

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.19

Wednesday, February 15, 2012

Nineteenth 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 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, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

**ABSENT** – 3: Senators Ciccone, Pinga, Ruggiero.

**INVOCATION**

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

(See Appendix for Invocation)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**APPROVAL OF RECORD**

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

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

**GUESTS**

Upon suggestion of Senator DiPalma and by unanimous consent, the Honorable President, welcomes to the Chamber Danielle Mongeau, Debbie Mongeau, Harold Perlingiero and Jean Cox.

Upon suggestion of Senator Gallo and by unanimous consent, the Honorable President, welcomes to the Chamber Michael Thomas, President and CEO of the New England Board of Higher Education, Monnica Chan, Director of Policy and Research and Carolyn Morwick, Director of Government Affairs.

**COMMUNICATION**

The Honorable President presents the following communication:

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

February 15, 2012

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

Dear Madame President:

I will be unable to attend Session today, Wednesday, February 15, 2012 due to illness.

Sincerely,

Michael Pinga  
Senator District-9

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. 7259**

**BY** Petrarca

**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF ITALICI, L.L.C. {LC917/1}

Read and ordered to be placed on the Consent Calendar.

Also:

**House Bill No. 7084**

(Secretary of State)

**BY** Keable, Lally, Petrarca, Jackson, Marcello**ENTITLED**, AN ACT RELATING TO PUBLIC RECORDS - CUSTODY AND PROTECTION

(would amend the definition of "agency" or "public body to include quasi-public agencies.)

{LC451/1}

Read and ordered to the Committee on Judiciary.

Also:

**House Bill No. 7240****BY** O`Grady**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow

Caroline M. Sawyer to join Elizabeth Vincent and Sean Bessette in marriage within the Town of

Bristol, Rhode Island, on or about May 27, 2012.) {LC866/1}

Read and ordered to the Committee on Judiciary.

Also:

**House Bill No. 7241****BY** Ferri, McNamara**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow

The Honorable Scott Avedisian to join Carra Beth Constantine and William Malcolm Hall in

marriage within the City of Warwick, Rhode Island, on or about May 5, 2012.) {LC863/1}

Read and ordered to the Committee on Judiciary.

Also:

**House Bill No. 7122 as amended**

(Secretary of State)

**BY** Ruggiero, Valencia, Ehrhardt, Hull, Bennett**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY - LOBBYING (make certain

changes to style/fee structure relating to leg. lobbyist badges/ require lobbyist registered to lobby

the exec. branch to have fully complied w/requirements of the chapter in the prev. yr prior to

registering for the current leg. session.) {LC450/1}

Read and ordered to the Committee on Judiciary.

Also:

**House Bill No. 7280****BY** Ruggiero**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow

Derek Wesolowski to join Jennifer Jarret and Dustin Wesolowski 1 in marriage within the Town of

Jamestown, Rhode Island, on or about October 7, 2012.) {LC959/1}

Read and ordered to the Committee on Judiciary.

Also:

**House Bill No. 7270**

**BY** Mattiello

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow The Honorable Gordon Fox to join Larisa Olegovna Micheletti and Michael John Martino in marriage within the Town of North Smithfield, Rhode Island, on or about June 30, 2012) {LC923/1}

Read and ordered to the Committee on Judiciary.

Also:

**House Bill No. 7221**

**BY** Martin

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Thomas A. Palombo to join Chelsea Lee Hebert and Matthew Ryan Force in marriage within the City of Newport, Rhode Island, on or about July 6, 2012.) {LC800/1}

Read and ordered to the Committee on Judiciary.

Also:

**House Bill No. 7202**

**BY** Edwards, Gallison, Reilly

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Kevin F. Tripp to join Brittany Theresa Rodrigues and Paul Anthony Milnes in marriage on or about June 30, 2012, within the Town of Portsmouth, Rhode Island.) {LC718/1}

Read and ordered to the Committee on Judiciary.

**NEW BUSINESS**

**Senate Bill No. 2386**

**BY** Ruggerio, McCaffrey, Bates, Walaska, Lynch

**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS - DECEPTIVE TRADE PRACTICES {LC1316/1}

Read and ordered to the Committee on Corporations.

Also:

**Senate Bill No. 2387**

**BY** Perry, Metts, Crowley, Miller, DeVall

**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - DUTIES OF UTILITIES AND CARRIERS {LC384/1}

Read and ordered to the Committee on Corporations.

Also:

**Senate Bill No. 2388**

**BY** Picard

**ENTITLED**, AN ACT RELATING TO INSURANCE - UNFAIR COMPETITION AND PRACTICES {LC1457/1}

Read and ordered to the Committee on Corporations.

Also:

**Senate Bill No. 2389**

**BY** Picard

**ENTITLED**, AN ACT RELATING TO INSURANCE - PRODUCER LICENSING ACT {LC1456/1}

Read and ordered to the Committee on Corporations.

Also:

**Senate Bill No. 2390**

**BY** Walaska

**ENTITLED**, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- CHECK CASHING {LC730/1}

Read and ordered to the Committee on Corporations.

Also:

**Senate Bill No. 2391**

**BY** Goodwin, Ruggerio, Miller, DiPalma, Jabour

**ENTITLED**, AN ACT IN AMENDMENT OF AN ACT RELATING TO JOHNSON & WALES UNIVERSITY {LC1276/1}

Read and ordered to the Committee on Corporations.

Also:

**Senate Bill No. 2392**

**BY** Walaska

**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- BURGLARY ALARMS {LC1246/1}

Read and ordered to the Committee on Corporations.

Also:

**Senate Bill No. 2393**

**BY** Picard

**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - TELEPHONE REGULATION MODERNIZATION ACT {LC1452/1}

Read and ordered to the Committee on Corporations.

Also:

**Senate Bill No. 2394**

(by request)

**BY** Ottiano

**ENTITLED**, AN ACT RELATING TO FISH AND WILDLIFE - WATERFOWL HUNTING - PORTSMOUTH {LC1359/1}

Read and ordered to the Committee on Environment and Agriculture.

Also:

**Senate Bill No. 2395**

**BY** Lombardo, Lanzi, Cote, Picard, Sheehan

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - REFUSE DISPOSAL {LC1555/1}

Read and ordered to the Committee on Environment and Agriculture.

Also:

**Senate Bill No. 2396**

**BY** Ruggerio, Felag, Walaska, Sosnowski, Algieri

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- CHILDREN'S PRODUCT SAFETY ACT {LC1614/1}

Read and ordered to the Committee on Environment and Agriculture.

Also:

**Senate Bill No. 2397**

**BY** DiPalma, Goodwin, Walaska, Lynch, Bates

**ENTITLED**, AN ACT RELATING TO AGRICULTURE AND FORESTRY - SOIL AMENDMENTS {LC1450/1}

Read and ordered to the Committee on Environment and Agriculture.

Also:

**Senate Bill No. 2398**

(Environmental Management)

**BY** Ruggerio, McCaffrey, Felag, Walaska, Miller

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - PRODUCT STEWARDSHIP FOR DISCARDED PRODUCTS {LC1303/1}

Read and ordered to the Committee on Environment and Agriculture.

Also:

**Senate Bill No. 2399**

**BY** Ruggerio, Sosnowski, Goodwin, Lombardo, Walaska

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - PRODUCERS RESPONSIBILITY FOR DISCARDED PRODUCTS {LC1286/1}

Read and ordered to the Committee on Environment and Agriculture.

Also:

**Senate Bill No. 2400**

**BY** Lombardo, Lanzi, Cote, Nesselbush, Tassoni

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - RHODE ISLAND RESOURCE RECOVERY CORPORATION {LC1390/1}

Read and ordered to the Committee on Finance.

Also:

**Senate Bill No. 2401**

**BY** Ciccone

**ENTITLED**, AN ACT RELATING TO SALES AND USE TAXES - GROSS RECEIPTS EXEMPT {LC1565/1}

Read and ordered to the Committee on Finance.

Also:

**Senate Bill No. 2402**

**BY** Fogarty, Tassoni, Shibley, Maher, Kettle

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MOBILE AND MANUFACTURED HOMES {LC1545/1}

Read and ordered to the Committee on Finance.

Also:

**Senate Bill No. 2403**

(by request)

**BY** Algiere, Bates, Ottiano, Shibley, Moura

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF ADMINISTRATION {LC1306/1}

Read and ordered to the Committee on Finance.

Also:

**Senate Resolution No. 2404**

**BY** Crowley, DeVall, DiPalma, Metts, Pichardo

**ENTITLED**, JOINT RESOLUTION MAKING AN APPROPRIATION OF \$500,000 FOR THE JASON PROJECT {LC1577/1}

Read and ordered to the Committee on Finance.

Also:

**Senate Bill No. 2405**

**BY** Ruggerio, Bates, DiPalma, Jabour, Tassoni

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- ELECTRONIC CONFIRMATION AND COMPLIANCE SYSTEM {LC1136/1}

Read and ordered to the Committee on Finance.

Also:

**Senate Bill No. 2406**

**BY** Picard

**ENTITLED**, AN ACT RELATING TO EDUCATION -- TEACHERS' RETIREMENT {LC1253/1}

Read and ordered to the Committee on Finance.

Also:



**Senate Bill No. 2407**

**BY** Miller

**ENTITLED**, AN ACT RELATING TO TAXATION - RENEWABLE ENERGY TAX CREDIT  
{LC1601/1}

Read and ordered to the Committee on Finance.

Also:

**Senate Bill No. 2408**

**BY** Fogarty, Tassoni, Pinga, Pichardo, Nesselbush

**ENTITLED**, AN ACT RELATING TO TAXATION - RENEWABLE ENERGY TAX CREDIT  
{LC1590/1}

Read and ordered to the Committee on Finance.

Also:

**Senate Bill No. 2409**

(by request)

**BY** Algieri, Maher

**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - LOW AND MODERATE  
INCOME HOUSING {LC1194/1}

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

Also:

**Senate Bill No. 2410**

**BY** Ruggerio, McCaffrey, DeVall, Goodwin

**ENTITLED**, AN ACT RELATING TO PROPERTY - MECHANICS' LIENS {LC1320/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2411**

**BY** Metts, Perry, Pichardo, Jabour, Miller

**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- FAIR  
EMPLOYMENT PRACTICES {LC1379/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2412**

**BY** Jabour, McCaffrey, Walaska

**ENTITLED**, AN ACT RELATING TO PROPERTY - POSSESSION AND PRESCRIPTION  
{LC1471/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2413**

**BY** Ruggerio, Walaska, Lombardo, Nesselbush, Jabour

**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES - CHILDREN {LC1252/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2414**

**BY** Fogarty, Tassoni, Ciccone, Goodwin

**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE - ARREST {LC1470/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2415**

**BY** Tassoni, Ottiano, Fogarty, Picard, Lynch

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - PASSING, USE  
OF LANES, AND RULES OF THE ROAD {LC1594/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2416**

**BY** Cote, Sosnowski, Lombardo, Tassoni

**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --  
MISCELLANEOUS RULES {LC283/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2417**

**BY** Picard

**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- WEAPONS {LC1230/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2418**

**BY** Bates

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC961/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2419**

**BY** Ciccone, Walaska, McCaffrey, Ruggerio

**ENTITLED**, AN ACT RELATING TO PUBLIC RECORDS - CUSTODY AND PROTECTION  
{LC1173/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2420**

**BY** Tassoni, Ottiano, Fogarty, Picard, Lynch

**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- ARREST {LC1503/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2421**

**BY** Ciccone, Picard, McCaffrey, Fogarty

**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS - MINIMUM  
WAGE {LC1192/1}

Read and ordered to the Committee on Labor.

Also:

**Senate Bill No. 2422**

**BY** Miller, Lanzi, Goodwin

**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS - PAYMENT OF  
WAGES {LC1278/1}

Read and ordered to the Committee on Labor.

Also:

**Senate Bill No. 2423**

**BY** DiPalma, Ciccone, Picard, Ruggerio, Lanzi

**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS {LC1434/1}

Read and ordered to the Committee on Labor.

Also:

**Senate Bill No. 2424**

**BY** Ciccone

**ENTITLED**, AN ACT RELATING TO EDUCATION - TEACHERS' TENURE {LC1515/1}

Read and ordered to the Committee on Labor.

Also:

**Senate Bill No. 2425**

**BY** Ciccone

**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS - MUNICIPAL EMPLOYEE ARBITRATION {LC1467/1}

Read and ordered to the Committee on Labor.

Also:

**Senate Bill No. 2426**

**BY** Picard

**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - LICENSE PROCEDURE FOR SOCIAL WORKERS {LC1258/1}

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

Also:

**Senate Bill No. 2427**

**BY** Fogarty, Tassoni, Ciccone, Goodwin

**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - THE FIREFIGHTER CANCER WELLNESS ACT {LC1469/1}

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

Also:

**Senate Bill No. 2428****BY** Crowley, Perry, Ottiano, Miller**ENTITLED**, AN ACT RELATING TO INSURANCE - COVERAGE FOR PRESCRIPTION DRUGS {LC1575/1}

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

Also:

**Senate Bill No. 2429****BY** Ruggerio, Ciccone, Jabour, Sosnowski**ENTITLED**, AN ACT RELATING TO THE GENERAL ASSEMBLY - RENAMING THE ROGER WILLIAMS DINING COMMONS AT THE UNIVERSITY OF RHODE ISLAND {LC1627/1}

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

Also:

**Senate Resolution No. 2430****BY** Hodgson, Maher, Shibley, Kettle**ENTITLED**, SENATE RESOLUTION RECOGNIZING AND COMMENDING BEN CAPUANO UPON AHCIEVING SCOUTING'S MOST DISTINGUISHED HONOR, THE RANK OF EAGLE SCOUT {LC1293/1}

Read and ordered to be placed on the Consent Calendar.

Also:

**Senate Resolution No. 2431****BY** Bates, Gallo, Algieri, Tassoni, Fogarty**ENTITLED**, SENATE RESOLUTION PROCLAIMING FEBRUARY 15TH, 2012, TO BE "I LOVE LIBRARIES DAY" IN THE STATE OF RHODE ISLAND {LC687/1}

Senator Algieri requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Algieri moves passage, seconded by Senators Goodwin and Gallo.

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

**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 Walaska announces that the Committee on Environment and Agriculture will meet today, at the rise of the Senate, in Room 310 of the State House.

Senator Perry announces that the Committee on Health and Human Services will meet today, at the rise of the Senate, in Room 212 of the State House.

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

Senator Goodwin announces the birthdays of Senator Felag and DaPonte.

**PERSONAL PRIVILEGE**

Senator Moura rises on a point of personal privilege in regards to a Providence Journal article.

**ADJOURNMENT**

Upon motion of Senator Algieri seconded by Senator Goodwin the Senate adjourns at 4:24 o'clock P.M.

**JOSEPH R. BRADY**  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SENATOR CHRISTOPHER SCOTT OTTIANO**

Dear God, please grant us the wisdom to be aware of the vital needs of the people we are here to serve. Please grant us the courage to meet those needs to the fullest extent of our ability. Amen.

**Appendix**

**CONSENT CALENDAR**

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

- 1. 2012-S 2430**  
**BY** Hodgson  
**ENTITLED**, SENATE RESOLUTION RECOGNIZING AND COMMENDING BEN CAPUANO UPON AHCIEVING SCOUTING'S MOST DISTINGUISHED HONOR, THE RANK OF EAGLE SCOUT

Ordered on the Consent Calendar

- 2. 2012-H 7259**  
**BY** Petrarca  
**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF ITALICI, L.L.C.

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



**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.