

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.11

Thursday, January 26, 2012

Eleventh 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 4:28 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, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

ABSENT – 2: Senators Ciccone, Moura.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

COMMUNICATION

The Honorable President presents the following communication:

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

January 26, 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 Thursday, January 26, 2012 due to illness. 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.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 7083

BY Ferri

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow the Honorable Scott Avedisian, Mayor of the City of Warwick, to join Carra Beth Constantine & William Malcolm Hall in marriage within the City of Warwick, Rhode Island, on or about May 5, 2012.) {LC433/1}

Read and ordered to the Committee on Judiciary.

Also:

House Bill No. 7123

BY Walsh

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow The Honorable Frank C. Wood to join Mary Beth Wood and Harold Anderson in marriage on or about September 8, 2012, within the Town of New Shoreham, Rhode Island.) {LC580/1}

Read and ordered to the Committee on Judiciary.

Also:

House Bill No. 7088

BY Menard

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Sandra Pimentel to join Holly Ann LaVallee and Terrence Patrick Gray in marriage within the Town of Tiverton, Rhode Island, on or about April 14, 2012.) {LC220/1}

Read and ordered to the Committee on Judiciary.

Also:

House Bill No. 7094

BY Flaherty

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Steven A. Colantuono, Esq., to join Victoria Leigh Dalesio and Alexander Turner DaLuz in marriage on or about June 2, 2012, within the City of Newport, Rhode Island.) {LC362/1}

Read and ordered to the Committee on Judiciary.

Also:

House Bill No. 7038

BY McNamara, Ferri

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow The Honorable Scott Avedisian to join Christina Marie Finn and Sean Patrick Woodbine in marriage on or about August 25, 2012, within the City of Warwick, Rhode Island.) {LC16/1}

Read and ordered to the Committee on Judiciary.

Also:

House Bill No. 7012

BY Martin

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Louis X. Mineau to join Michael L. Mineau and Nicole M. Rousell in marriage on or about August 12, 2012, within the City of Newport, Rhode Island.) {LC20/1}

Read and ordered to the Committee on Judiciary.

Also:

House Bill No. 7011**BY** Nunes

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow John M. Shedlock to join Ashley Lynn Peck and Jesse Allen Valliere in marriage on or about May 11, 2012, within the Town of Bristol, Rhode Island.) {LC110/1}

Read and ordered to the Committee on Judiciary.

Also:

House Bill No. 7008**BY** Mattiello

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Ronald J. Provencal to join Gabrielle Provencal and Sean Vickers in marriage within the Town of Narragansett, Rhode Island, on or about June 24, 2012) {LC214/1}

Read and ordered to the Committee on Judiciary.

Also:

House Bill No. 7007**BY** Gallison, Morrison

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (the Honorable Raymond B. Mars to join Jennifer Teresa Mars and Nathan Christopher Oliveira in marriage within the City of Newport, Rhode Island, on or about June 21, 2012.) {LC208/1}

Read and ordered to the Committee on Judiciary.

Also:

House Bill No. 7016 SUB A**BY** Martin, Gallison, Mattiello

ENTITLED, AN ACT RELATING TO MOTOR VEHICLE OPERATOR LICENSES - VETERANS (would direct the administrator of the DMV to issue operators' licenses with a designation that the holder is a veteran. A fee shall be paid to the division of motor vehicles for the veteran designation.) {LC202/A/1}

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

Also:

House Bill No. 7017 SUB A**BY** Martin, Gallison, Mattiello

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - OPERATOR'S AND CHAFFEUR'S LICENSES - VETERAN DESIGNATION (would permit a notation on RI motor vehicle operator's licenses indicating the holder is a veteran. A fee shall be paid to the division of motor vehicles for the veteran's designation.) {LC203/A/1}

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

NEW BUSINESS

Senate Bill No. 2238

BY Miller

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - DUTIES OF UTILITIES AND CARRIERS {LC859/1}

Read and ordered to the Committee on Corporations.

Also:

Senate Bill No. 2239

BY Tassoni, Kettle, Fogarty, Pinga

ENTITLED, AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS {LC880/1}

Read and ordered to the Committee on Education.

Also:

Senate Bill No. 2240

BY Walaska

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- CESSPOOLS {LC855/1}

Read and ordered to the Committee on Environment and Agriculture.

Also:

Senate Bill No. 2241

BY Walaska

ENTITLED, AN ACT RELATING TO TAXATION -- EXCISE ON MOTOR VEHICLES AND TRAILERS {LC482/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 2242

BY Felag

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - DISTRESSED AREAS ECONOMIC REVITALIZATION ACT {LC399/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 2243**BY** Crowley, Miller, Perry, Nesselbush, DeVall**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES - THE RHODE ISLAND WORKS PROGRAM {LC949/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 2244

(by request)

BY Sheehan, Hodgson**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF NORTH KINGSTOWN TO FINANCE REPLACEMENTS AND RENOVATIONS AND RELATED EQUIPMENT FOR THE DAVISVILLE MIDDLE SCHOOL AND THE FISHING COVE, HAMILTON, QUIDNESSET AND STONY LANE ELEMENTARY SCHOOLS AND TO ISSUE NOT MORE THAN \$6,465,000 BONDS AND NOTES THEREFOR {LC831/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 2245**BY** DaPonte**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - STATE POLICE {LC873/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 2246**BY** Metts, Jabour, Pichardo, Crowley, DeVall**ENTITLED**, AN ACT RELATING TO TAXATION - PERSONAL INCOME TAX {LC745/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 2247**BY** Ottiano, Perry, Bates, Tassoni, DiPalma**ENTITLED**, AN ACT RELATING TO THE BOARD OF MEDICAL LICENSURE AND DISCIPLINE {LC908/1}

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

Also:

Senate Bill No. 2248

BY Crowley, Perry, Miller, Nesselbush, DeVall

ENTITLED, AN ACT RELATING TO MEDICAID AND RITE CARE AND RITE SHARE PROGRAM INTEGRITY {LC466/1}

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

Also:

Senate Bill No. 2249

BY Lanzi, DiPalma, Doyle, Pichardo, Jabour

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - SAFETY AND HEALTH PROGRAMS FOR FIRE DEPARTMENTS {LC920/1}

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

Also:

Senate Bill No. 2250

BY Kettle, Pinga, Maher, Tassoni, Bates

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- PARKING FACILITIES AND PRIVILEGES {LC930/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 2251

BY Ruggerio, Bates, DaPonte, McCaffrey, Goodwin

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- LIABILITY INSURANCE {LC844/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 2252

BY Metts, Jabour, Pichardo, Crowley, Perry

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - COMPREHENSIVE RACIAL PROFILING PREVENTION ACT OF 2012 {LC945/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 2253

BY Miller, Jabour, Perry, Metts, Nesselbush

ENTITLED, AN ACT RELATING TO FOOD AND DRUGS -- UNIFORM CONTROLLED SUBSTANCES ACT {LC705/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 2254

BY Felag

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - PROBATE COURTS {LC885/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 2255

BY Tassoni, Lanzi, DeVall

ENTITLED, AN ACT RELATING TO PROPERTY -- SELF-SERVICE STORAGE FACILITIES {LC869/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 2256

BY Nesselbush

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC868/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 2257

BY Felag

ENTITLED, AN ACT RELATING TO REAL PROPERTY -- TRANSFER FEES {LC398/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 2258

BY Kettle, Shibley, Maher

ENTITLED, AN ACT RELATING TO EDUCATION -- TEACHERS' RIGHT TO WORK
{LC74/1}

Read and ordered to the Committee on Labor.

Also:

Senate Bill No. 2259

BY Fogarty, Hodgson, Tassoni, Kettle, Sosnowski

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS - HOISTING
ENGINEERS {LC915/1}

Read and ordered to the Committee on Labor.

Also:

Senate Bill No. 2260

BY Hodgson, Sheehan, Walaska, Ottiano, Lynch

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- PLUM BEACH
LIGHTHOUSE LICENSE PLATE {LC918/1}

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

Also:

Senate Bill No. 2261

BY Bates

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC910/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Resolution No. 2262

BY Metts, Fogarty, Perry, Pichardo, Pinga

ENTITLED, SENATE RESOLUTION URGING THE CITIZENS OF THE STATE OF RHODE
ISLAND TO OBSERVE JUNETEENTH INDEPENDENCE DAY
{LC849/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Resolution No. 2263**BY** DiPalma, Ruggerio, Lombardo, Bates**ENTITLED**, SENATE RESOLUTION EXTENDING THE REPORTING AND EXPIRATION DATES OF THE SPECIAL SENATE COMMISSION TO STUDY THE DIVISION OF MOTOR VEHICLES (would extend the reporting and expiration dates of the special senate commission to study the division of motor vehicles from January 31, 2012, to January 31, 2013, and said commission would expire on February 28, 2013.)

{LC861/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 2264**BY** Perry**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER CEPEP CORP.

{LC937/1}

Read and ordered to be placed on the Consent Calendar.

CONSENT CALENDAR

In order for the day is taken up as follows:

Upon motion of Senator DeVall, item #2 be removed from the Consent Calendar and placed on immediate consideration.

1. **2012-S 2234**
BY Sheehan
ENTITLED, SENATE RESOLUTION HONORING UNITED STATES REPRESENTATIVE GABRIELLE GIFFORDS FOR HER SERVICE TO THE PEOPLE OF ARIZONA AND THE UNITED STATES

3. **2012-S 2236**
BY Sosnowski
ENTITLED, SENATE RESOLUTION CONGRATULATING ROBERTA RICHMAN ON BEING INDUCTED INTO THE CRIMINAL JUSTICE HALL OF FAME

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 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

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.

Senator DaPonte moves passage, seconded by Senators Felag, DeVall, Nesselbush and Pichardo.

The act is read and passed, by unanimous consent, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 33: The Honorable President Paiva Weed and Senators Algieri, Bates, Cote, Crowley, DaPonte, DeVall, DiPalma, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 7162

BY Coderre, O'Neill, San Bento, Johnston, Messier

ENTITLED, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO ISSUE TAX ANTICIPATION NOTES PAYABLE IN FISCAL YEAR 2013 {LC652/1}

Senator DaPonte requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator DaPonte moves passage, seconded Senators DeVall, Crowley and Bates.

The act is read and passed, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

COMMITTEE ON JUDICIARY

Senator McCaffrey from the Committee on Judiciary, reports back, with recommendation of indefinite postponement of the original bill and passage of Substitute A of the following measure:

Senate Bill No. 2178 SUB A

BY McCaffrey, Bates, Lanzi, Pichardo, Goodwin

ENTITLED, AN ACT RELATING TO REDISTRICTING OF THE GENERAL ASSEMBLY
(would set forth the

boundaries of the voting districts for the House of Representatives and the Senate. The act would also

set forth the territory for the First and Second Congressional Districts in RI)

{LC810/A/1}

Read and ordered to be placed on the Calendar

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.

(See Appendix for Invocation)

GUESTS

Upon suggestion of Senator Pichardo and by unanimous consent, the Honorable President, welcomes to the Chamber Agustin Diaz.

ANNOUNCEMENTS

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

Senator Pinga announces that the Committee on Government Oversight will meet on Tuesday, January 31, 2012, 4:30 o'clock P.M., in the Senate Lounge of the State House.

Senator Ruggiero announces the Senate will meet at 6 P.M. on Tuesday, January 31, 2012, then go to the House Chamber at 7 P.M. for Governor Lincoln D. Chaffee's Budget and State of the State Address.

Senator Ruggiero wishes Senator Picard a Happy Birthday.

Senator Ruggiero wishes Senator Sheehan a Happy Birthday tomorrow.

Senator Jabour announces that the Committee on Judiciary will meet today, at the rise of the Senate, in Room 313 of the State House.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senator Walaska the Senate adjourns at 4:40 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR JUAN M. PICHARDO

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**CONSENT CALENDAR****IN ORDER FOR TUESDAY, JANUARY 31, 2012:**

1. **2012-S 2262**
BY Metts
ENTITLED, SENATE RESOLUTION URGING THE CITIZENS OF THE STATE OF RHODE ISLAND TO OBSERVE JUNETEENTH INDEPENDENCE DAY

Ordered on the Consent Calendar

2. **2012-S 2263**
BY DiPalma
ENTITLED, SENATE RESOLUTION EXTENDING THE REPORTING AND EXPIRATION DATES OF THE SPECIAL SENATE COMMISSION TO STUDY THE DIVISION OF MOTOR VEHICLES

Ordered on the Consent Calendar

3. **2012-S 2264**
BY Perry
ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER CEPEP CORP.

Ordered on the Consent Calendar

4. **2012-H 7069**
BY Melo
ENTITLED, AN ACT RELATING TO PUBLIC FINANCE - STATE BUDGET

Ordered to be placed on the Consent Calendar for passage in concurrence

Appendix

CALENDAR

- 1. 2012-S 2178 SUB A**
BY McCaffrey
ENTITLED, AN ACT RELATING TO REDISTRICTING OF THE GENERAL ASSEMBLY

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

Appendix

TRANSMITTED TO THE GOVERNOR

House Bill No. 7162

BY Coderre, O`Neill, San Bento, Johnston, Messier

ENTITLED, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO ISSUE TAX
ANTICIPATION NOTES PAYABLE IN FISCAL YEAR 2013