

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.30

Thursday, March 22, 2012

Thirtieth 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, DaPonte, DeVall, DiPalma, 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 Doyle.

**INVOCATION**

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

(See Appendix for Invocation)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**APPROVAL OF RECORD**

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

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

**REPORTS OF COMMITTEES****TRANSFER OF BILLS**

Senator Fogarty, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Labor to the Committee on Finance:

**Senate Bill No. 2734**

**BY** Perry, Miller, DeVall, Nesselbush, Metts

**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS - TEMPORARY DISABILITY INSURANCE - BENEFITS (would create a temporary caregiver insurance benefit as part of the temporary disability insurance law.)

Read and referred to the Committee on Finance.

**REPORTS OF COMMITTEES  
COMMITTEE ON EDUCATION**

Senator Gallo from the Committee on Education, reports back, with recommendation of passage of the following measure:

**Senate Resolution No. 2750**

**BY** Gallo, Paiva Weed

**ENTITLED**, JOINT RESOLUTION CREATING THE SENATOR CLAIBORNE PELL LEGISLATIVE COMMISSION ON THE HUMANITIES (would create a 12 member special legislative commission whose purpose it would be to examine the state of the humanities in Rhode Island, and who would report back annually to the general assembly.) {LC2153/1}

Read and ordered to be placed on the Consent Calendar.

**COMMITTEE ON ENVIRONMENT AND AGRICULTURE**

Senator Sosnowski from the Committee on Environment and Agriculture, reports back, with recommendation of passage of the following measure:

**Senate Bill No. 2619**

(DEM)

**BY** Sosnowski

**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT {LC1532/1}

Read and ordered to be placed on the Calendar.

**COMMITTEE ON LABOR**

Senator Fogarty from the Committee on Labor, reports back, with recommendation of passage of the following measures:

**Senate Bill No. 2732**

(Human Services)

**BY** Lynch, DiPalma, Lanzi**ENTITLED**, AN ACT RELATING TO DOMESTIC RELATIONS - REPORTING OF NEW HIRES (would decrease the time requirement in which a person is considered a rehire from 12 consecutive weeks to a minimum of 60 days to comply with federal requirements.) {LC1524/1}

Read and ordered to be placed on the Calendar.

Also:

**Senate Bill No. 2689**

(Labor &amp; Training)

**BY** Goodwin**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS - TEMPORARY DISABILITY INSURANCE {LC1521/1}

Read and ordered to be placed on the Calendar.

Also:

**Senate Bill No. 2688**

(Labor &amp; Training)

**BY** Lynch, Walaska, Miller, Perry, Sheehan**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- EMPLOYMENT SECURITY--BENEFITS {LC1522/1}

Read and ordered to be placed on the Calendar.

**NEW BUSINESS****Senate Resolution No. 2821****BY** Lombardo**ENTITLED**, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF ANTONIO REBUSSINI {LC2292/1}

Senator Lombardo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Lombardo moves passage, seconded by Senator Algieri.

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

Also:

**Senate Bill No. 2822**

BY DiPalma

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES  
{LC2315/1}

Read and ordered to the Committee on Judiciary.

Also:

**Senate Bill No. 2823**

(Governor)

BY DaPonte, Bates

**ENTITLED**, AN ACT RELATING TO EDUCATION - SCHOOL COMMITTEES AND  
SUPERINTENDENTS - SCHOOL DISTRICT ACCOUNTING COMPLIANCE {LC2232/1}

Read and ordered to the committee on Finance.

Also:

**Senate Bill No. 2824**

(Governor)

BY DaPonte, Bates

**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES {LC2070/1}

Read and ordered to the committee on Finance.

Also:

**Senate Bill No. 2825**

(Governor)

BY DaPonte, Bates

**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - CRITICAL PLAN  
EMPOWERMENT ACT - MUNICIPAL PENSIONS {LC2068/1}

Read and ordered to the committee on Finance.

Also:

**Senate Bill No. 2826**

(Governor)

BY DaPonte, Bates

**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- DISTRESSED  
COMMUNITIES {LC2250/1}

Read and ordered to the committee on Finance.

Also:

**Senate Bill No. 2827**

(Governor)

**BY** DaPonte, Bates**ENTITLED**, AN ACT RELATING TO EDUCATION -- STATE AID PROGRAMS  
{LC2230/1}

Read and ordered to the committee on Finance.

Also:

**Senate Bill No. 2828**

(Governor)

**BY** DaPonte, Bates**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- ACCIDENTAL DISABILITY  
ALLOWANCE {LC2231/1}

Read and ordered to the committee on Finance.

Also:

**Senate Bill No. 2829**

(Governor)

**BY** DaPonte, Bates**ENTITLED**, AN ACT RELATING TO EDUCATION -- FOUNDATION LEVEL SCHOOL  
SUPPORT {LC2233/1}

Read and ordered to the committee on Finance.

**FROM THE HOUSE OF REPRESENTATIVES**

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

**House Bill No. 7044****BY** Edwards, Guthrie, Reilly**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.)  
{LC179/1}

Senator Felag requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Felag moves passage, seconded by Senators Tassoni and DiPalma.

The act is read and passed, by unanimous consent, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: 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, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggiero, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**House Bill No. 7055**

**BY** Carnevale, Hull, DaSilva, Messier, Ruggiero

**ENTITLED**, AN ACT RELATING TO ELECTIONS (would increase the No. of active voters served by the same polling place / local election board can increase the No. of voters at a single voting place above the voter limit as long as the effect would not result in a voting place serving less voters)

{LC154/1}

Referred to the Committee on Judiciary

**CONSENT CALENDAR**

In order for the day is taken up as follows:

Senator Ruggiero requests that item 3 be removed from today's consent Calendar and place on the Calendar for next Wednesday March 28, 2012.

**1. 2012-S 2818**

**BY** Sosnowski

**ENTITLED**, SENATE RESOLUTION CELEBRATING AND CONGRATULATING MEMBERS OF THE RHODE ISLAND STATE GRANGE ON THE 125TH ANNIVERSARY OF ITS FOUNDING

**2. 2012-S 2820**

**BY** Paiva Weed

**ENTITLED**, SENATE RESOLUTION CONGRATULATING JOHN DIAS ON BEING CHOSEN AS NEWPORT ELKS LODGE 104, CITIZEN OF THE YEAR, 2012

**3. 2012-H 7186 SUB A as amended**

**BY** Ucci

**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- RETIREMENT OF MUNICIPAL EMPLOYEES

Upon motion of Senator Ruggiero, seconded by Senator Algieri, the measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: 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, Maher, McCaffrey, Metts, Miller, Moura, 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. 7048 as amended**

**BY** Kennedy, San Bento, Azzinaro, Lally, Valencia

**ENTITLED**, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES (would establish an annual training institute for local tax collectors to be conducted by the department of revenue in cooperation with the RI association of collection officers.)

Senator Algieri requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Algieri 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: Senators Algieri, Bates, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

### CALENDAR

#### IN ORDER FOR THURSDAY, MARCH 22, 2012:

**1. 2012-S 2419**

**BY** Ciccone

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

## PROTECTION

Committee on Judiciary recommends passage.

Senator Ciccone moves passage, seconded by Senators Walaska and DiPalma

Senator Ciccone seconded by Senators Walaska and McCaffrey, offers the following written motion to amend.

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**FLOOR AMENDMENT**

TO

2012 -- S 2419

## AN ACT RELATING TO PUBLIC RECORDS - CUSTODY AND PROTECTION

Madam President:

I hereby move to amend 2012 -- S 2419, entitled "AN ACT RELATING TO PUBLIC RECORDS - CUSTODY AND PROTECTION", as follows:

(1) On page 1, line 7, by deleting the underlined language "or quasi-public agency".

(2) On page 1, line 9, by inserting the following language immediately after the word "agency": "or any public corporation as defined in subdivision 35-20-5(4) of the general laws".

Respectfully submitted,  
SENATOR CICCONE

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The motion to amend prevails upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: 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, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Ciccone moves passage of the act, as amended, seconded by Senators Ruggerio and Walaska.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: 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, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, 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 Picard announces that the Committee on Corporations will meet today, at the rise of the Senate, in Room 212 of the State House.

Senator Felag announces that the Committee on Finance will meet next Tuesday, March 27, Wednesday, March 28, and Thursday, March 29, at 2:00 o'clock P.M. in Room 211 of the State House.

Senator Pinga announces that the Committee on Government Oversight will meet on Monday March 26, at 4:00 o'clock P.M. in the Senate Lounge of the State House.

Senator DeVall announces that the Committee on Housing and Municipal Government will meet today, at the rise of the Senate, in Room 310 of the State House.

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 Algieri and upon suggestion of Senator Lombardo the Senate adjourns at 4:34 o'clock P.M. in memory of Antonio Rebusini.

JOSEPH R. BRADY  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SENATOR WALTER S. FELAG JR.**

Almighty God, help us through the stresses and strains of the day by granting us your serenity and peace. Amen.

**Appendix**

**CONSENT CALENDAR**

**IN ORDER FOR TUESDAY, MARCH 27, 2012:**

**1. 2012-S 2750**

**BY** Gallo

**ENTITLED**, JOINT RESOLUTION CREATING THE SENATOR CLAIBORNE PELL  
LEGISLATIVE COMMISSION ON THE HUMANITIES

Committee on Education recommends passage.

**Appendix****CALENDAR****IN ORDER FOR TUESDAY, MARCH 27, 2012:**

- 1. 2012-S 2245 SUB A**  
**BY** DaPonte  
**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -  
STATE POLICE

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

- 2. 2012-S 2301 SUB A**  
**BY** Fogarty  
**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS - RHODE  
ISLAND UNINSURED EMPLOYERS FUND

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

**IN ORDER FOR WEDNESDAY, MARCH 28, 2012:**

- 1. 2012-S 2619**  
**BY** Sosnowski  
**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Committee on Environment & Agriculture recommends passage.

- 2. 2012-S 2688**  
**BY** Lynch  
**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS --  
EMPLOYMENT SECURITY--BENEFITS

Committee on Labor recommends passage.

- 3. 2012-S 2689**  
**BY** Goodwin  
**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -  
TEMPORARY DISABILITY INSURANCE

Committee on Labor recommends passage.

4. **2012-S 2732**  
**BY** Lynch  
**ENTITLED**, AN ACT RELATING TO DOMESTIC RELATIONS - REPORTING OF  
NEW HIRES

Committee on Labor recommends passage.

5. **2012-H 7186 SUB A as amended**  
**BY** Ucci  
**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- RETIREMENT OF  
MUNICIPAL EMPLOYEES

Ordered on the Calendar.

**Appendix****BILLS TRANSMITTED TO THE GOVERNOR****House Bill No. 7044****BY** Edwards, Guthrie, Reilly**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.) {LC179/1}**House Bill No. 7048 as amended****BY** Kennedy, San Bento, Azzinaro, Lally, Valencia**ENTITLED**, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES (would establish an annual training institute for local tax collectors to be conducted by the department of revenue in cooperation with the RI association of collection officers.) {LC265/1}