

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.34

Tuesday, May 18, 2010

Thirty-fourth 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 4:18 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 Gallo to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Thirty-third Legislative Day of the 2010 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator DiPalma and by unanimous consent, the Honorable President, welcomes to the Chamber Captain Joe Voboril, Commanding Officer of Naval Station Newport, Colonel Rich Keene, from the Rhode Island National Guard and Janet McCarthy, School Liaison Officer for Naval Station.

REPORTS OF COMMITTEES**TRANSFER OF BILLS**

Senator Gallo, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Education to the Committee on Finance:

Senate Bill No. 2263

BY Senators DeVall, Crowley, Maselli, Tassoni, Miller

ENTITLED, AN ACT RELATING TO EDUCATION -- KINDERGARTEN {LC1314/1}

Read and referred to the Committee on Finance.

**REPORTS OF COMMITTEES
COMMITTEE ON CORPORATIONS**

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

Senate Resolution No. 2843

BY Senators Crowley, Paiva Weed, Connors, Walaska, Lynch

ENTITLED, SENATE RESOLUTION URGING THE GENERAL ASSEMBLY TO SUPPORT THE ESTABLISHMENT OF AN ELECTRONIC STATEWIDE MASTER APPLICATION SYSTEM: MAKING IT EASIER TO DO BUSINESS IN RI - PART 1 {LC2257/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2845 SUB A

BY Senators Lynch, Walaska, Metts, Connors, Gallo

ENTITLED, AN ACT RELATING TO MAKING IT EASIER TO DO BUSINESS IN RI - PART 3 -- HEALTH AND SAFETY -- FIRE SAFETY CODE (would delete the provisions of the general laws which would require that plans for the erection and alteration of a building must be approved by the state fire marshal if prepared by a professional engineer or architect) {LC2320/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2846**BY** Senators Lynch, Ruggerio, Miller**ENTITLED**, AN ACT RELATING TO MAKING IT EASIER TO DO BUSINESS IN RHODE ISLAND PART 4: LABOR AND LABOR RELATIONS (would require the director of labor and training to appoint a small business owner to the apprentice council) {LC1288/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2850 SUB A**BY** Senators Connors, Raptakis, Felag, Cote, DiPalma**ENTITLED**, AN ACT RELATING TO MAKING IT EASIER TO DO BUSINESS IN RI - PART 8 - STATE AFFAIRS AND GOVERNMENT - ECONOMIC DEVELOPMENT CORPORATION (would require the governor to appoint small business owners to four (4) of the twelve (12) seats on the board of directors for the Economic Development Corporation) {LC2342/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2851**BY** Senators Felag, Lynch, Blais, Sheehan, DeVall**ENTITLED**, AN ACT RELATING TO MAKING IT EASIER TO DO BUSINESS IN RHODE ISLAND - PART 9 -- THE RHODE ISLAND ECONOMIC DEVELOPMENT CORPORATION (would create the office of regulatory reform to review Rhode Island regulatory processes and permitting procedures for businesses in an effort to improve them) {LC2461/1}

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 measure:

Senate Bill No. 2111**BY** Senator Levesque C**ENTITLED**, AN ACT IN ACCORDANCE WITH RHODE ISLAND GENERAL LAWS SECTION 16-7-44 APPROVING THE ISSUANCE OF \$350,000 BONDS BY THE TOWN OF PORTSMOUTH TO FINANCE IMPROVEMENTS TO SCHOOL BUILDINGS INCLUDING BUT NOT LIMITED TO BONDS AND NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION (would serve as the enabling act required by the Rhode Island general laws section 16-7-44 in order for the interest on bonds issued in support of school housing projects to be eligible for state housing aid reimbursement)

Read and ordered to be placed on the Calendar.

NEW BUSINESS**Senate Resolution No. 2883****BY** Senator Connors**ENTITLED**, SENATE RESOLUTION CONGRATULATING REVEREND RICHARD P. DESAULNIERS ON THE OCCASION OF THE 40TH ANNIVERSARY OF HIS ORDINATION {LC2253/1}

Senator Connors requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Connors moves passage, seconded by Senator Algieri.

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

CALENDAR**IN ORDER FOR TUESDAY, MAY 18, 2010:****1. 2010-S 2645****BY** Blais**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
JUDICIAL SELECTION

Committee on Judiciary recommends passage.

Senator Blais moves passage, seconded by Senators McCaffrey, Goodwin and Levesque.

The act is read and passed, upon a roll call vote with 26 Senators voting in the affirmative and 9 Senators voting in the negative as follows:

YEAS- 26: The Honorable President Paiva Weed and Senators Blais, Ciccone, Connors, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Lanzi, Levesque, Maselli, McBurney, McCaffrey, Metts, Miller, Perry, Picard, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 9: Senators Algieri, Bates, Cote, Lenihan, Maher, O'Neill, Pichardo, Pinga, Raptakis.

2. 2010-S 2508 as amended**BY** Goodwin**ENTITLED**, AN ACT RELATING TO INSURANCE - UNFAIR CLAIMS
SETTLEMENT PRACTICES ACT

Committee on Constitutional & Regulatory Issues recommends passage as amended.

Upon suggestion of Senator Ruggerio and without objection, ordered to be placed on the Calendar for Tuesday, May 25, 2010.

3. 2010-S 2034 SUB A

BY Felag

ENTITLED, AN ACT RELATING TO EDUCATION

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

Senator Felag moves passage, seconded by Senator McCaffrey.

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

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

TO

2010 -- S 2034 SUBSTITUTE A/3

AN ACT RELATING TO EDUCATION

Madam President:

I hereby move to amend 2010 -- S 2034 SUBSTITUTE A/3, entitled "AN ACT RELATING TO EDUCATION", as follows:

(1) On page 3, by deleting all of the language on lines 5 through 7, inclusive.

Respectfully submitted,
SENATOR MCCAFFREY

The motion to amend prevails upon a roll call vote with 35 Senators voting in the affirmative and 1 Senator 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, Levesque, Lynch, Maher, Maselli, McBurney, McCaffrey, Metts, Miller, O'Neill, Perry, Picard, Pichardo, Pinga, Raptakis, Ruggerio, Sosnowski, Tassoni, Walaska.

NAYS- 1: Senator Blais

Senator Felag moves passage of the act, as amended, seconded by Senators McCaffrey, Bates, Gallo, Sosnowski, DaPonte, Metts and Levesque.

Senator Fogarty discusses the act.

The act is read and passed, by unanimous consent, as amended, 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:

4. 2010-S 2181 SUB A

BY Bates

ENTITLED, AN ACT RELATING TO LIBRARIES

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

Senator Bates moves passage, seconded by Senators Blais, Algieri, DeVall and Levesque.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, 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:

5. 2010-S 2266

BY Felag

**ENTITLED, AN ACT RELATING TO EDUCATION -- COOPERATIVE
SERVICE AMONG SCHOOL DISTRICTS**

Committee on Education recommends passage.

Senator Felag moves passage, seconded by Senators Sosnowski, Gallo, DeVall, DaPonte, DiPalma and Metts.

The act is read and passed, by unanimous consent, 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:

6. 2010-S 2777

BY Gallo

ENTITLED, AN ACT RELATING TO EDUCATION

Committee on Education recommends passage.

Senator Gallo moves passage, seconded by Senators DeVall, Connors and Maher.

Senator Maher discusses the act.

The act is read and passed, by unanimous consent, 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:

7. 2010-S 2823

BY Doyle

ENTITLED, AN ACT RELATING TO EDUCATION

Committee on Education recommends passage.

Senator Doyle moves passage, seconded by Senators Metts, DeVall, Blais and DaPonte.

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

NAYS- 0:

8. 2010-S 2203 SUB A

BY Perry

**ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
LICENSING OF GENETIC COUNSELORS**

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

Senator Perry 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 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:

9. 2010-S 2753

BY Gallo

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY

Committee on Housing & Municipal Government recommends passage.

Senator Gallo moves passage, seconded by Senators Fogarty and DeVall

The act is read and passed, by unanimous consent, 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:

10. 2010-S 2754

BY Gallo

**ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - STATE
BUILDING CODE**

Committee on Housing & Municipal Government recommends passage.

Senator Gallo moves passage, seconded by Senators Fogarty, DeVall and Ciccone.

The act is read and passed, by unanimous consent, 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:

11. 2010-S 2790 SUB A

BY Sosnowski

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT
-- ADMINISTRATIVE ADJUDICATION FOR ENVIRONMENTAL
MATTERS

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

Senator Sosnowski moves passage, seconded by Senator McCaffrey.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, 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:

RECOMMITTAL

Upon suggestion of Senator Connors, seconded by Senator Ruggerio, Bill 2010-S 2853 Sub A, without objection, is recommitted to the Committee on Finance.

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 Felag announces that the Committee on Finance will meet today, at the rise of the Senate, in Room 211 of the State House.

Senator Lenihan announces that the Committee on Government Oversight will meet today, at the rise of the Senate, in the Senate Lounge 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 McCaffrey 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 Room 211 of the State House.

ADJOURNMENT

Upon motion of Senator Doyle, seconded by Senator Ruggerio, the Senate adjourns at 4:42 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix**INVOCATION****SENATOR HANNA M. GALLO**

Eternal Father, give us Your wisdom and grace to make this state a better place for your children. Guide all of us in this chamber and all others you have placed in a position of trust to uphold what is right and seek what is true. Amen.

Appendix**CALENDAR****IN ORDER FOR THURSDAY, MAY 20, 2010:****1. 2010-S 2843****BY Crowley**

ENTITLED, SENATE RESOLUTION URGING THE GENERAL ASSEMBLY TO SUPPORT THE ESTABLISHMENT OF AN ELECTRONIC STATEWIDE MASTER APPLICATION SYSTEM: MAKING IT EASIER TO DO BUSINESS IN RI - PART 1

Committee on Corporations recommends passage.

2. 2010-S 2845 SUB A**BY Lynch**

ENTITLED, AN ACT RELATING TO MAKING IT EASIER TO DO BUSINESS IN RI - PART 3 -- HEALTH AND SAFETY -- FIRE SAFETY CODE

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

3. 2010-S 2846**BY Lynch**

ENTITLED, AN ACT RELATING TO MAKING IT EASIER TO DO BUSINESS IN RHODE ISLAND PART 4: LABOR AND LABOR RELATIONS

Committee on Corporations recommends passage.

4. 2010-S 2850 SUB A**BY Connors**

ENTITLED, AN ACT RELATING TO MAKING IT EASIER TO DO BUSINESS IN RI - PART 8 - STATE AFFAIRS AND GOVERNMENT - ECONOMIC DEVELOPMENT CORPORATION

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

5. 2010-S 2851**BY Felag**

ENTITLED, AN ACT RELATING TO MAKING IT EASIER TO DO BUSINESS IN RHODE ISLAND - PART 9 -- THE RHODE ISLAND ECONOMIC DEVELOPMENT CORPORATION

Committee on Corporations recommends passage.

6. 2010-S 2111

BY Levesque C

ENTITLED, AN ACT IN ACCORDANCE WITH RHODE ISLAND GENERAL LAWS SECTION 16-7-44 APPROVING THE ISSUANCE OF \$350,000 BONDS BY THE TOWN OF PORTSMOUTH TO FINANCE IMPROVEMENTS TO SCHOOL BUILDINGS INCLUDING BUT NOT LIMITED TO BONDS AND NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION

Committee on Finance recommends passage.

IN ORDER FOR TUESDAY, MAY 25, 2010:

1. 2010-S 2508 as amended

BY Goodwin

ENTITLED, AN ACT RELATING TO INSURANCE - UNFAIR CLAIMS SETTLEMENT PRACTICES ACT

Committee on Constitutional & Regulatory Issues recommends passage as amended.