

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 third day of January in the year of Our Lord two thousand and twelve.

Volume 139, No.5

Wednesday, January 11, 2012

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 4:29 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, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

ABSENT – 2: Senators Ciccone, Perry.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Fourth Legislative Day of the 2012 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator O'Neill and by unanimous consent, the Honorable President, welcomes to the Chamber a intern, Nathan J. Shevsi from Bristol, Rhode Island.

Upon suggestion of Senator Pichardo and by unanimous consent, the Honorable President, welcomes to the Chamber a intern, Wilton Madera, a University of Rhode Island Graduate.

Upon suggestion of Senator Hodgson and by unanimous consent, the Honorable President, welcomes to the Chamber Mike Brito Sr., and Johnny Leyra, Rhode Island Contractor Association and Charles Newton, administrator Rhode Island Minority Business Enterprise Program.

COMMUNICATION

The Honorable President presents the following communication:

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

January 11, 2012

Honorable M. Teresa Paiva-Weed
Senate President
Room 318,
State House
Providence, RI 02903

Dear Madam President:

Please be advised that I will be absent from the Senate session on Wednesday, January 11, 2012 thru January 22, 2012 due to illness.

I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you for your assistance.

Sincerely,

Rhoda E. Perry
RI State Senator ~ District 3

Read and ordered to be placed on file.

NEW BUSINESS

Senate Resolution No. 2024

BY Fogarty

ENTITLED, SENATE RESOLUTION EXPRESSING OUR DEEPEST CONDOLENCES ON THE PASSING OF WESTON G. WICKLUND

Senator Fogarty requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Fogarty moves passage, seconded by the entire Senate.

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

Also:

Senate Bill No. 2025

BY McCaffrey

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 2026

BY McCaffrey

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- DUTIES OF UTILITIES AND CARRIERS {LC81/1}

Read and ordered to the Committee on Corporations.

Also:

Senate Bill No. 2027

BY Walaska

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - PRODUCER RESPONSIBILITY FOR DISCARDED PRODUCTS {LC31/1}

Read and ordered to the Committee on Environment and Agriculture.

Also:

Senate Bill No. 2028

BY Tassoni, Lynch, Cote, Doyle

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- LOCKSMITH SERVICE BUSINESSES {LC229/1}

Read and ordered to the Committee on Corporations.

Also:

Senate Bill No. 2029

BY Walaska, Lynch

ENTITLED, SENATE RESOLUTION URGING GOVERNOR CHAFEE TO REQUEST AN IMMEDIATE AUDIT OF JP MORGAN CHASE REGARDING DEBIT CARD FEES COLLECTED ON STATE OF RHODE ISLAND BENEFITS BY JP MORGAN CHASE {LC226/1}

Read and ordered to the Committee on Corporations.

Also:

Senate Bill No. 2030

BY Gallo, DiPalma, Lanzi, DeVall, Metts

ENTITLED, AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS {LC268/1}

Read and ordered to the Committee on Education.

Also:

Senate Bill No. 2031

BY Tassoni, Lynch, Doyle

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- PSITTACINE BIRDS {LC44/1}

Read and ordered to the Committee on Environment and Agriculture.

Also:

Senate Bill No. 2032

BY Tassoni, Lynch, Perry, Pinga

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- ANIMAL ABUSER REGISTRY {LC42/1}

Read and ordered to the Committee on Environment and Agriculture.

Also:

Senate Bill No. 2033**BY** Tassoni, Lynch, Perry, Pinga**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- IMPORTATION OF WILD ANIMALS {LC40/1}

Read and ordered to the Committee on Environment and Agriculture.

Also:

Senate Bill No. 2034**BY** Tassoni, Lynch, Perry, Pinga**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY - ANIMAL ADVOCATE {LC48/1}

Read and ordered to the Committee on Environment and Agriculture.

Also:

Senate Bill No. 2035**BY** Tassoni, Lynch, Perry, Pinga**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY - DOGS {LC65/1}

Read and ordered to the Committee on Environment and Agriculture.

Also:

Senate Bill No. 2036**BY** DiPalma, Sheehan, Bates, Ottiano, Sosnowski**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- OTHER POST-EMPLOYMENT BENEFITS TRUSTS {LC51/1}

Read and ordered to the Committee on Finance.

Also:

Senate Resolution No. 2037**BY** Tassoni, Lynch, Cote, Jabour, Doyle**ENTITLED**, JOINT RESOLUTION RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012 {LC46/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 2038

BY DiPalma, Sheehan, Bates, Ottiano, Sosnowski

ENTITLED, AN ACT RELATING TO EDUCATION - SCHOOL COMMITTEES AND SUPERINTENDENTS {LC52/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 2039

(by request)

BY Algieri, Crowley

ENTITLED, AN ACT RELATING TO TAXATION - LEVY AND ASSESSMENT OF LOCAL TAXES {LC230/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 2040

BY Felag, DiPalma, Shibley, Kettle, Ottiano

ENTITLED, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX {LC332/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 2041

BY Tassoni, Lynch, Cote, Jabour, Doyle

ENTITLED, AN ACT RELATING TO HUMAN SERVICES -- DEVELOPMENTAL DISABILITIES FUNDING {LC116/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 2042

BY Gallo, Miller

ENTITLED, AN ACT RELATING TO EDUCATION - COOPERATIVE SERVICE AMONG SCHOOL DISTRICTS {LC39/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 2043

BY Tassoni, Cote, Doyle

ENTITLED, AN ACT RELATING TO HUMAN SERVICES -- ELIGIBILITY FOR GENERAL PUBLIC ASSISTANCE {LC64/1}

Read and ordered to the Committee on Finance.

Also:

Senate Resolution No. 2044

BY Walaska, Lynch, McCaffrey

ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THE VEHICLE VALUE COMMISSION TO EXAMINE CURRENT METHODOLOGY FOR DETERMINING MOTOR VEHICLE VALUES {LC49/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 2045

BY Kettle, Pinga, Ottiano, Shibley, Algieri

ENTITLED, AN ACT RELATING TO TAXATION - BUSINESS CORPORATION TAX AND FRANCHISE TAX {LC270/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 2046

BY Ottiano, Bates, Felag

ENTITLED, AN ACT IN ACCORDANCE WITH RHODE ISLAND GENERAL LAWS SECTION 16-7-44 APPROVING THE ISSUANCE OF \$700,000 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 {LC303/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 2047

BY Fogarty

ENTITLED, AN ACT RELATING TO EDUCATION -- FOUNDATION LEVEL SCHOOL SUPPORT {LC440/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 2048

BY Walaska, Bates

ENTITLED, AN ACT RELATING TO TAXATION -- BUSINESS CORPORATION TAX
{LC484/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 2049

BY Paiva Weed, DiPalma, Ottiano, Bates, Felag

ENTITLED, AN ACT RELATING TO TAXATION - SALES AND USE TAXES {LC232/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 2050

BY Tassoni, Lynch, Cote, Jabour, Doyle

ENTITLED, AN ACT RELATING TO TAXATION - EXCISE ON MOTOR VEHICLES
{LC32/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 2051

BY Tassoni

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - SIZE, WEIGHT
AND LOAD LIMITS {LC33/1}

Read and ordered to the Committee on Housing and Municipal Government.

Also:

Senate Bill No. 2052

BY Tassoni, Lynch, Jabour, Doyle, DeVall

ENTITLED, AN ACT RELATING TO PROPERTY - RHODE ISLAND FAIR HOUSING
PRACTICES ACT {LC59/1}

Read and ordered to the Committee on Housing and Municipal Government.

Also:

Senate Bill No. 2053**BY** Tassoni, Lynch, Jabour, Doyle**ENTITLED**, AN ACT RELATING TO MOTOR AN OTHER VEHICLES - MOTOR VEHICLE OFFENSES {LC41/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 2054**BY** Tassoni, Doyle**ENTITLED**, AN ACT RELATING TO PROPERTY - RESIDENTIAL LANDLORD TENANT ACT {LC380/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 2055**BY** Tassoni, Doyle, DeVall**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE - SENTENCE OF DEATH FOR CERTAIN FELONIES {LC66/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 2056**BY** Felag, Ottiano, Bates**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC209/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 2057**BY** Shibley, Kettle, Cote**ENTITLED**, AN ACT RELATING TO EDUCATION - MAINTENANCE OF ORDER ON CAMPUS {LC301/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 2058**BY** Miller, Lynch**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC17/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 2059

BY Bates, Hodgson, Moura, Algieri, Shibley

ENTITLED, AN ACT RELATING TO ELECTIONS -- SECRETARY OF STATE {LC462/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 2060

BY Bates, Hodgson, Moura, Algieri, Shibley

ENTITLED, AN ACT RELATING TO ELECTIONS -- CONDUCT OF ELECTIONS
{LC463/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 2061

BY Bates, Walaska, Hodgson, McCaffrey, Algieri

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- DNA DETECTION OF
SEXUAL AND VIOLENT OFFENDERS {LC304/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 2062

BY Walaska

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC217/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Resolution No. 2063

BY Walaska, Felag, Ciccone, Nesselbush, Sosnowski

ENTITLED, SENATE RESOLUTION MEMORIALIZING THE CONGRESS OF THE
UNITED STATES TO TAKE IMMEDIATE ACTION TO MAKE THE REPUBLIC OF
POLAND ELIGIBLE FOR THE UNITED STATES DEPARTMENT OF STATE'S VISA
WAIVER PROGRAM {LC117/1}

Read and ordered to the Committee on Special Legislation.

Also:

Senate Resolution No. 2064**BY** Ciccone, Walaska**ENTITLED**, SENATE RESOLUTION PROCLAIMING JANUARY 22-28, 2012 AS "SCHOOL CHOICE WEEK" IN THE STATE OF RHODE ISLAND

{LC492/1}

Read and ordered to be placed on the Consent Calendar.

CONSENT CALENDAR

In order for the day is taken up as follows:

1. **2012-S 2019**
 BY Shibley
 ENTITLED, SENATE RESOLUTION EXPRESSING OUR DEEPEST
 CONDOLENCES ON THE PASSING OF WAYNE FRENCH

2. **2012-S 2020**
 BY Algieri
 ENTITLED, SENATE RESOLUTION SUPPORTING LEGISLATIVE AMENDMENTS
 TO PROTECT RHODE ISLAND'S COASTAL REGIONS

3. **2012-S 2021**
 BY O'Neill
 ENTITLED, JOINT RESOLUTION REINSTATING THE LIFE OF AND EXTENDING
 THE REPORTING AND EXPIRATION DATES OF THE SPECIAL LEGISLATIVE
 COMMISSION TO STUDY THE PURCHASE AND USE OF TEXTBOOKS IN
 PUBLIC SCHOOLS

4. **2012-S 2022**
 BY Algieri
 ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE
 CHARTER OF TSUNAMI AIRCRAFT SALES, INC.

5. **2012-S 2023**
 BY Miller
 ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE
 CHARTER OF PADRIC M. MEAGHER REAL ESTATE INCORPORATED

Upon motion of Senator Ruggerio, seconded by Senator Algieri, the measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Paiva Weed and Senators Algieri, Bates, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ANNOUNCEMENTS

Senator DaPonte announces that the Committee on Finance will meet on Tuesday, January 17, 2012, at 2:00 o'clock P.M., in Room 313 of the State House.

Senator Goodwin wishes Senator Paul W. Fogarty a Happy Birthday.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senator Algieri and upon suggestion of Senator Fogarty the Senate adjourns at 4:37 o'clock P.M. in memory of Weston G. Wicklund.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR ELIZABETH A. CROWLEY

Dear God, we thank you for the gift of this new day, we thank you for the opportunities for the growth in character and in Public service to all we serve. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR TUESDAY, JANUARY 17, 2012:

1. **2012-S 2025**
BY McCaffrey
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Ordered on the Consent Calendar.

2. **2012-S 2064**
BY Ciccone
ENTITLED, SENATE RESOLUTION PROCLAIMING JANUARY 22-28, 2012
AS "SCHOOL CHOICE WEEK" IN THE STATE OF RHODE ISLAND

Ordered on the Consent Calendar.

Appendix

CALENDAR

IN ORDER FOR TUESDAY, JANUARY 17, 2012:

- 1. 2012-S 2016**
BY DaPonte
ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- BUDGET
COMMISSIONS

Committee on Finance recommends passage.