trust, firm, corporation,

partnership, or association that offers oil mitigation services, containment services, clean up activities or oil spill pollution prevention programs for sale to the public.”

Respectfully submitted,
SENATOR SOSNOWSKI

The motion to amend prevails upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 38: 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, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Algieri moves passage of the act, as amended, seconded by Senators Connors and Sosnowski.

Senators Blais, Sosnowski and Levesque discuss the act.

The act is read and passed, as amended, upon a roll call vote with 36 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS- 36: 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, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 1: Senator Blais.

2. 2010-S 2443

BY Lenihan

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

Committee on Government Oversight recommends passage.

Senator Lenihan moves passage, seconded by Senators Sheehan, Ruggerio, Ciccone, Metts, Sosnowski, Perry and Miller.

The act is read and passed, by unanimous consent, as amended, in concurrence, 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, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lenihan, Levesque, Lynch, Maher, Maselli, 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 with the exception of (2010-S 2437 Sub A as amended)

ANNOUNCEMENTS

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

Senator Sheehan announces that the Committee on Health and Human Services will meet today, at the rise of the Senate, in Room 212 of the State House.

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

ADJOURNMENT

Upon motion of Senator Doyle seconded by Senators Algiere and Connors the Senate adjourns at 5:03 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENAOTR DENNIS L. ALGIERE

Open our hearts Lord, not only to the needs of those we serve, but also to one another in this Chamber so as a community of leaders we can be led to wise and courageous actions that benefit Rhode Island.
Amen

Appendix**CALENDAR****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.

2. 2010-S 2179**BY DeVall****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- MERCURY
REDUCTION AND EDUCATION ACT

Committee on Corporations recommends passage.

3. 2010-S 2397 SUB A**BY Miller****ENTITLED,** AN ACT RELATING TO INSURANCE - STANDARDS AND
DIRECTOR'S AUTHORITY FOR COMPANIES DEEMED TO BE IN
HAZARDOUS FINANCIAL CONDITIONCommittee on Corporations recommends indefinite postponement of the original bill
and passage of Substitute A.**4. 2010-S 2398 SUB A****BY Miller****ENTITLED,** AN ACT RELATING TO FINANCIAL INSTITUTIONS -- LICENSED
ACTIVITIESCommittee on Corporations recommends indefinite postponement of the original bill
and passage of Substitute A.**5. 2010-S 2400 SUB A****BY Miller****ENTITLED,** AN ACT RELATING TO INSURANCECommittee on Corporations recommends indefinite postponement of the original bill
and passage of Substitute A.

6. 2010-S 2714 SUB A**BY Lynch****ENTITLED, AN ACT RELATING TO INSURANCE**

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

7. 2010-S 2715 SUB A**BY Lynch****ENTITLED, AN ACT RELATING TO INSURANCE**

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

8. 2010-S 2021**BY DiPalma****ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -
STATE PURCHASES**

Committee on Finance recommends passage.

9. 2010-S 2120**BY Fogarty P****ENTITLED, AN ACT RELATING TO TAXATION - PROPERTY**

Committee on Finance recommends passage.

10. 2010-S 2751**BY Felag****ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
CONTRACTORS' BONDS**

Committee on Housing & Municipal Government recommends passage.

11. 2010-S 2752**BY Felag****ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - STORM
DRAINAGE SYSTEM MAINTENANCE**

Committee on Housing & Municipal Government recommends passage.