

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.18

Tuesday, February 14, 2012

Eighteenth 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 4:28 o'clock P.M.

The roll is called and a quorum is declared present with 37 Senators present and 1 Senator absent as follows:

**PRESENT** – 37: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Cote, Crowley, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

**ABSENT** – 1: Senator DaPonte.

**INVOCATION**

The Honorable President, by unanimous consent, presents Senator O'Neill to deliver the invocation.

(See Appendix for Invocation)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**APPROVAL OF RECORD**

The Senate Journal of the Sixteenth and Seventeenth Legislative Day's of the 2012 proceedings are read in part.

Upon suggestion of Senator O'Neill and by unanimous consent, further reading of the Journal's are dispensed with and the Journal's approved as recorded.

### COMMUNICATION

The Honorable President presents the following communication:

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

February 13, 2012

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

Dear Madam President:

Please be advise and let the record reflect that I will be absent from the Chamber on Wednesday, February 15<sup>th</sup> and Thursday, February 16<sup>th</sup> 2012, as I will be out of the State on business.

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

Thank you for your attention to this matter.

Warmest personal regards, I remain,

Sincerely,

Dominick J. Ruggerio  
Senate Majority Leader

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. 7014**

**BY** Azzinaro

**ENTITLED**, AN ACT RELATING TO THE RETIREMENT OF POLICE OFFICERS IN THE TOWN OF WESTERLY (would eliminate mandatory retirement of the chief of police in the town of Westerly.) {LC27/1}

Read and ordered to the Committee on Finance.

Also:

**House Bill No. 7111****BY** Ajello, Handy, Blazejewski, Cimini, Walsh**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - STATE POLICE (would make the definitions of disability, sexual orientation, gender identity and expression the same as set forth in RI general laws section 11-24-2.1.) {LC151/1}

Read and ordered to the Committee on Judiciary.

Also:

**House Bill No. 7273****BY** Malik, Morrison**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - PROBATE COURTS (would permit the town solicitor in the town of Warren to temporarily serve as the town's probate court judge in proceedings where the designated probate judge is unable to serve) {LC886/1}

Read and ordered to the Committee on Judiciary.

Also:

**House Bill No. 7057****BY** Newberry, Marcello, Brien, Phillips, Ajello**ENTITLED**, AN ACT RELATING TO PROPERTY (would exempt land held by nonprofit corporations for cemetery purposes from adverse possession or prescription.) {LC239/1}

Read and ordered to the Committee on Judiciary.

**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. 2131****BY** DiPalma, Pichardo, Tassoni**ENTITLED**, AN ACT RELATING TO HIGHWAYS (would require the DOT to use complete street design principles to accommodate the mobility needs of all users and would require the DOT to publish a report showing how the agency has complied with the requirements.) {LC136/1}

Read and ordered to be placed on the Calendar.

Also:

**Senate Bill No. 2211****BY** Felag, DiPalma**ENTITLED**, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF TIVERTON (would ratify the amendments to the home rule charter of the Town of Tiverton adopted on November 8, 2011.) {LC180/1}

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. 2121 SUB A****BY** Lombardo**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- RETIREMENT OF MUNICIPAL EMPLOYEES (would, with respect to police officers employed by the town of Johnston, limit membership in the Municipal Employees' Retirement System to those officers hired on or after July 1, 2011.)

Read and ordered to be placed on the Calendar.

**NEW BUSINESS****Senate Bill No. 2355****BY** Lynch, Perry, Tassoni, Miller, Gallo**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - ADMINISTRATIVE PROCEDURES {LC1375/1}

Read and ordered to the Committee on Corporations.

Also:

**Senate Bill No. 2356****BY** Gallo, DaPonte, Lanzi, DiPalma, DeVall**ENTITLED**, AN ACT RELATING TO EDUCATION {LC1407/1}

Read and ordered to the Committee on Education.

Also:

**Senate Bill No. 2357****BY** Sheehan, Sosnowski**ENTITLED**, AN ACT RELATING TO FISH AND WILDLIFE - COMMERCIAL FISHERIES {LC1401/1}

Read and ordered to the Committee on Environment and Agriculture.

Also:

**Senate Bill No. 2358**

**BY** Walaska

**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY -- JOINT COMMITTEE ON LEGISLATIVE SERVICES {LC486/1}

Read and ordered to the Committee on Finance.

Also:

**Senate Bill No. 2359**

**BY** Doyle, Nesselbush, Tassoni

**ENTITLED**, AN ACT RELATING TO DEPARTMENT OF TRANSPORTATION - HIGHWAYS {LC607/1}

Read and ordered to the Committee on Finance.

Also:

**Senate Bill No. 2360**

**BY** Nesselbush, Miller, Perry, Ottiano, Pichardo

**ENTITLED**, AN ACT RELATING TO INSURANCE - COVERAGE FOR PRESCRIPTION DRUGS {LC1115/1}

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

Also:

**Senate Bill No. 2361**

**BY** Perry, Miller, DeVall, Nesselbush, Sosnowski

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY {LC1287/1}

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

Also:

**Senate Bill No. 2362**

**BY** Felag

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- TAXATION OF HEALTHCARE SERVICES {LC1333/1}

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

Also:

**Senate Bill No. 2363**

**BY** Doyle, Tassoni, Gallo

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- PARKING FACILITIES AND PRIVILEGES {LC1377/1}

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

Also:

**Senate Bill No. 2364**

**BY** Doyle, O'Neill, Nesselbush, Tassoni

**ENTITLED**, AN ACT RELATING TO DEPARTMENT OF TRANSPORTATION - HIGHWAYS {LC576/1}

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

Also:

**Senate Bill No. 2365**

**BY** Tassoni, Pinga, Pichardo

**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - LOW AND MODERATE INCOME HOUSING {LC1321/1}

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

Also:

**Senate Bill No. 2366**

**BY** Kettle, Shibley

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC1360/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2367**

**BY** Perry, Miller

**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS - TAXATION AND REGULATION OF MARIJUANA {LC1135/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2368**

**BY** Lynch, McCaffrey, DiPalma, Lanzi, Perry

**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- COMMUNITY OBLIGATIONS AND BANKING OFFENSES --THEFT, EMBEZZLEMENT, FALSE PRETENSES, AND MISAPPROPRIATIONS {LC338/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Resolution No. 2369**

**BY** O'Neill, Cote, Shibley, Ottiano, Doyle

**ENTITLED**, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (ETHICS COMMISSION) {LC1134/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2370**

(Secretary of State)

**BY** DiPalma, Lanzi, Lombardo, Lynch, Tassoni

**ENTITLED**, AN ACT RELATING TO ELECTIONS - MAIL BALLOTS {LC1172/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2371**

**BY** Tassoni, McCaffrey, Jabour, Crowley, Moura

**ENTITLED**, AN ACT RELATING TO PROPERTY - MORTGAGE FORECLOSURE AND SALE {LC1195/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2372**

**BY** Sosnowski

**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- NEW SHOREHAM WARDENS' COURT {LC1438/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2373**

(Transportation)

**BY** Tassoni, Ottiano, Pichardo, Pinga, Bates

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --  
MISCELLANEOUS RULES {LC1249/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2374**

**BY** Lynch, McCaffrey, DiPalma, Lanzi, Perry

**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- MINIMUM  
WAGES {LC1352/1}

Read and ordered to the Committee on Labor.

Also:

**Senate Bill No. 2375**

**BY** Lynch, DiPalma, Walaska, Cote, Bates

**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS - PAYMENT OF  
WAGES {LC1443/1}

Read and ordered to the Committee on Labor.

Also:

**Senate Bill No. 2376**

**BY** Lanzi, Doyle, Gallo, Ruggerio, DiPalma

**ENTITLED**, AN ACT RELATING TO BUSINESS AND PROFESSIONS - WATER METER  
REPLACEMENT {LC1257/1}

Read and ordered to the Committee on Labor.

Also:

**Senate Bill No. 2377**

**BY** Lynch, Perry, Tassoni, Miller, Gallo

**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS --  
ESTABLISHING BACK TO WORK RHODE ISLAND PROGRAM ACT OF 2012 {LC1289/1}

Read and ordered to the Committee on Labor.

Also:



**Senate Bill No. 2378****BY** Crowley, Sosnowski, DeVall, Fogarty, Perry**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- RHODE ISLAND WORKER PROTECTION AND JOB LOSS NOTIFICATION ACT {LC1354/1}

Read and ordered to the Committee on Labor.

Also:

**Senate Bill No. 2379****BY** Tassoni**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES {LC1325/1}

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

Also:

**Senate Bill No. 2380****BY** Sosnowski, Tassoni, Crowley, Bates, Miller**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER MOTOR VEHICLES -- REGISTRATION OF VEHICLES {LC1263/1}

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

Also:

**Senate Bill No. 2381****BY** Lanzi, DiPalma, Lynch, Walaska, Ciccone**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - REGISTRATION OF VEHICLES {LC1463/1}

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

Also:

**Senate Bill No. 2382****BY** Kettle, Picard, Algieri, Lynch, Goodwin**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - REGISTRATION OF VEHICLES - GOLD STAR FAMILY PLATE {LC589/1}

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

Also:

**Senate Bill No. 2383****BY** Ciccone, Felag**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --  
HISTORIAN LAUREATE OF RHODE ISLAND {LC1060/1}

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

Also:

**Senate Bill No. 2384****BY** Felag, Pichardo, Ciccone, Walaska**ENTITLED**, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE {LC947/1}

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

Also:

**Senate Bill No. 2385****BY** Tassoni**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES  
{LC1267/1}

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.

**ANNOUNCEMENTS**

Senator Picard announces that the Committee on Corporations will meet today, at the rise of the Senate, in Room 212 of the State House.

Senator Gallo announces that the Committee on Education will meet today, at the rise of the Senate, and discuss pre-K and Kindergarten in Room 313 of the State House.

Senator Felag announces that the Committee on Finance will meet tomorrow, at 2:00 o'clock P.M. in Room 211 of the State House.

Senator Perry announces that the Committee on Health and Human Services will meet tomorrow, at the rise of the Senate, in Room 135 of the State House.

Senator Sosnowski announces that the Special Committee on Fisheries will meet tomorrow, at 2:30 o'clock P.M. in Room 313 of the State House.

Senator Lombardo announces that the Committee on Labor will meet tomorrow, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Walaska announces that the Committee on Special Legislation and Veterans' Affairs will meet today, at the rise of the Senate, in the House Lounge of the State House.

**ADJOURNMENT**

Upon motion of Senator Goodwin seconded by Senator Ruggiero the Senate adjourns at 4:27 o'clock P.M.

JOSEPH R. BRADY  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SENATOR EDWARD J. O'NEILL**

Lord, as we celebrate Saint Valentines Day, let us remember that there are three things that shall always last- Faith, Hope, and Love; and the greatest of these is Love. Amen

**Appendix**

**CALENDAR**

**IN ORDER FOR THURSDAY, FEBRUARY 16, 2012:**

- 1. 2012-S 2121 SUB A**  
**BY** Lombardo  
**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- RETIREMENT OF MUNICIPAL EMPLOYEES

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

- 2. 2012-S 2131**  
**BY** DiPalma  
**ENTITLED**, AN ACT RELATING TO HIGHWAYS

Committee on Housing & Municipal Government recommends passage.

- 3. 2012-S 2211**  
**BY** Felag  
**ENTITLED**, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF TIVERTON

Committee on Housing & Municipal Government recommends passage.