

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.35

Wednesday, May 19, 2010

Thirty-fifth 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 4:23 o'clock P.M.

The roll is called and a quorum is declared present with 36 Senators present and 2 Senators absent as follows:

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

ABSENT – 2: Senators Maher, Pichardo.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

GUESTS

Upon suggestion of Senator Miller and by unanimous consent, the Honorable President, welcomes to the Chamber members of the Rhode Island Communities for Addiction Recovery Efforts, Leslie Miller, Ian Knowles, Steve Gumbley, Sandra Delsesto and Jimmy Gillen.

Upon suggestion of Senator Metts and by unanimous consent, the Honorable President, congratulates Senator Charles J. Levesque on his award from the Rhode Island Communities for Addiction Recovery Efforts as Legislator of the Year.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 7130 SUB A

BY Walsh, Azzinaro, Rice M

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- MOTOR CARRIERS OF PROPERTY (would increase the maximum diesel price emergency surcharge cap from three dollars to five dollars) {LC507/2/A}

Received and referred to Senate Committee on Corporations.

Also:

House Bill No. 7650

BY Ucci, Menard, Gemma

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - RETAIL SALE OF GASOLINE (would repeal the provision of the general laws relating to setting aggregate prices for motor fuel plus other commodities or services) {LC1915/1}

Received and referred to the Senate Committee on Corporations.

Also:

House Resolution No. 7497

BY Walsh, Handy, Ferri, Ruggiero, Rice M

ENTITLED, JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS AND MEMBERS OF THE RHODE ISLAND CONGRESSIONAL DELEGATION TO CO-SPONSOR, SUPPORT, AND VOTE IN FAVOR OF DESIGNATED PENDING LEGISLATION {LC1403/1}

Received and referred to the Senate Committee on Constitutional and Regulatory Issues.

Also:

House Bill No. 7036 SUB A as amended

BY Gallison, McNamara, Rice A, Martin, Azzinaro

ENTITLED, AN ACT RELATING TO EDUCATION (school districts to work with the RI interscholastic league to develop guidelines for educating coaches & players in youth sports about the risks associated with concussions / limit the liability for such injuries) {LC62/3/A}

Received and referred to the Senate Committee on Education.

Also:

House Bill No. 7666

BY Gablinske

ENTITLED, AN ACT RELATING TO EDUCATION -- PRIVATE SCHOOLS (would repeal section 16-40-10.1) {LC1692/1}

Received and referred to the Senate Committee on Education.

Also:

House Bill No. 7405 SUB A

BY Naughton, Coderre E, Rice M, Kennedy

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- RIGHTS OF NURSING HOME PATIENTS (would require a nursing home to reimburse any money that has been prepaid by a deceased patient to the nursing home to the estate of the deceased patient within thirty days of the date of death of the patient) {LC1341/1/A}

Received and referred to Senate Committee on Health and Human Services.

Also:

House Bill No. 7165 SUB A

BY Naughton, Rice M, Kennedy, Coderre E

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- LICENSING OF GENETIC COUNSELORS (would provide a statutory framework for the licensing and regulations of genetic counselors) {LC606/2/A}

Received and referred to Senate Committee on Health and Human Services.

Also:

House Bill No. 7606 SUB A (by request)

BY Kennedy, San Bento, Marcello, Pacheco, Carter

ENTITLED, AN ACT RELATING TO INSURANCE - DISCOUNT MEDICAL PLANS (would establish standards for discount medical plan organizations, protect consumers from unfair and deceptive marketing practices and facilitate consumer understanding of discount medical plan organizations.) {LC1420/1/A}

Received and referred to Senate Committee on Health and Human Services.

Also:

House Bill No. 7213

BY Ajello, Fierro, Baldelli-Hunt, Walsh, Hearn

ENTITLED, AN ACT RELATING TO PROPERTY -- RESIDENTIAL LANDLORD AND TENANT ACT (would require a landlord to pay a departing tenant the value of fuel oil left in the tank upon the tenant vacating the premises, provided that the tenant produce a valid receipt or other form of proof of the actual costs to the tenant)

Received and referred to the Senate Committee on Housing and Municipal Government.

**REPORTS OF COMMITTEES
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. 2135 SUB A

BY Senator Tassoni

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - NOISE LIMITS FOR MOTOR VEHICLES (would provide that no motor vehicle shall exceed the (92) dbA noise limit based upon the idle test procedure as established by the Society of Automotive Engineers) {LC600/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2677

BY Senator Felag

ENTITLED, AN ACT RELATING TO EDUCATION - CERTIFICATION OF PERSONNEL (would authorize the town of Warren to charge a reasonable fee for performing criminal record checks relating to those people providing educational services to very young children.) {LC2109/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2704

BY Senators DaPonte, DeVall

ENTITLED, AN ACT RELATING TO SPECIAL DEVELOPMENT DISTRICTS -- EAST PROVIDENCE (would provide that a majority of the appointed voting commissioners of the East Providence Waterfront District would constitute a quorum) {LC2201/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2789 SUB A**BY** Senators Crowley, Algieri, McBurney, Doyle, DaPonte**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- RHODE ISLAND PUBLIC RAIL CORPORATION (would empower the Rhode Island public rail corporation to defend, indemnify and save harmless National Railroad Passenger Corporation (Amtrak) and third-parties for claims) {LC2262/1/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 measure:

Senate Bill No. 2738**BY** Senator DiPalma**ENTITLED**, AN ACT RELATING TO EDUCATION -- MILITARY CHILDREN (would make Rhode Island a member of an interstate commission which would deal with issues related to the education of the children of military personnel) {LC1586/1}

Read and ordered to be placed on the Calendar.

COMMITTEE ON GOVERNMENT OVERSIGHT

Senator Lenihan from the Committee on Government Oversight, reports back, with recommendation of passage of the following measures:

Senate Bill No. 2442 SUB A as amended**BY** Senators Ciccone, Lenihan, Sheehan, Pinga, Blais**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES (would amend certain provisions relative to the competitive sealed bidding process) {LC147/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2444 SUB A**BY** Senators Sheehan, Sosnowski, Levesque C, Blais, O'Neill E**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES (would add certain definitions regarding "construction management at-risk" services to the state purchases chapter) {LC16/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2446 SUB A**BY** Senators Levesque C, Sheehan, Lenihan, Pinga, O'Neill E**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES (require the chief purchasing officer as well as all public corporations and quasi-public agencies to monitor all state contracts) {LC17/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2788 as amended**BY** Senator Lenihan**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - HEALTH AND EDUCATIONAL BUILDING CORPORATION (would provide that appointments to the Rhode Island health and education building corporation board shall be made with the advice and consent of the senate, and are removable only for cause) {LC2289/1}

Read and ordered to be placed on the Calendar.

NEW BUSINESS**Senate Resolution No. 2887****BY** Senators Pinga, Tassoni, Raptakis, Ciccone, Ruggerio**ENTITLED**, SENATE RESOLUTION HONORING WILLIAM TURNER ON THE OCCASION OF HIS RETIREMENT {LC2658/1}

Senator Pinga requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Pinga moves passage, seconded by Senators O'Neill, Fogarty and Ruggerio.

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

Also:

Senate Resolution No. 2888**BY** Senators Gallo, DeVall, Fogarty P, Maselli, DiPalma**ENTITLED**, JOINT RESOLUTION SUPPORTING THE FEDERAL "RACE TO THE TOP" GRANT PROGRAM AND URGING THE GOVERNOR AND THE RHODE ISLAND DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION TO SUBMIT A COMPETITIVE APPLICATION FOR THE RACE TO THE TOP ROUND TWO {LC2685/1}

Senator Gallo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Gallo moves passage, seconded by Senators DeVall, Sheehan, DiPalma and Picard.

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

Also:

Senate Resolution No. 2889

BY Senators Perry, Crowley, Sosnowski, DeVall, Miller

ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THE RHODE ISLAND DEPARTMENT OF HEALTH TO COLLECT AND ANALYZE INFORMATION CONCERNING COMPLAINTS ABOUT SERVICES PROVIDED BY HOME CARE AND HOME NURSING CARE PROVIDERS AND REPORT ANNUALLY TO THE SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES {LC2654/1}

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

Also:

Senate Bill No. 2890

BY Senators Connors, DiPalma, Ruggerio, McBurney, Doyle, McCaffrey

ENTITLED, AN ACT RELATING TO PERMANENT JOINT COMMITTEE ON NAMING ALL NEW BUILDINGS, BRIDGES, EDIFICES AND OTHER STATE CONSTRUCTIONS {LC2660/1}

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

Also:

Senate Bill No. 2891

BY Senators Doyle, McBurney

ENTITLED, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE RECONSTRUCTION OF BRIDGES IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$200,000 BONDS AND NOTES THEREFOR, TO FUND THE CAPITAL IMPROVEMENT PROGRAM FOR THE TWO FISCAL YEARS 2011 AND 2012 {LC2537/1}

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2892

BY Senators Sheehan, Fogarty P, Sosnowski, Lenihan, Cote

ENTITLED, AN ACT RELATING TO TAXATION -- PROPERTY EXEMPT FROM TAXATION {LC2629/1}

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 2893

BY Senators Sheehan, Lenihan, Algieri, Sosnowski

ENTITLED, AN ACT AUTHORIZING THE TOWN OF NARRAGANSETT TO FINANCE THE DEMOLITION, REPLACEMENT, CONSTRUCTION, RENOVATION, REPAIR AND/OR RESTORATION OF FACILITIES, ROADWAYS, PARKING AND OTHER IMPROVEMENTS AT THE NARRAGANSETT TOWN BEACH AND TO ISSUE NOT MORE THAN \$9,500,000 BONDS AND NOTES THEREFOR {LC2628/1}

Read and referred to the Senate Committee on Housing and Municipal Government.

Also:

Senate Bill No. 2894 (by request)

BY Senator Algieri

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2673/1}

Read and referred to the Senate Committee on Judiciary.

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 Lynch announces that the Committee on Constitutional and Regulatory Issues will meet today, at the rise of the Senate, in Room 310 of the State House.

Senator Felag announces that the Committee on Finance will meet next Tuesday, May 26, 2010, at 3:00 o'clock P.M. in Room 211 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 Room 211 of the State House.

ADJOURNMENT

Upon motion of Senator Doyle, seconded by Senator Ruggerio, the Senate adjourns at 4:34 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR WALTER S. FELAG, JR.

Dear God, we ask that you be with us today in our thoughts and actions as we try to work for the benefit of all our constituents. 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.

2. 2010-S 2738**BY DiPalma**

ENTITLED, AN ACT RELATING TO EDUCATION -- MILITARY CHILDREN

Committee on Finance recommends passage.

3. 2010-S 2442 SUB A as amended**BY Ciccone**

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

Committee on Government Oversight recommends indefinite postponement of the original bill and passage of Substitute A as amended.

4. 2010-S 2444 SUB A**BY Sheehan**

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

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

5. 2010-S 2446 SUB A**BY Levesque C**

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

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

6. 2010-S 2788 as amended

BY Lenihan

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - HEALTH AND EDUCATIONAL BUILDING CORPORATION

Committee on Government Oversight recommends passage as amended.

7. 2010-S 2135 SUB A

BY Tassoni

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - NOISE LIMITS FOR MOTOR VEHICLES

Committee on Housing & Municipal Government recommends indefinite postponement of the original bill and passage of Substitute A.

8. 2010-S 2677

BY Felag

ENTITLED, AN ACT RELATING TO EDUCATION - CERTIFICATION OF PERSONNEL

Committee on Housing & Municipal Government recommends passage.

9. 2010-S 2704

BY DaPonte

ENTITLED, AN ACT RELATING TO SPECIAL DEVELOPMENT DISTRICTS -- EAST PROVIDENCE

Committee on Housing & Municipal Government recommends passage.

10. 2010-S 2789 SUB A

BY Crowley

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- RHODE ISLAND PUBLIC RAIL CORPORATION

Committee on Housing & Municipal Government recommends indefinite postponement of the original bill and passage of Substitute A.