

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.31

Tuesday, March 27, 2012

Thirty-first 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 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, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura Nesselbush, O'Neill, Ottiano, Perry, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

ABSENT – 1: Senator Picard.

INVOCATION

The Honorable President, by unanimous consent, presents his Eminence, Metropolitan Methodios Greek Orthodox Metropolitan of New England to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal's of the Thirtieth Legislative Day of the 2012 proceedings is read in part.

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

NEW BUSINESS

Senate Resolution No. 2830

BY Gallo, Paiva Weed, Ruggerio, Goodwin, Algiere

ENTITLED, SENATE RESOLUTION CELEBRATING MARCH 25, 2012, AS THE 191ST ANNIVERSARY OF GREEK INDEPENDENCE DAY

{LC2104/1}

Senator Gallo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Gallo moves passage, seconded by Senators Ruggerio, Lanzi, Nesselbush and Pinga..

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

GUESTS

Upon suggestion of Senator Gallo and by unanimous consent, the Honorable President, welcomes to the Chamber Consul General of the Hellenic Republic Ilias Fotopoulos, Father Andrew George Annunciation Greek Orthodox Church Cranston, Leonidas Raptakis and Parish Council Theofanos Markos.

Upon suggestion of Senator Nesselbush and by unanimous consent, the Honorable President, welcomes to the Chamber Father Philip Zymaris Assumption Greek Orthodox Church Pawtucket, Parish Council President Peter Macroulis.

Upon suggestion of Senator DiPalma and by unanimous consent, the Honorable President, welcomes to the Chamber Reverend Dr. George Economou, St. Spyridon Greek Orthodox Church Newport, Parish Council President Zoe Adamedes.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 7951

BY Corvese

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow The Honorable Gregory J. Schadone to join Lissette Torres and Antoine Borders in marriage on or about April 7, 2012, within the City of Providence, Rhode Island.)

{LC2228/1}

Read and ordered to be placed on the Consent Calendar.

**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:

Read and ordered to be placed on the Calendar.

Senate Bill No. 2766

BY Fogarty

ENTITLED, AN ACT RELATING TO THE PRESERVATION OF FARM LAND AND OPEN SPACE IN THE TOWN OF GLOCESTER AND ESTABLISHING A LAND TRUST {LC2141/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 2563

(Administration)

BY Tassoni, DeVall, Kettle, DiPalma

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF ADMINISTRATION {LC1217/1}

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. 2046

BY Ottiano, Bates, Felag

ENTITLED, AN ACT IN ACCORDANCE WITH RHODE ISLAND GENERAL LAWS SECTION 16-7-44 APPROVING THE ISSUANCE OF \$700,000 BONDS BY THE TOWN OF PORTSMOUTH TO FINANCE IMPROVEMENTS TO SCHOOL BUILDINGS INCLUDING BUT NOT LIMITED TO BONDS AND NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION {LC303/1}

Read and ordered to be placed on the Calendar.

COMMUNICATIONS

The Honorable President presents the following communications:

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

March 27, 2012

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

Dear Secretary Brady:

I would like to take this opportunity to respectfully request that bill number S-2806 be withdrawn. I appreciate your assistance in this matter. If you have any question, please feel free to contact me.

Sincerely,

John J. Tassoni, Jr.
Senator- District 22

Read and ordered to be placed on file.

Also:

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

March 27, 2012

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

Dear Madam President:

Please be advised that I will be absent from the Senate session from March 27th to the 29th 2012 due to a work related conference.

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

Thank you for your assistance.

Sincerely,

Roger Picard
Senator District 20

Read and ordered to be placed on file.

NEW BUSINESS**Senate Resolution No. 2831****BY** Crowley**ENTITLED**, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF GERTRUDE DUMONT {LC2293/1}

Senator Crowley requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Crowley moves passage, seconded by Senator Moura.

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

CONSENT CALENDAR

In order for the day is taken up as follows:

1. 2012-S 2750**BY** Gallo**ENTITLED**, JOINT RESOLUTION CREATING THE SENATOR CLAIBORNE PELL LEGISLATIVE COMMISSION ON THE HUMANITIES**2. 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 Ruggerio, seconded by Senator Algieri, the measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 37: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, 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, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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.

Upon suggestion of Senator DaPonte and without objection, ordered to be placed at the bottom of the Calendar.

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.

Senator Fogarty moves passage, seconded by Senators Ruggerio and Hodgson.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 37: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, 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, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ANNOUNCEMENTS

Senator Miller announces that the Committee on Corporations will meet today, and Thursday, March 29, at the rise of the Senate, in Room 212 of the State House.

Senator Metts announces that the Committee on Education will meet tomorrow, at the rise of the Senate, in Room 212 of the State House.

Senator Felag announces that the Committee on Finance will meet on Wednesday, March 28, and Thursday, March 29, 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 tomorrow, at the rise of the Senate, 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.

Senator Lynch announces that the Committee on Special Legislation and Veterans' Affairs will meet tomorrow, at the rise of the Senate, in Room 310 of the State House.

Senator Ruggerio announces that Senator Tassoni has been presented the "Senator Jack Reed Advocacy Award" by the Rhode Island Coalition for the Homeless.

CALENDAR

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.

Senator DaPonte seconded by Senators Ruggerio, Bates, Moura and Ciccone, offers the following written motion to amend.

FLOOR AMENDMENT

TO

2012 -- S 2245 SUBSTITUTE A

AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - STATE POLICE

Madam President:

I hereby move to amend 2012 -- S 2245 SUBSTITUTE A, entitled "AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - STATE POLICE", as follows:

1. On page 3, line 11, by deleting the language "two (2) years" and inserting in place thereof the language "four (4) years".

2. On page 3, lines 22 and 23 by removing the following underlined language: "Credit for leaves of

absence shall be limited in the aggregate during the total service of an employee to a period of four (4) years.”

3. On page 3, by inserting the following language between lines 27 and 28:

“(6) Notwithstanding any other provision of law, no more than five (5) years of service credit may be purchased by a member of the system. The five (5) year limit shall not apply to any purchases made prior to January 1, 1995. A member who has purchased more than five (5) years of service credits before January 1, 1995, shall be permitted to apply those purchases towards the member’s service retirement. However, no further purchase will be permitted. Repayment in accordance with applicable law and regulation of any contribution previously withdrawn from the system shall not be deemed a purchase of service credit.”

Respectfully submitted,
SENATOR DAPONTE

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, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Pichardo, Pinga, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator DaPonte moves passage of the act, as amended, seconded by Senators Ruggerio, Ciccone, DiPalma, Felag and Moura.

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 and 1 Senator abstaining as follows:

YEAS- 36: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, 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, Pichardo, Pinga, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ABSTAINED- 1: Senator Shibley.

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.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senator Algieri and upon suggestion of Senator Crowley the Senate adjourns at 4:42 o'clock P.M. in memory of Gertrude Dumont.

JOSEPH R. BRADY
Secretary of the Senate

Appendix**INVOCATION****His Eminence, Metropolitan Methodios Greek Orthodox Metropolitan of New England**

Our Father, Who art in heaven, Hallowed be Thy Name; Thy kingdom come, Thy will be done, on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us; and lead us not into temptation, but deliver us from evil. Amen.

Πάτερ ἡμῶν ὁ ἐν τοῖς οὐρανοῖς, ἀγιασθήτω τὸ ὄνομά σου, ἐλθέτω ἡ βασιλεία σου, γενηθήτω τὸ θέλημά σου, ὡς ἐν οὐρανῷ καὶ ἐπὶ γῆς, τὸν ἄρτον ἡμῶν τὸν ἐπιούσιον δός ἡμῖν σήμερον, καὶ ἄφες ἡμῖν τὰ ὀφειλήματα ἡμῶν, ὡς καὶ ἡμεῖς ἀφήκαμεν τοῖς ὀφειλέταις ἡμῶν· καὶ μὴ εἰσενέγκῃς ἡμᾶς εἰς πειρασμόν, ἀλλὰ ῥῦσαι ἡμᾶς ἀπὸ τοῦ πονηροῦ.

Appendix

CONSENT CALENDAR

IN ORDER FOR WEDNESDAY, MARCH 28, 2012:

- 1. 2012-H 7951**
BY Corvese
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

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

Appendix**CALENDAR****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.

IN ORDER FOR THURSDAY, MARCH 29, 2012:

1. **2012-S 2046**
BY Ottiano
ENTITLED, AN ACT IN ACCORDANCE WITH RHODE ISLAND GENERAL LAWS
SECTION 16-7-44 APPROVING THE ISSUANCE OF \$700,000 BONDS BY THE
TOWN OF PORTSMOUTH TO FINANCE IMPROVEMENTS TO SCHOOL
BUILDINGS INCLUDING BUT NOT LIMITED TO BONDS AND NOTES ISSUED
PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH
AND EDUCATIONAL BUILDING CORPORATION

Committee on Finance recommends passage.

2. **2012-S 2563**
BY Tassoni
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -
DEPARTMENT OF ADMINISTRATION

Committee on Housing & Municipal Government recommends passage.

3. **2012-S 2766**
BY Fogarty
ENTITLED, AN ACT RELATING TO THE PRESERVATION OF FARM LAND AND
OPEN SPACE IN THE TOWN OF GLOCESTER AND ESTABLISHING A LAND
TRUST

Committee on Housing & Municipal Government recommends passage.