

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.34

Tuesday, April 3, 2012

Thirty-fourth 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 4:22 o'clock P.M.

The roll is called and a quorum is declared present with 38 Senators present and 0 Senators absent as follows:

PRESENT – 38: 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.

ABSENT – 0:

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

GUESTS

Upon suggestion of Senator Metts and by unanimous consent, the Honorable President, welcomes to the Chamber the wife of Senator Metts, Dayus Metts, June Costa and Arleen Costa.

Upon suggestion of Senator Pichardo and by unanimous consent, the Honorable President, welcomes to the Chamber Davante Abercrombie and Juanita Sanchez.

NEW BUSINESS**Senate Resolution No. 2851**

BY Cote, Picard

ENTITLED, SENATE RESOLUTION CONGRATULATING CHANDLER CROSS ON BEING NAMED THE DISTINGUISHED YOUNG WOMAN OF RHODE ISLAND FOR 2012 {LC2255/1}

Senator Cote requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Cote moves passage, seconded by Senators Sheehan and Picard.

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

GUESTS

Upon suggestion of Senator Cote and by unanimous consent, the Honorable President, welcomes to the Chamber 2012 Distinguished Young Women of Rhode Island, Chandler Cross of Woonsocket, along with her mother, Sharon Cross and family friend Elizabeth Myers.

NEW BUSINESS**Senate Resolution No. 2852**

BY O'Neill

ENTITLED, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF IRENE L. FERRANTE {LC2295/1}

Senator O'Neill requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator O'Neill moves passage, seconded by Senators Picard, Moura and Metts.

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

Also:

Senate Resolution No. 2853**BY** Bates, Gallo

ENTITLED, JOINT RESOLUTION REINSTATING THE LIFE OF AND EXTENDING THE REPORTING AND EXPIRATION DATES OF THE SPECIAL LEGISLATIVE COMMISSION OF THE KARLA HARRY COMMISSION ON LIBRARIES IN RHODE ISLAND
{LC2369/1}

Read and ordered to be placed on the Consent Calendar.

CONSENT CALENDAR

In order for the day is taken up as follows:

1. **2012-S 2541**
BY Pichardo
ENTITLED, SENATE RESOLUTION URGING STATE AGENCIES TO CONSIDER USING OPEN SOURCE SOFTWARE
2. **2012-S 2311**
BY Sosnowski
ENTITLED, SENATE RESOLUTION RESPECTFULLY URGING THE RHODE ISLAND CONGRESSIONAL DELEGATION TO GIVE RHODE ISLAND REPRESENTATION ON THE MID-ATLANTIC FISHERIES COUNCIL
3. **2012-S 2807**
BY Shibley
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
4. **2012-S 2809**
BY Sosnowski
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
5. **2012-S 2810**
BY DiPalma
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
6. **2012-H 7477**
BY Kennedy
ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - LOW AND MODERATE INCOME HOUSING
7. **2012-H 7549**
BY Ucci
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

8. **2012-H 7552**
BY Gallison
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
9. **2012-H 7553**
BY Gallison
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
10. **2012-H 7607**
BY Azzinaro
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
11. **2012-H 7609**
BY Serpa
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

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 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, DeVall, 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

Senator Goodwin requests item number 14 be removed from tomorrow's Calendar and placed on today's Calendar.

IN ORDER FOR TUESDAY, APRIL 03, 2012:

1. **2012-S 2130 SUB A**
BY Tassoni
ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- PUBLIC BUILDINGS

Committee on Housing & Municipal Government recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Tassoni moves passage, seconded by Senators Doyle, DeVall, Fogarty, Lombardo and Ciccone.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, upon a roll call vote with 35 Senators voting in the affirmative and 1 Senator

voting in the negative as follows:

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Cote, Crowley, DeVall, Doyle, Felag, Fogarty, Gallo, Goodwin, 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- 1: Senator Hodgson.

2. 2012-S 2484

BY Doyle

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - CITY HOUSING AUTHORITIES

Committee on Housing & Municipal Government recommends passage.

Senator Doyle moves passage, seconded by Senators Tassoni and Crowley.

Senator Doyle seconded by Senators Nesselbush and Crowley, offers the following written motion to amend.

F L O O R A M E N D M E N T

TO

2012 -- S 2484

AN ACT RELATING TO TOWNS AND CITIES - CITY HOUSING AUTHORITIES

Madam President:

I hereby move to amend 2012 -- S 2484, entitled "AN ACT RELATING TO TOWNS AND CITIES - CITY HOUSING AUTHORITIES", as follows:

1. On page 1, line 7, by deleting the word "One" and inserting in place thereof the language "Two (2)".
2. On page 1, line 7, after the word "be", by deleting the word "a".
3. On page 1, line 7, by deleting the word "resident" and inserting in place thereof the word "residents".
4. On page 1, line 10, by deleting the word "resident" and in place thereof the word "residents".

Respectfully submitted,
SENATOR DOYLE

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, DeVall, 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:

Senator Doyle moves passage of the act, as amended, seconded by Senators Tassoni, Ciccone, Nesselbush and DeVall.

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

NAYS- 0:

3. 2012-S 2722

BY Doyle

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - LICENSES IN THE CITY OF PAWTUCKET

Committee on Housing & Municipal Government recommends passage.

Senator Doyle moves passage, seconded by Senators Tassoni, Crowley, DeVall and Nesselbush.

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, DeVall, 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:

4. 2012-S 2723**BY** Doyle**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - TAVERNS, COOKSHOPS AND OYSTER HOUSES

Committee on Housing & Municipal Government recommends passage.

Upon suggestion of Senator Goodwin and without objection, ordered to be placed on the Calendar for Tuesday, April 10, 2012.

5. 2012-S 2765**BY** Crowley**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- PASSING, USE OF LANES, AND RULES OF THE ROAD

Committee on Housing & Municipal Government recommends passage.

Senator Crowley moves passage, seconded by Senators Tassoni, Doyle and DeVall.

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

NAYS- 0:

6. 2012-H 7014**BY** Azzinaro**ENTITLED**, AN ACT RELATING TO THE RETIREMENT OF POLICE OFFICERS IN THE TOWN OF WESTERLY

Committee on Finance recommends passage in concurrence.

Senator Algieri moves passage, seconded by Senators Bates and Felag.

The act is read and passed, by unanimous consent, in concurrence, 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, DeVall, 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

7. 2012-S 2812**BY** Fogarty**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY - RENAMING OF THE WALLUM LAKE BUILDING LOCATED AT THE ELEANOR SLATER HOSPITAL/ZAMBARANO UNIT

Committee on Special Legislation and Veterans Affairs recommends passage.

Senator Fogarty moves passage, seconded by Senators Gallo, Ruggerio, Goodwin, Metts, Perry, Lynch and Cote.

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, DeVall, 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:

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 313 of the State House.

Senator Sosnowski announces that the Committee on Environment and Agriculture will meet tomorrow, at the rise of the Senate, in Room 211 of the State House.

Senator Felag announces that the Committee on Finance will meet today, at the rise of the Senate, in the Senate Lounge 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 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 McCaffrey announces that the Committee on Judiciary will meet today, at the rise of the Senate, 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 Room 212 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.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senator Algieri and upon suggestion of Senator O'Neill the Senate adjourns at 4:42 o'clock P.M. in memory of Irene L. Ferrante

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR BETHANY L. MOURA

Open our minds, Lord, to the wisdom in others. Help us to work in a unified effort towards harmony and peace for all the people of our State. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR WEDNESDAY, APRIL 04, 2012:

1. 2012-S 2853

BY Bates

ENTITLED, JOINT RESOLUTION REINSTATING THE LIFE OF AND EXTENDING THE REPORTING AND EXPIRATION DATES OF THE SPECIAL LEGISLATIVE COMMISSION OF THE KARLA HARRY COMMISSION ON LIBRARIES IN RHODE ISLAND

Ordered on the Consent Calendar.

2. 2012-H 8016

BY Martin

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, APRIL 04, 2012:**

1. **2012-S 2605**
BY Gallo
ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - SMALL DISABILITY BUSINESS ENTERPRISES

Committee on Corporations recommends passage.
2. **2012-S 2789**
BY Sosnowski
ENTITLED, AN ACT RELATING TO GENERAL ASSEMBLY - PERMANENT JOINT COMMITTEE ON COASTAL RESOURCES

Committee on Environment & Agriculture recommends passage.
3. **2012-S 2199**
BY Ottiano
ENTITLED, AN ACT RELATING TO TAXATION - PERSONAL INCOME TAX - ESTABLISHMENT OF ARTS DISTRICT

Committee on Finance recommends passage.
4. **2012-S 2487**
BY McCaffrey
ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE - ARREST

Committee on Judiciary recommends passage.
5. **2012-S 2489 SUB A**
BY Doyle
ENTITLED, AN ACT RELATING TO ELECTIONS

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A.
6. **2012-S 2672**
BY Gallo
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- STATE POLICE

Committee on Judiciary recommends passage.

7. **2012-S 2677**
BY Jabour
ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURES - CRIMINAL INJURIES COMPENSATION

Committee on Judiciary recommends passage.
8. **2012-S 2681**
BY McCaffrey
ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - COMMISSION ON JUDICIAL TENURE AND DISCIPLINE

Committee on Judiciary recommends passage.
9. **2012-S 2726**
BY McCaffrey
ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- RETIREMENT SYSTEM

Committee on Judiciary recommends passage.
10. **2012-S 2772**
BY Goodwin
ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE - SEARCH WARRANTS

Committee on Judiciary recommends passage.
11. **2012-S 2382 SUB A**
BY Kettle
ENTITLED, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY THE ISSUANCE OF GOLD STAR FAMILY LICENSE PLATES

Committee on Special Legislation and Veterans Affairs recommends indefinite postponement of the original bill and passage of Substitute A.
12. **2012-S 2695 SUB A**
BY Goodwin
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- AUTHORIZING STATE-OPERATED CASINO GAMING AT NEWPORT GRAND SUBJECT TO STATEWIDE AND LOCAL VOTER APPROVAL

Committee on Special Legislation and Veterans Affairs recommends indefinite postponement of the original bill and passage of Substitute A.

13. **2012-S 2776**
BY Paiva Weed
ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -
REGISTRATION OF VEHICLES

Committee on Special Legislation and Veterans Affairs recommends passage.

14. **2012-H 7543 SUB A**
BY Jackson
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
AUTHORIZING STATE-OPERATED CASINO GAMING AT NEWPORT
GRAND SUBJECT TO STATEWIDE AND LOCAL VOTER APPROVAL

Committee on Special Legislation and Veterans Affairs recommends indefinite
postponement of the original bill and passage of Substitute A.

IN ORDER FOR TUESDAY, APRIL 10, 2012:

1. **2012-S 2723**
BY Doyle
ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -
TAVERNS, COOKSHOPS AND OYSTER HOUSES

Committee on Housing & Municipal Government recommends passage.

Appendix**BILLS TRANSMITTED TO THE GOVERNOR****House Bill No. 7477****BY** Kennedy, Walsh, Valencia**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - LOW AND MODERATE INCOME HOUSING (would extend the reporting date of the Housing Act of 2004 Implementation Oversight Commission until March 31, 2013, and would extend its expiration date to March 1, 2015.)

{LC1323/1}

House Bill No. 7549**BY** Ucci**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Erin Michelle Chabot to join Kelly-Lynne Lafleur and Pedro Julio Alvarez in marriage within the Town of Smithfield, Rhode Island, on or about June 2, 2012.)

{LC1623/1}

House Bill No. 7552**BY** Gallison, Morrison**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Matt McDonough to join Jessica Glidden and Peter Reinhardt in marriage on or about August 4, 2012, within the Town of Bristol, Rhode Island.)

{LC1482/1}

House Bill No. 7553**BY** Gallison, Morrison**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Kathleen J. Xarhakos to join Nicole Bourgelas and Timothy J. Martin in marriage within the Town of Bristol, Rhode Island, on or about June 23, 2012.)

{LC1599/1}

House Bill No. 7607**BY** Azzinaro, Guthrie, DaSilva, Edwards**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Samuel J. Azzinaro to join Mary E. Azzinaro and Christopher Banks in marriage within the Town of Westerly, Rhode Island, on or about August 31, 2012.)

{LC1742/1}

House Bill No. 7609**BY** Serpa**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Andrew J. Drobiak to join Jill M. Kelly and Darren W. Drobiak in marriage within the City of Warwick, Rhode Island, on or about August 25, 2012.)

{LC1663/1}

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}