

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.15

Tuesday, February 7, 2012

Fifteenth 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 4:31 o'clock P.M.

The roll is called and a quorum is declared present with 35 Senators present and 3 Senators absent as follows:

PRESENT – 35: The Honorable President Paiva Weed and Senators Algieri, Bates, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Kettle, Lanzi, Lombardo, Lynch, McCaffrey, Metts, Miller, Moura Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

ABSENT – 3: Senators Ciccone, Hodgson, Maher.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

GUESTS

Upon suggestion of Senator Kettle and by unanimous consent, the Honorable President, welcomes to the Chamber Heather Borlow, an intern of Senator Kettle also a Junior at Rhode Island College pursuing two degrees in Political Science and Anthropology.

COMMUNICATIONS

The Honorable President presents the following communications:

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

February 7, 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, February 7, 2012 due to illness. I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you.

Sincerely,

Dawson T. Hodgson
DEPUTY MINORITY LEADER

Read and ordered to be placed on file.

Also:

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

February 7, 2012

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

Dear Madam President:

Please be advised that due to a personal issue, I will be absent from the Senate session on Tuesday, February 7, 2012 due to a serious family illness. I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you.

Sincerely,

Francis T. Maher, Jr.
SENIOR DEPUTY MINORITY LEADER

Read and ordered to be placed on file.

NEW BUSINESS

Senate Bill No. 2307

BY Pichardo, Metts, Tassoni, Perry, Pinga

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS - SMALL LOAN LENDERS (would repeal sections of the general laws allowing deferred deposit providers, also known as "payday lenders.") {LC946/1}

Read and ordered to the Committee on Corporations

Senate Bill No. 2308

BY Walaska, Bates

ENTITLED, AN ACT RELATING TO EDUCATION - RHODE ISLAND PUBLIC TELECOMMUNICATIONS AUTHORITY (would require the RI Public Telecommunications Authority to assume control and responsibility of RI Capitol television, which shall be administered through RI PBS.) {LC491/1}

Read and ordered to the Committee on Corporations

Senate Bill No. 2309

(by request)

BY Algieri, Maher

ENTITLED, AN ACT RELATING TO EDUCATION - HEALTH AND SAFETY OF PUPILS (would allow local school districts the option of utilizing bus monitors or alternative technologies approved by the commissioner of elementary and secondary education.)

Read and ordered to the Committee on Education

Senate Bill No. 2310**BY** Hodgson, O'Neill, Cote**ENTITLED**, AN ACT RELATING TO EDUCATION - SCHOOL COMMITTEES AND SUPERINTENDENTS (would amend the general power and duties of school committees and would also add a member to the state advisory council on school finances/require school districts to utilize financing/accounting software systems) {LC1050/1}

Read and ordered to the Committee on Education

Senate Resolution No. 2311**BY** Sosnowski, Walaska, McCaffrey, Sheehan, Algieri**ENTITLED**, SENATE RESOLUTION RESPECTFULLY URGING THE RHODE ISLAND CONGRESSIONAL DELEGATION TO GIVE RHODE ISLAND REPRESENTATION ON THE MID-ATLANTIC FISHERIES COUNCIL {LC1170/1}

Read and ordered to the Committee on Environment and Agriculture

Senate Bill No. 2312**BY** Walaska, Lombardo, Bates**ENTITLED**, AN ACT RELATING TO TAXATION - SALES AND USE TAXES- LIABILITY AND COMPUTATION (would provide for several periods where there would be a sales and use tax holiday on the purchase of alcoholic beverages which are not to be consumed on the premises of the place of purchase.) {LC1186/1}

Read and ordered to the Committee on Finance

Senate Bill No. 2313**BY** Miller, Goodwin, Ruggerio, Jabour, Pichardo**ENTITLED**, AN ACT RELATING TO TAXATION - HISTORIC STRUCTURES (would create economic incentives for the redevelopment and reuse of RI's historic structures.) {LC948/1}

Read and ordered to the Committee on Finance

Senate Bill No. 2314**BY** DiPalma**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF LITTLE COMPTON TO FINANCE HEALTH, SAFETY AND FIRE CODE-RELATED EMERGENCY REPAIRS, ALTERATIONS, RENOVATIONS, IMPROVEMENTS, LANDSCAPING AND EQUIPPING AND FURNISHING OF, THE WILBUR & MCMAHON SCHOOLS AND ALL ATTENDANT EXPENSES INCLUDING, BUT NOT LIMITED TO, ENGINEERING AND ARCHITECTURAL COSTS AND TO ISSUE NOT MORE THAN \$11,310,000 BONDS AND/OR NOTES THEREFOR (authorizes Little Compton to issue not more than \$11,310,000 bonds and notes to finance health, safety and fire code-related emergency repairs, alterations, renovations, Wilbur & McMahon schools)

Read and ordered to the Committee on Finance

Senate Bill No. 2315**BY** DiPalma, DeVall, Doyle, Gallo, DaPonte**ENTITLED**, AN ACT RELATING TO LIBRARIES -- OFFICE OF STATE LIBRARY AND INFORMATION SERVICES (would provide for library assistance grants to assist in funding library operations, enhancing library collections and aiding interlibrary cooperation.) {LC459/1}

Read and ordered to the Committee on Finance

Senate Bill No. 2316**BY** DiPalma, Doyle, DaPonte, Sosnowski**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- AUDIT OF ACCOUNTS AND INSTALLATION OF SYSTEMS (would create a uniform system of auditing for municipal finances.) {LC964/1}

Read and ordered to the Committee on Finance

Senate Bill No. 2317**BY** Fogarty, Goodwin, Felag, Ruggerio**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- RETIREMENT SYSTEM -- CONTRIBUTIONS AND BENEFITS {LC1240/1}

Read and ordered to the Committee on Finance

Senate Bill No. 2318**BY** Doyle, Nesselbush**ENTITLED**, AN ACT RELATING TO EDUCATION - FUNDING OF CHARTER PUBLIC SCHOOLS {LC1152/1}

Read and ordered to the Committee on Finance

Senate Bill No. 2319**BY** Gallo, Miller, Lanzi**ENTITLED**, AN ACT RELATING TO TAXATION -- CRANSTON {LC1124/1}

Read and ordered to the Committee on Finance

Senate Bill No. 2320**BY** Metts, Jabour, Fogarty, Pichardo, Crowley**ENTITLED**, AN ACT RELATING TO EDUCATION -- FOUNDATION LEVEL SCHOOL SUPPORT. {LC750/1}

Read and ordered to the Committee on Finance

Senate Bill No. 2321**BY** Gallo, Doyle, Walaska**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES - EQUAL RIGHTS OF BLIND AND DEAF PERSONS TO PUBLIC FACILITIES {LC1297/1}

Read and ordered to the Committee on Health and Human Services

Senate Bill No. 2322**BY** Perry, Miller, Pichardo, Sosnowski, Nesselbush**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- TANNING FACILITY SAFETY STANDARDS {LC1127/1}

Read and ordered to the Committee on Health and Human Services

Senate Bill No. 2323**BY** Gallo, Doyle, Walaska**ENTITLED**, AN ACT RELATING TO INSURANCE - HEARING AIDS {LC1296/1}

Read and ordered to the Committee on Health and Human Services

Senate Bill No. 2324**BY** Walaska, Bates, Lynch, Gallo**ENTITLED**, AN ACT RELATING TO INSURANCE - HEARING AIDS {LC1247/1}

Read and ordered to the Committee on Health and Human Services

Senate Bill No. 2325**BY** Perry, Nesselbush, Miller, DiPalma, Doyle**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- HEALTHCARE INFORMATION TECHNOLOGY AND INFRASTRUCTURE FUND {LC738/1}

Read and ordered to the Committee on Health and Human Services

Senate Bill No. 2326**BY** Perry, Miller, Sosnowski, Nesselbush**ENTITLED**, AN ACT RELATING TO TAXATION - IMAGING SERVICES SURCHARGE {LC1131/1}

Read and ordered to the Committee on Health and Human Services

Senate Bill No. 2327**BY** Walaska, Bates, Lynch, Gallo**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES - EQUAL RIGHTS OF BLIND AND DEAF PERSONS TO PUBLIC FACILITIES {LC1248/1}

Read and ordered to the Committee on Health and Human Services

Senate Bill No. 2328**BY** Felag**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- SIZE, WEIGHT, AND LOAD LIMITS {LC907/1}

Read and ordered to the Committee on Housing and Municipal Government

Senate Bill No. 2329**BY** Perry**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC1154/1}

Read and ordered to the Committee on Judiciary

Senate Bill No. 2330**BY** Metts, Pichardo**ENTITLED**, AN ACT RELATING TO PROPERTY -- IMMIGRATION STATUS {LC1078/1}

Read and ordered to the Committee on Judiciary

Senate Bill No. 2331**BY** Sheehan, Cote, Sosnowski**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC1302/1}

Read and ordered to the Committee on Judiciary

Senate Bill No. 2332**BY** Tassoni, Sosnowski**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- PASSING, USING OF LANES, AND RULES OF THE ROAD {LC1164/1}

Read and ordered to the Committee on Judiciary

Senate Bill No. 2333**BY** Lynch, DiPalma, Lanzi, Pichardo, Metts**ENTITLED**, AN ACT RELATING TO ELECTIONS {LC614/1}

Read and ordered to the Committee on Judiciary

Senate Bill No. 2334

(Secretary of State)

BY Doyle**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY – LOBBYING {LC1175/1}

Read and ordered to the Committee on Judiciary

Senate Bill No. 2335**BY** Pichardo, Tassoni, Felag, DiPalma, Fogarty**ENTITLED**, AN ACT RELATING TO ELECTIONS - MAIL BALLOTS {LC1044/1}

Read and ordered to the Committee on Judiciary

Senate Bill No. 2336**BY** DiPalma, Felag**ENTITLED**, AN ACT RELATING TO ELECTIONS {LC1098/1}

Read and ordered to the Committee on Judiciary

Senate Bill No. 2337**BY** Nesselbush, Pichardo, Miller, DeVall, Perry**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - FAMILY COURT {LC1259/1}

Read and ordered to the Committee on Judiciary

Senate Bill No. 2338**BY** Metts, Pichardo, Jabour, Crowley, Miller**ENTITLED**, AN ACT RELATING TO PROPERTY -- RHODE ISLAND FAIR HOUSING PRACTICES ACT {LC1080/1}

Read and ordered to the Committee on Judiciary

Senate Bill No. 2339**BY** Perry, Miller, Sosnowski, Nesselbush, Metts**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES {LC1130/1}

Read and ordered to the Committee on Judiciary

Senate Bill No. 2340**BY** DiPalma, Lombardo, Bates, Hodgson, Sosnowski**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - LABOR AND PAYMENT OF DEBTS BY CONTRACTORS {LC1103/1}

Read and ordered to the Committee on Labor

Senate Bill No. 2341**BY** McCaffrey, Goodwin, Jabour, Doyle, Miller**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- CONTRACTORS' REGISTRATION BOARD {LC1279/1}

Read and ordered to the Committee on Labor

Senate Bill No. 2342**BY** Walaska**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- WAGES {LC1183/1}

Read and ordered to the Committee on Labor

Senate Bill No. 2343**BY** Jabour, McCaffrey, Doyle, Miller, Lynch**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS - EMPLOYMENT SECURITY - GENERAL PROVISIONS {LC1280/1}

Read and ordered to the Committee on Labor

Senate Bill No. 2344**BY** Doyle, Gallo, Miller, Nesselbush, DaPonte**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS - HOISTING ENGINEERS {LC1126/1}

Read and ordered to the Committee on Labor

Senate Bill No. 2345**BY** Jabour, Tassoni, Lombardo, Bates**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES - SAMPLE TASTINGS {LC1187/1}

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

Senate Resolution No. 2346**BY** DiPalma, Felag**ENTITLED**, SENATE RESOLUTION EXPRESSING SINCERE CONDOLENCES ON THE PASSING OF DEAN C. KELCHNER {LC1100/1}

Ordered on the Senate Consent Calendar

Senate Resolution No. 2347**BY** Maher, Shibley, Kettle, Hodgson, Ottiano**ENTITLED**, SENATE RESOLUTION RECOGNIZING AND COMMENDING MATTHEW DAVID PEREIRA UPON ACHIEVING SCOUTING'S MOST DISTINGUISHED HONOR, THE RANK OF EAGLE SCOUT {LC479/1}

Ordered on the Senate Consent Calendar

CALENDAR**IN ORDER FOR TUESDAY, FEBRUARY 07, 2012:**

- 1. 2012-S 2210**
BY O'Neill
ENTITLED, AN ACT RELATING TO THE TOWN OF NORTH PROVIDENCE

Committee on Housing & Municipal Government recommends passage.

Upon suggestion of Senator O'Neill and without objection, ordered to be placed on the Calendar for Thursday, February 9, 2012.

- 2. 2012-S 2179**
BY Sosnowski
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -

CORRECTIONS DEPARTMENT

Committee on Judiciary recommends passage.

Senator Sosnowski moves passage, seconded by Senators McCaffrey, Doyle, Pichardo, Moura, Sheehan, Shibley, Walaska, Lombardo, Lanzi, DiPalma and Algieri.

Senator Sheehan discusses the act.

The act is read and passed, by unanimous consent, upon a roll call vote with 33 Senators voting in the affirmative and 2 Senators voting in the negative as follows:

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

NAYS- 2: Senators Metts, Perry.

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 Pinga announces that the Committee on Government Oversight will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senator Felag the Senate adjourns at 4:42 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR ERIN P. LYNCH

Heavenly Father, guide us in the ways of peace. May we show loyalty towards one another and be worthy of the trust you have placed in us. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR WEDNESDAY, FEBRUARY 08, 2012:

- 1. 2012-S 2346**
BY DiPalma
ENTITLED, SENATE RESOLUTION EXPRESSING SINCERE CONDOLENCES ON THE PASSING OF DEAN C. KELCHNER

Ordered on the Consent Calendar

- 2. 2012-S 2347**
BY Maher
ENTITLED, SENATE RESOLUTION RECOGNIZING AND COMMENDING MATTHEW DAVID PEREIRA UPON ACHIEVING SCOUTING'S MOST DISTINGUISHED HONOR, THE RANK OF EAGLE SCOUT

Ordered on the Consent Calendar

Appendix

CALENDAR

IN ORDER FOR THURSDAY, FEBRUARY 09, 2012:

- 1. 2012-S 2210**
BY O'Neill
ENTITLED, AN ACT RELATING TO THE TOWN OF NORTH PROVIDENCE

Committee on Housing & Municipal Government recommends passage.