

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.26

Wednesday, March 14, 2012

Twenty-sixth 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 4:18 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, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, McCaffrey, Metts, Moura Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

ABSENT – 3: Senators Doyle, Maher, Miller.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Twenty-fifth Legislative Day of the 2012 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Nesselbush and by unanimous consent, the Honorable President, welcomes to the Chamber Gwen Reeve, Director of Programs Services, Meredith Sheehan, Programs and Services Coordinator, Christina Roche, Administrative Assistant, Diane Craven, Assistant Director of Multiple Sclerosis Center of Rhode Island, Denise Riel, Charleen Lataille, Donna De' Angelis and Dianne Flaherty.

COMMUNICATION

The Honorable President presents the following communication:

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

March 9, 2012

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

Dear Mr. Brady:

Pursuant to Section 4.1 of the Senate Rules, I am writing to ask you please remove my name from Senate Bill S-2709, An Act Relating to Education- Mayoral Academies.

If you have any questions or if you need any further information, please do not hesitate to contact me.

Sincerely

Senator Elizabeth A. Crowley
Senate District

Read and ordered to be placed on file.

Also:

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

March 14, 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 Wednesday, March 14, 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.

**REPORTS OF COMMITTEES
COMMITTEE ON JUDICIARY**

Senator McCaffrey from the Committee on Judiciary, reports back, with recommendation of passage of the following measures:

Senate Bill No. 2648

BY DiPalma

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2022/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 2654

BY Maher

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC388/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 2683

BY DiPalma

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC1995/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 2157

BY Tassoni, Doyle, DiPalma, Cote, Nesselbush

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - ADVICE AND CONSENT OF THE SENATE (would provide that gubernatorial appointees to certain quasi-public corporations be subject to the advice and consent of the senate) {LC365/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2334

(Secretary of State)

BY Doyle

ENTITLED, AN ACT RELATING TO GENERAL ASSEMBLY - LOBBYING {LC1175/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2419

BY Ciccone, Walaska, McCaffrey, Ruggerio

ENTITLED, AN ACT RELATING TO PUBLIC RECORDS - CUSTODY AND PROTECTION

(would amend the definition of "agency" or "public body" as defined in chapters 38-3 and 38-1 to include quasi-public agencies.) {LC1173/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2644

BY McCaffrey, Miller

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY {LC2119/1}

Read and ordered to be placed on the Calendar.

NEW BUSINESS

Senate Resolution No. 2781

BY Tassoni, Paiva Weed, Felag, Metts, Sheehan

ENTITLED, SENATE RESOLUTION RECOGNIZING AND CONGRATULATING THE WINNERS OF THE SEVENTH ANNUAL HOBEY BAKER HIGH SCHOOL CHARACTER AWARD {LC2212/1}

Senator Tassoni requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Tassoni moves passage, seconded by Senators Ruggerio and Algieri.

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

GUESTS

Upon suggestion of Senator Tassoni and by unanimous consent, the Honorable President, welcomes to the Chamber from Barrington Boys, Ethan Studley, Barrington Girls, Emily Carlson, Bishop Hendricken, Dan Nolte, Burrillville Boys, Andrew Etheridge, Burrillville/Ponaganset Girls Co-op, Kelsey Koprusak, Coventry, Alex Zannella, Cranston East, Kyle Hennessey, Cranston West, Derek Hagopian, Cranston Girls Co-op, Allie Smedberg, Cumberland, Patrick Noke, East Greenwich, Jason Peduto, East Providence, Ryan Barry, Johnston / North Providence Co-op, John Varone, LaSalle Academy Boys, Zachary Harrison, LaSalle Academy Girls, Abigail F. Sorensen, Lincoln Boys, Zachary LaRose, Lincoln Girls, Tiffany Brousseau, Middletown, Kevin Nash, Moses Brown School, Matthew Coughlin, Mt. Hope, Scott MacGovern, Mount Saint Charles Boys, Ben Handanyan, Mount Saint Charles Girls, Lauren Deguire, Narragansett, Brody Wise, Narragansett/North Kingstown/South Kingstown Co-op, Andrea Cooper, North Kingstown, James Lomas, North Smithfield Boys, Thomas Bourgeois, North Smithfield Girls, Hannah Decelles, Pilgrim, Susan Cavanagh, Ponaganset, Richard Petrella, Portsmouth, Steven Souza, The Prout School, Andrew Horsfield, PCD/St. Raphael/Wheeler Co-op, Cameron Sigal, Rogers /Tiverton/Rocky Hill, Sam Hallowell, Scituate, Tanner Bergeron, Smithfield Boys, Conor Judge, Smithfield Girls, Emily Gonsalves, South Kingstown, Jake Maione, St. Mary's Academy Bay View, Bethany Fogerty, Toll Gate, Brandon Golda, Pilgrim/Warwick Girls Co-Op, Kayleen Murphy, Tolman, Christopher Baldwin, Warwick Vets, John McNally, West Warwick/Exeter-West Greenwich Co-op, Nicole Wilbur, and Woonsocket, Michael Plasse.

Senate Resolution No. 2782

BY Sosnowski, Nesselbush, Paiva Weed, Hodgson, Algiere

ENTITLED, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF MARGARET (PEG) LAURENCE {LC2164/1 }

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sosnowski moves passage, seconded by Senators Perry, Moura, Nesselbush and Algiere.

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

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 7594**BY** Gordon

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

Senator DiPalma requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator DiPalma moves passage, seconded by Senator Ruggerio.

The act is read and passed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

CALENDAR**IN ORDER FOR WEDNESDAY, MARCH 14, 2012:****1. 2012-S 2391****BY** Goodwin

ENTITLED, AN ACT IN AMENDMENT OF AN ACT RELATING TO JOHNSON & WALES UNIVERSITY

Committee on Corporations recommends passage.

Upon suggestion of Senator Goodwin and without objection, ordered to be placed on the desk.

2. 2012-S 2446**BY** Gallo**ENTITLED, AN ACT RELATING TO EDUCATION -- CHILDREN WITH DISABILITIES**

Committee on Education recommends passage.

Senator Gallo moves passage, seconded by Senators Lynch, Lombardo, Jabour, Metts, Pichardo.

The act is read and passed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

3. 2012-S 2547 as amended**BY** Sosnowski**ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO DEVELOP COMPREHENSIVE PAIR - TRAWL REGULATIONS IN THE STATE OF RHODE ISLAND**

Committee on Environment & Agriculture recommends passage as amended.

Senator Sosnowski moves passage, seconded by Senators McCaffrey, Bates and Felag.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

4. 2012-S 2611**BY** Sosnowski**ENTITLED**, AN ACT RELATING TO AGRICULTURE AND FORESTRY - THE RHODE ISLAND LOCAL AGRICULTURE AND SEAFOOD ACT

Committee on Environment & Agriculture recommends passage.

Senator Sosnowski moves passage, seconded by Senators Sheehan, Bates, Algieri, Walaska and Metts.

The act is read and passed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

5. 2012-S 2618**BY** Sosnowski**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY - LIVESTOCK - WELFARE OF LIVESTOCK

Committee on Environment & Agriculture recommends passage.

Senator Sosnowski moves passage, seconded by Senators Ruggerio, Goodwin, Gallo, McCaffrey, Felag, Perry, DeVall, Nesselbush and Jabour.

The act is read and passed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

6. 2012-S 2379**BY** Tassoni**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES

Committee on Special Legislation and Veterans Affairs recommends passage.

Senator Tassoni moves passage, seconded by Senator Goodwin.

The act is read and passed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

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 List)

ANNOUNCEMENTS

Senator DiPalma announces that today March 14, 2012 is celebrated as Pi Day.

Senator Metts announces that the Committee on Education will meet today, at the rise of the Senate, in Room 310 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 Sheehan 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 Room 211 of the State House.

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

Senator Goodwin announces that Senator DiPalma was named Middletown Man of the Year.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senator Algieri and upon suggestion of Senator Sosnowski the Senate adjourns at 4:50 o'clock P.M. in memory of Margaret Laurence.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR MICHAEL J. MCCAFFREY

Lord, with your guidance, may we be kind in our judgments, diligent in our wisdom, and humble in our power. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR TUESDAY, MARCH 20, 2012:

- 1. 2012-S 2648**
BY DiPalma
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.
- 2. 2012-S 2654**
BY Maher
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.
- 3. 2012-S 2683**
BY DiPalma
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

Appendix**CALENDAR****IN ORDER FOR TUESDAY, MARCH 20, 2012:**

1. **2012-S 2157**
BY Tassoni
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -
ADVICE AND CONSENT OF THE SENATE

Committee on Judiciary recommends passage.
2. **2012-S 2334**
BY Doyle
ENTITLED, AN ACT RELATING TO GENERAL ASSEMBLY - LOBBYING

Committee on Judiciary recommends passage.
3. **2012-S 2419**
BY Ciccone
ENTITLED, AN ACT RELATING TO PUBLIC RECORDS - CUSTODY AND
PROTECTION

Committee on Judiciary recommends passage.
4. **2012-S 2644**
BY McCaffrey
ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -
PROCEDURE GENERALLY

Committee on Judiciary recommends passage.

Appendix

BILLS TRANSMITTED TO THE GOVERNOR

House Bill No. 7594

BY Gordon

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 {LC1770/1}