

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.45

Tuesday, May 8, 2012

Forty-fifth 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 4:28 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, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura Nesselbush, O'Neill, Ottiano, Perry, Picard, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

ABSENT – 1: Senator Pichardo.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Forty-fourth Legislative Day of the 2012 proceedings is read in part.

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

GUESTS

Upon suggestion of Senators Perry and Nesselbush and by unanimous consent, the Honorable President, welcomes to the Chamber from Dorcas Place in Providence Carol Holmquist, President, Brenda Bloomingburgh, a GED Graduate, Arimola Akinjagula, a transition to College Graduate, Jane May, a transition to College Student, Pat Brilliant, a transition to College Student and Marie Erica Romero, a transition to College Student.

COMMUNICATION

The Honorable President presents the following communication:

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

May 8, 2012

The 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 Sessions on Tuesday May 8, 2012.

I would appreciate you recording my letter in the appropriate Senate Journal. Thank you for your attention to this matter.

Respectfully,

Juan M. Pichardo, Providence (D) – 2
President Pro Tempore

Read and ordered to be placed on file.

**REPORTS OF COMMITTEES
COMMITTEE ON CORPORATIONS**

Senator Miller from the Committee on Corporations, reports back, with recommendation of passage of the following measure:

House Bill No. 7067 SUB A

(Secretary of State)

BY Petrarca, Ucci, Keable, Corvese

ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS -- THE RHODE ISLAND LIMITED LIABILITY COMPANY ACT (would amend certain provisions relative to the secretary of state filing procedures for documents received pursuant to this chapter dealing with corporations, associations and partnerships.)

{LC456/A/1}

Read and ordered to be placed on the Consent Calendar.

COMMITTEE ON JUDICIARY

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

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 be placed on the Consent Calendar.

Also:

House Bill No. 7429

BY Walsh

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- NEW SHOREHAM WARDEN'S COURT (would raise the maximum fine which could be imposed by the New Shoreham wardens' court)

{LC1123/1}

Read and ordered to be placed on the Consent Calendar.

Also:

House Bill No. 7243

BY Walsh, Ajello, Valencia, DaSilva

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE - ARREST (would require custodial interrogations task force meet periodically to assess the impact of their recommendations, to conduct further research & to consider if additional legislation is needed & to thereafter submit a supplemental report.)

{LC816/1}

Read and ordered to be placed on the Consent Calendar.

Also:

House Bill No. 7273**BY** Malik, Morrison**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - PROBATE COURTS (would permit the town solicitor in the town of Warren to temporarily serve as the town's probate court judge in proceedings where the designated probate judge is unable to serve)
{LC886/1}

Read and ordered to be placed on the Consent Calendar.

Also:

House Bill No. 7432**BY** Coderre, Johnston, O`Neill, Messier, San Bento**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - PAWTUCKET MUNICIPAL HOUSING COURT (would expand the jurisdiction of the Pawtucket Housing Court to act upon violations of the RI State Building Code & violations of certain regulations promulgated by the State Building Code Comm. for properties located in the city of Pawt.)
{LC1146/1}

Read and ordered to be placed on the Consent Calendar.

COMMITTEE ON FINANCE

Senator DaPonte from the Committee on Finance, reports back, with recommendation of passage of the following measure:

Senate Bill No. 2042**BY** Gallo, Miller**ENTITLED**, AN ACT RELATING TO EDUCATION - COOPERATIVE SERVICE AMONG SCHOOL DISTRICTS (would provide that the Urban Collaborative would receive state education funds pursuant to the provisions of the state's recently enacted education aid formula)
{LC39/1}

Read and ordered to be placed on the Calendar.

NEW BUSINESS**Senate Resolution No. 2949****BY** Moura, Ottiano, Bates, Felag Pinga**ENTITLED**, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF MARY ANN ALMEIDA
{LC2489/1}

Senator Moura requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Moura moves passage, seconded by Senator Algieri and the entire Senate.

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

CONSENT CALENDAR

In order for the day is taken up as follows:

1. **Reappointment of Gary Alger to the Employees' Retirement System of the State of Rhode Island Board for a four year term.**
2. **Appointment of Steven Filippi to the Public Finance Management Board for a three year term.**
3. **Reappointment of Andrew Reilly to the State Investment Commission for a three year term.**
4. **Reappointment of Marcia Reback to the State Investment Commission for a three year term.**
5. **Reappointment of Robert Giudici to the State Investment Commission for a three year term.**
6. **2012-S 2916**
BY Sosnowski
ENTITLED, SENATE RESOLUTION CONGRATULATING STEVE AND CATHY DELPOZZO ON BEING AWARDED THE RICHMOND GRANGE #6 COMMUNITY SERVICE AWARD 2012
7. **2012-S 2917**
BY Sosnowski
ENTITLED, SENATE RESOLUTION CONGRATULATING JACK COTTRELL ON BEING NAMED THE 2012 RICHMOND GRANGE #6 "GRANGER OF THE YEAR"
8. **2012-S 2918**
BY Lynch
ENTITLED, JOINT RESOLUTION EXTENDING THE REPORTING AND EXPIRATION DATES OF THE SPECIAL LEGISLATIVE COMMISSION TO STUDY THE PUBLIC FUNDED ELECTION SYSTEM IN THE STATE OF RHODE ISLAND

9. **2012-S 2919**
BY Kettle
ENTITLED, SENATE RESOLUTION RECOGNIZING AND COMMENDING MATTHEW F. FUSCO UPON ACHIEVING SCOUTING'S MOST DISTINGUISHED HONOR, THE RANK OF EAGLE SCOUT
10. **2012-S 2920**
BY Shibley
ENTITLED, SENATE RESOLUTION CELEBRATING THE WEEK OF MAY 13 - 19, 2012, AS "NATIONAL POLICE WEEK" IN RHODE ISLAND
11. **2012-S 2921**
BY Doyle
ENTITLED, SENATE RESOLUTION PROCLAIMING MAY 2, 2012 AS "CHARTER PUBLIC SCHOOL DAY" IN THE STATE OF RHODE ISLAND

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, 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, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Walaska.

NAYS- 0:

CALENDAR

Senator Goodwin announces that item # 3 on tomorrow's Calendar be placed on to Wednesday, May 16th's Calendar and items #10-16 be placed on Thursday, May 10th, 2012.

IN ORDER FOR TUESDAY, MAY 08, 2012:

1. **2012-S 2724 SUB A**
BY DiPalma
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- SOVEREIGNTY AND JURISDICTION OF STATE

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

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

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, Picard, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

2. 2012-S 2666

BY DiPalma

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - FORGERY AND COUNTERFEITING

Committee on Judiciary recommends passage.

Senator DiPalma moves passage, seconded by Senators Felag McCaffrey Lynch Hodgson.

The act is read and passed, 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, Picard, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

3. 2012-S 2716 SUB A

BY Ciccone

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES - MERIT SYSTEM

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

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

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, upon a roll call vote with 32 Senators voting in the affirmative and 5 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Paiva Weed and Senators Bates, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, Ottiano, Perry, Picard, Pinga, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 5: Senators Algieri, Hodgson, Kettle, O'Neill, Shibley.

4. 2012-S 2754

BY Fogarty

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MOBILE AND MANUFACTURED HOMES

Committee on Finance recommends passage.

Senator Fogarty moves passage, seconded by Senators Tassoni and Nesselbush.

The act is read and passed, 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, Picard, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

5. 2012-S 2757

BY Fogarty

ENTITLED, AN ACT RELATING TO EDUCATION -- FOUNDATION LEVEL SCHOOL SUPPORT

Committee on Finance recommends passage.

Senator Fogarty moves passage, seconded by Senator Gallo.

The act is read and passed, 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, Picard, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

6. 2012-S 2879**BY** Maher**ENTITLED**, AN ACT RELATING TO LAND TRUST FOR THE TOWN OF RICHMOND

Committee on Housing & Municipal Government recommends passage.

Senator Maher moves passage, seconded by Senators Sosnowski, Tassoni, DeVall, Ottiano, Sosnowski and Kettle.

The act is read and passed, 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, Picard, 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 212 of the State House.

Senator Felag announces that the Committee on Finance will meet today, at the rise of the Senate, in Room 211 of the State House.

Senator Felag announces that the Committee on Finance will meet on Thursday, May 10, 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 Room 212 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.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senator Algieri and upon suggestion of Senator Moura the Senate adjourns at 4:44 o'clock P.M. in memory of Mary Ann Almeida.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR MICHAEL J. PINGA

Lord, as we continue your work here in this chamber, let us be reminded of the words spoken long ago by Abraham Lincoln that still ring true today. "Determine the thing that can be done and shall be done, and then we shall find a way." Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR WEDNESDAY, MAY 09, 2012:

1. 2012-H 7067 SUB A**BY** Petrarca**ENTITLED**, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS -- THE RHODE ISLAND LIMITED LIABILITY COMPANY ACT

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute A in concurrence.

2. 2012-H 7122 as amended**BY** Ruggiero**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY - LOBBYING

Committee on Judiciary recommends passage as amended in concurrence.

3. 2012-H 7243**BY** Walsh**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE - ARREST

Committee on Judiciary recommends passage in concurrence.

4. 2012-H 7273**BY** Malik**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - PROBATE COURTS

Committee on Judiciary recommends passage in concurrence.

5. 2012-H 7429**BY** Walsh**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- NEW SHOREHAM WARDEN'S COURT

Committee on Judiciary recommends passage in concurrence.

6. 2012-H 7432**BY** Coderre**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - PAWTUCKET MUNICIPAL HOUSING COURT

Committee on Judiciary recommends passage in concurrence.

Appendix**CALENDAR****IN ORDER FOR WEDNESDAY, MAY 09, 2012:****1. 2012-S 2034 SUB A****BY** Tassoni**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY - ANIMAL ADVOCATE

Committee on Environment & Agriculture recommends indefinite postponement of the original bill and passage of Substitute A.

2. 2012-S 2188 SUB A**BY** Bates**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - THE RHODE ISLAND RENEWABLE ENERGY COORDINATING BOARD

Committee on Environment & Agriculture recommends indefinite postponement of the original bill and passage of Substitute A.

3. 2012-S 2395 SUB A**BY** Lombardo**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - REFUSE DISPOSAL

Committee on Environment & Agriculture recommends indefinite postponement of the original bill and passage of Substitute A.

4. 2012-S 2753 SUB A**BY** Walaska**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - AIR POLLUTION

Committee on Environment & Agriculture recommends indefinite postponement of the original bill and passage of Substitute A.

5. 2012-S 2173 SUB A**BY** Felag**ENTITLED**, AN ACT RELATING TO EDUCATION - HEALTH AND SAFETY OF PUPILS

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

6. 2012-S 2361 SUB A**BY Perry****ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY**

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

7. 2012-S 2482**BY Sheehan****ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - COMPREHENSIVE CHILDREN'S JEWELRY SAFETY ACT**

Committee on Health & Human Services recommends passage.

8. 2012-S 2555 SUB A**BY Perry****ENTITLED, AN ACT RELATING TO FOOD AND DRUGS - THE EDWARD O. HAWKINS AND THOMAS C. SLATER MEDICAL MARIJUANA ACT**

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

IN ORDER FOR THURSDAY, MAY 10, 2012:**1. 2012-S 2561****BY Miller****ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- ALCOHOLISM**

Committee on Health & Human Services recommends passage.

2. 2012-S 2764**BY Pichardo****ENTITLED, AN ACT RELATING TO HUMAN SERVICES - THE RHODE ISLAND WORKS PROGRAM**

Committee on Health & Human Services recommends passage.

3. 2012-S 2167 SUB A**BY Felag****ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - REGULATION OF SALES**

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

4. 2012-S 2384 SUB A**BY** Felag**ENTITLED**, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE

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

5. 2012-S 2533 SUB A**BY** Felag**ENTITLED**, AN ACT RELATING TO PROPERTY - FORM AND EFFECT OF CONVEYANCES

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

6. 2012-S 2906**BY** Paiva Weed**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES

Committee on Special Legislation and Veterans Affairs recommends passage.

7. 2012-S 2042**BY** Gallo**ENTITLED**, AN ACT RELATING TO EDUCATION - COOPERATIVE SERVICE AMONG SCHOOL DISTRICTS

Committee on Finance recommends passage.

8. 2012-H 7870**BY** Martin**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - STATE SAILING EDUCATION VESSEL

Committee on Special Legislation and Veterans Affairs recommends passage in concurrence.

IN ORDER FOR WEDNESDAY, MAY 16, 2012:

1. 2012-S 2277 SUB A

BY Pichardo

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - ENVIRONMENTAL
CLEAN UP OBJECTIVES FOR SCHOOLS

Committee on Environment & Agriculture recommends indefinite postponement of the original bill and passage of Substitute A.