

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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Journal of the Senate

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**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.**

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Volume 139, No.9

Tuesday, January 24, 2012

Ninth Legislative Day

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The Senate meets pursuant to adjournment and is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, at 4:20 o'clock P.M.

The roll is called and a quorum is declared present with 34 Senators present and 4 Senators absent as follows:

**PRESENT** – 34: The Honorable President Paiva Weed and Senators Algieri, Bates, Cote, Crowley, DaPonte, DeVall, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Miller, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

**ABSENT** – 4: Senators Ciccone, DiPalma, Metts, Moura.

**INVOCATION**

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

(See Appendix for Invocation)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**APPROVAL OF RECORD**

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

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

COMMUNICATIONS

The Honorable President presents the following communications:

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

January 24, 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 January 24, 2012.

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

Thank you for your assistance.

Sincerely,

Louis P. DiPalma  
Senator District 12

Read and ordered to be placed on file.

Also:

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

January 24, 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 January 24, 2012.

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

Thank you for your assistance.

Sincerely,

Harold M. Metts

Senator District 6

Read and ordered to be placed on file.

Also:

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

January 24, 2012

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

Dear Madam President:

Please be advised that I will be absent from the Senate session on Tuesday, January 24, 2012 due to a medical issue. I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you for your attention to this matter.

Sincerely,

Bethany Moura  
Senator, District 10

Read and ordered to be placed on file.

Also:

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

January 23, 2012

Mr. Joseph R. Brady  
Secretary of the Senate  
State House, Room 145  
Providence, RI 02903

Dear Secretary Brady:

I would like to take this opportunity to respectfully request that 2012 Senate Bill 2119 be withdrawn. I appreciate your assistance in this matter. If you have any questions, please feel free to contact me.

Sincerely,

John J. Tassoni  
Senator-District 22

Read and ordered to be placed on file.

**REPORTS OF COMMITTEES  
COMMITTEE ON FINANCE**

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

**Senate Bill No. 2096**

**BY** DaPonte, Crowley, Nesselbush, Doyle

**ENTITLED**, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO ISSUE TAX ANTICIPATION NOTES PAYABLE IN FISCAL YEAR 2013 (would authorize city of Pawtucket to issue tax anticipation notes pursuant to Chapter 45-12-4 of the RIGL which would be made payable not later than December 31, 2012)

Read and ordered to be placed on the Calendar.

**NEW BUSINESS**

**Senate Bill No. 2180**

**BY** Picard, Ruggerio, Cote

**ENTITLED**, AN ACT AN ACT RELATING TO HEALTH AND SAFETY - HOSPITAL CONVERSIONS ACT (would eliminate certain requirements imposed on for-profit corps seeking to gain an interest in hospitals/would permit a for-profit hospital, its subsidiaries/affiliates, to apply for/receive approval of a conversion of more than one hospital)

Read and ordered to the Committee on Health and Human Services.

Also:

**Senate Resolution No. 2181**

**BY** Goodwin, Paiva Weed, Ruggerio

**ENTITLED**, SENATE RESOLUTION EXPRESSING OUR DEEPEST CONDOLENCES ON THE PASSING OF MARTHA JANE FOGARTY

Senator Goodwin requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Goodwin moves passage, seconded by Senators Ruggerio, Algieri and the entire Senate.

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

Also:

**Senate Bill No. 2182**

**BY** Fogarty, Tassoni, Nesselbush

**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS --  
EXCAVATION NEAR UNDERGROUND UTILITY FACILITIES -- COSTS {LC444/1}

Read and ordered to the Committee on Corporations.

Also:

**Senate Bill No. 2183**

**BY** Tassoni, Lynch, Jabour, Doyle, Lanzi

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - PUPIL  
TRANSPORTATION VEHICLES {LC34/1}

Read and ordered to the Committee on Education.

Also:

**Senate Bill No. 2184**

**BY** Gallo, Lanzi, Miller

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- PUPIL  
TRANSPORTATION VEHICLES {LC5/1}

Read and ordered to the Committee on Education.

Also:

**Senate Bill No. 2185**

**BY** Felag

**ENTITLED**, AN ACT RELATING TO EDUCATION - RHODE ISLAND CERTIFICATION  
STANDARDS BOARD {LC403/1}

Read and ordered to the Committee on Education.

Also:

**Senate Bill No. 2186**

**BY** DiPalma, Miller, Felag, Bates, Sosnowski

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE  
RHODE ISLAND PETROLEUM SAVINGS AND INDEPENDENCE ADVISORY  
COMMISSION {LC611/1}

Read and ordered to the Committee on Special Legislation and Veterans Affairs.

Also:

**Senate Bill No. 2187****BY** Ruggerio, Walaska, Miller, McCaffrey, Lombardo**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - RECHARGEABLE BATTERY COLLECTION AND RECYCLING {LC172/1}

Read and ordered to the Committee on Environment and Agriculture.

Also:

**Senate Bill No. 2188****BY** Bates, Miller, Walaska, Ottiano, Felag**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - THE RHODE ISLAND RENEWABLE ENERGY COORDINATING BOARD {LC461/1}

Read and ordered to the Committee on Environment and Agriculture.

Also:

**Senate Bill No. 2189****BY** Sosnowski, McCaffrey, Algieri, Walaska**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY {LC797/1}

Read and ordered to the Committee on Environment and Agriculture.

Also:

**Senate Bill No. 2190****BY** Sosnowski, Felag, Bates, Walaska, Algieri**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION - SEPARATION OF POWERS - COASTAL RESOURCES MANAGEMENT COUNCIL {LC784/1}

Read and ordered to the Committee on Environment and Agriculture.

Also:

**Senate Bill No. 2191****BY** Ruggerio, Perry, Miller, Tassoni**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- UNLAWFUL CONFINEMENT OF A COVERED ANIMAL {LC826/1}

Read and ordered to the Committee on Environment and Agriculture.

Also:

**Senate Bill No. 2192****BY** Ruggerio, Sosnowski, Walaska, McCaffrey, Bates**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY {LC177/1}

Read and ordered to the Committee on Environment and Agriculture.

Also:

**Senate Bill No. 2193****BY** Ruggerio, Perry, Sosnowski, Tassoni, Miller**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY - CRUELTY TO ANIMALS {LC170/1}

Read and ordered to the Committee on Environment and Agriculture.

Also:

**Senate Bill No. 2194****BY** Felag**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF ADMINISTRATION {LC333/1}

Read and ordered to the Committee on Finance.

Also:

**Senate Bill No. 2195****BY** Tassoni, Ottiano, Metts**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION -- ARTIFICIAL REEF PROGRAM {LC733/1}

Read and ordered to the Committee on Finance.

Also:

**Senate Bill No. 2196****BY** Felag**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR FUEL TAX {LC328/1}

Read and ordered to the Committee on Finance.

Also:

**Senate Bill No. 2197**

(by request)

**BY** Gallo**ENTITLED**, AN ACT RELATING TO LEVY AND SALE ON EXECUTION {LC860/1}

Read and ordered to the Committee on Finance.

Also:

**Senate Bill No. 2198****BY** Miller, DaPonte, Ottiano, Nesselbush, Algieri**ENTITLED**, AN ACT RELATING TO PUBLIC FINANCE -- STATE INVESTMENT COMMISSION -- INVESTMENTS IN IRAN {LC189/1}

Read and ordered to the Committee on Finance.

Also:

**Senate Bill No. 2199**

**BY** Ottiano, Felag, DiPalma, Bates, Algieri

**ENTITLED**, AN ACT RELATING TO TAXATION - PERSONAL INCOME TAX - ESTABLISHMENT OF ARTS DISTRICT {LC647/1}

Read and ordered to the Committee on Finance.

Also:

**Senate Bill No. 2200**

(By Request)

**BY** Sosnowski

**ENTITLED**, AN ACT RELATING TO TAXATION - SALES AND USE TAXES - LIABILITY AND COMPUTATION {LC563/1}

Read and ordered to the Committee on Finance.

Also:

**Senate Bill No. 2201**

**BY** Felag, Jabour, Walaska, McCaffrey, Algieri

**ENTITLED**, AN ACT RELATING TO TAXATION - ESTATE AND TRANSFER TAXES - COMPUTATION {LC330/1}

Read and ordered to the Committee on Finance.

Also:

**Senate Bill No. 2202**

**BY** Metts, Crowley, Jabour, Pichardo, Miller

**ENTITLED**, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX -- EARNED INCOME CREDIT {LC751/1}

Read and ordered to the Committee on Finance.

Also:

**Senate Bill No. 2203**

**BY** Tassoni, Ottiano, Metts, Kettle

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- RHODE ISLAND HOUSING RESOURCES ACT OF 1998 {LC663/1}

Read and ordered to the Committee on Finance.

Also:



**Senate Bill No. 2204****BY** Sosnowski, Tassoni, Crowley, DiPalma, McCaffrey**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - RHODE ISLAND PROTECTION FROM SECONDHAND SMOKE FOR CHILDREN ACT OF 2012 {LC561/1}

Read and ordered to the Committee on Health and Human Services.

Also:

**Senate Bill No. 2205****BY** Lynch, McCaffrey, Lanzi, Walaska**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- DENTISTS AND DENTAL HYGIENISTS {LC764/1}

Read and ordered to the Committee on Health and Human Services.

Also:

**Senate Bill No. 2206****BY** Ruggerio, Perry, Sheehan, Nesselbush, Crowley**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- CONFIDENTIALITY OF HEALTH CARE COMMUNICATIONS AND INFORMATION ACT {LC171/1}

Read and ordered to the Committee on Health and Human Services.

Also:

**Senate Bill No. 2207****BY** Gallo, Lanzi**ENTITLED**, AN ACT RELATING TO TAXATION - FACILITY AND IMAGING SURCHARGES {LC838/1}

Read and ordered to the Committee on Health and Human Services.

Also:

**Senate Bill No. 2208****BY** Sosnowski, Miller, Lynch, DiPalma, Crowley**ENTITLED**, AN ACT RELATING TO INSURANCE -- GENDER RATING {LC791/1}

Read and ordered to the Committee on Health and Human Services.

Also:

**Senate Bill No. 2209****BY** Picard**ENTITLED**, AN ACT RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND HOSPITALS {LC406/1}

Read and ordered to the Committee on Health and Human Services.

Also:

**Senate Bill No. 2210**

**BY** O'Neill, Ruggiero

**ENTITLED**, AN ACT RELATING TO THE TOWN OF NORTH PROVIDENCE {LC767/1}

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

Also:

**Senate Bill No. 2211**

**BY** Felag, DiPalma

**ENTITLED**, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF TIVERTON {LC180/1}

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

Also:

**Senate Bill No. 2212**

**BY** Metts, Jabour, Crowley, Pichardo, Doyle

**ENTITLED**, AN ACT RELATING TO PROPERTY - RESIDENTIAL LANDLORD AND TENANT ACT {LC747/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Resolution No. 2213**

**BY** Tassoni, Ottiano, Shibley, Kettle

**ENTITLED**, SENATE RESOLUTION TO APPROVE AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE STATE CONSTITUTION REGARDING IMPOSITION OF PUNISHMENT BY DEATH {LC417/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2214**

**BY** Sosnowski, Tassoni, Crowley, Lynch, Lanzi

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - PASSING, USE OF LANES, AND RULES OF THE ROAD {LC567/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2215**

**BY** Felag

**ENTITLED**, AN ACT RELATING TO REAL PROPERTY - TRANSFER FEES {LC674/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2216**

**BY** Cote, Felag, Sheehan, Maher, Bates

**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS {LC420/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2217**

**BY** Ottiano

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC741/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2218**

**BY** Metts, Pichardo

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT {LC749/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2219**

**BY** Pinga

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC848/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2220**

**BY** Lanzi, Miller, Gallo, Doyle, Jabour

**ENTITLED**, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE - EMERGENCY MANAGEMENT - CRITICAL INCIDENT STRESS MANAGEMENT {LC786/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2221**

**BY** Goodwin

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC654/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2222**

**BY** Felag

**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE {LC400/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2223**

**BY** Sosnowski, Tassoni, Crowley, Lombardo, Bates

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOBILE TELEPHONE USE {LC562/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2224**

(by request)

**BY** Sosnowski, Nesselbush, Walaska, Bates, Fogarty

**ENTITLED**, AN ACT RELATING TO PROPERTY -- CONSERVATION AND PRESERVATION RESTRICTIONS ON REAL PROPERTY {LC795/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2225**

**BY** Ruggiero, Metts, Pichardo, Perry, Jabour

**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION -- MEDICAL SERVICES {LC167/1}

Read and ordered to the Committee on Labor.

Also:

**Senate Bill No. 2226****BY** Ruggerio, Fogarty, McCaffrey, Lanzi, Doyle**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION BENEFITS {LC169/1}

Read and ordered to the Committee on Labor.

Also:

**Senate Bill No. 2227****BY** Ruggerio, Miller, Doyle, Jabour, Goodwin**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION -- GENERAL PROVISIONS {LC166/1}

Read and ordered to the Committee on Labor.

Also:

**Senate Bill No. 2228****BY** Ruggerio, Goodwin, Miller, Jabour, Pichardo**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- EMPLOYMENT SECURITY {LC175/1}

Read and ordered to the Committee on Labor.

Also:

**Senate Bill No. 2229****BY** DeVall, Crowley, Perry**ENTITLED**, AN ACT RELATING TO PUBLIC RECORDS - ACCESS TO PUBLIC RECORDS {LC185/1}

Read and ordered to the Committee on Labor.

Also:

**Senate Bill No. 2230****BY** O'Neill, Ruggerio, Jabour, Shibley, Maher**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - VIDEO LOTTERY TERMINAL {LC769/1}

Read and ordered to the Committee on Special Legislation and Veterans Affairs.

Also:

**Senate Bill No. 2231****BY** O'Neill, Ruggerio, Sheehan, Bates, Algieri**ENTITLED**, AN ACT RELATING TO ELECTIONS -- STATEWIDE REFERENDA ELECTIONS {LC773/1}

Read and ordered to the Committee on Special Legislation and Veterans Affairs.

Also:

**Senate Bill No. 2232**

**BY** Felag

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - REGISTRATION OF VEHICLES {LC401/1}

Read and ordered to the Committee on Special Legislation and Veterans Affairs.

Also:

**Senate Bill No. 2233**

**BY** Ruggerio, Goodwin, Algieri, Felag, Miller

**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY -- JOINT COMMITTEE ON LEGISLATIVE SERVICES {LC176/1}

Read and ordered to the Committee on Special Legislation and Veterans Affairs.

**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.

**ADJOURNMENT**

Upon motion of Senator Goodwin seconded by Senator Ruggerio and upon suggestion of Senator Goodwin the Senate adjourns at 4:29 o'clock P.M. in memory of Martha Jane Fogarty.

JOSEPH R. BRADY  
Secretary of the Senate

**Appendix****INVOCATION****SENATOR V.SUSAN SOSNOWSKI**

Almighty Father, let your spirit of wisdom transcend upon the leaders of our Nation. Tonight as our President delivers his third State of the Union address, we look to you to guide his heart and the hearts of all the members of this legislature as we strive to work for a better tomorrow for all our citizens. Amen.

**Appendix**

**CALENDAR**

**IN ORDER FOR THURSDAY, JANUARY 26, 2012:**

1. **2012-S 2096**  
**BY DaPonte**  
**ENTITLED, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO ISSUE TAX ANTICIPATION NOTES PAYABLE IN FISCAL YEAR 2013**

Committee on Finance recommends passage.