

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.51

Tuesday, May 22, 2012

Fifty-first 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 4:35 o'clock P.M.

The roll is called and a quorum is declared present with 36 Senators present and 2 Senators absent as follows:

**PRESENT** – 36: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Cote, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Maher, McCaffrey, Metts, Miller, Moura Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

**ABSENT** – 2: Senators Crowley, Lynch.

**INVOCATION**

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

(See Appendix for Invocation)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**APPROVAL OF RECORD**

The Senate Journal of the Fiftieth Legislative Day of the 2012 proceedings is read in part.

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

**GUESTS**

Upon suggestion of Senator Gallo and by unanimous consent, the Honorable President, welcomes to the Chamber Zachary Valiente, a 4<sup>th</sup> grade student at Wilbur School in Somerset.

**COMMUNICATION**

The Honorable President presents the following communication:

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

May 22, 2012

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

Dear Mr. Brady:

Please be advised and let the record reflect that I will be out of town and absent from the chamber on Tuesday, May 22, 2012 through Thursday, May 24, 2012.

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

Thank you for your attention to this matter.

Sincerely,

Senator Elizabeth A. Crowley  
Senate District 16

Read and ordered to be placed on file.

**COMMITTEE ON JUDICIARY**

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

**Senate Bill No. 2150**

**BY** Jabour, Crowley, Pinga

**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- MERIT SYSTEM (would eliminate the provision that prohibits classified employees or members of the personnel appeal board from seeking nomination or becoming a candidate for elective state office)  
{LC662/1}

Upon suggestion of Senator Jabour and without objection, ordered to be recommitted to the committee on Judiciary.

## NEW BUSINESS

**Senate Bill No. 2995****BY** Felag, Bates, Ottiano, Shibley, Walaska**ENTITLED**, AN ACT RELATING TO HOLIDAYS AND DAYS OF SPECIAL OBSERVANCE

{LC2615/1}

Senator Felag requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Felag moves passage, seconded by Senators Ruggerio, McCaffrey and Goodwin.

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

NAYS- 0:

Also:

**Senate Resolution No. 2997****BY** Fogarty, Kettle, Tassoni, Felag, Sosnowski**ENTITLED**, SENATE RESOLUTION CONGRATULATING THE TEAM MEMBERS AND ADVISORS OF PONAGANSET HIGH SCHOOL FUTURE FARMERS OF AMERICA ON WINNING RHODE ISLAND'S ANNUAL FLORICULTURE CAREER DEVELOPMENT EVENTS

{LC2661/1}

Senator Fogarty requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Fogarty moves passage, seconded by Senators Kettle, Shibley, Sosnowski and Pinga.

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

**GUESTS**

Upon suggestion of Senator Fogarty and by unanimous consent, the Honorable President, welcomes to the Chamber Winners of the Rhode Island Annual Floriculture Career Development Event, Zachary Farnum, Lindsey Grissom, Alana Gustafson, Jennifer Koster and Samantha Arpin.

**NEW BUSINESS****Senate Resolution No. 2996****BY** Lanzi

**ENTITLED**, SENATE RESOLUTION PROCLAIMING THE MONTH OF MAY, 2012 TO BE "ALS ADVOCACY MONTH" IN THE STATE OF RHODE ISLAND  
{LC346/1}

Senator Lanzi requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Lanzi moves passage, seconded by Senators DiPalma, Kettle, Ottiano, Algiere, Ruggerio, Gallo, DeVall, Nesselbush and Pinga.

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

**GUESTS**

Upon suggestion of Senator Lanzi and by unanimous consent, the Honorable President, welcomes to the Chamber from the ALS Rhode Island Chapter Nancy Feroldi, Executive Director, Lynn McGovern, Patient Services Coordinator, J.R. Pagliarini, Board President, Craig Stenning, Board Member, John Carbone, patient and his wife Donna Carbone and Sharyn Wilk, patient.

**CONSENT CALENDAR**

In order for the day is taken up as follows:

1. **2012-S 2991**  
**BY** Shibley  
**ENTITLED**, SENATE RESOLUTION PROCLAIMING AUGUST 14, 2012, AS "LIBERTY TREE DAY" IN THE STATE OF RHODE ISLAND
2. **2012-S 2992**  
**BY** Sosnowski  
**ENTITLED**, JOINT RESOLUTION PROCLAIMING AUGUST 10TH THROUGH SEPTEMBER 30TH OF 2012 TO BE "RHODE ISLAND LAND TRUST DAYS"
3. **2012-S 2993**  
**BY** Sosnowski  
**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF RHODE ISLAND CHAPTER, INTERNATIONAL ASSOCIATION OF ARSON INVESTIGATORS, INC.

4. **2012-S 2994**  
**BY** DiPalma  
**ENTITLED**, SENATE RESOLUTION PROCLAIMING JUNE 22, 2012, TO BE CAPTAIN RUSSELL P. KNIGHT DAY IN THE STATE OF RHODE ISLAND
5. **2012-H 7445**  
**BY** Handy  
**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES - EQUAL RIGHTS OF BLIND AND DEAF PERSONS TO PUBLIC FACILITIES
6. **2012-H 7827**  
**BY** Marcello  
**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS - DRUG DISPOSAL
7. **2012-H 7889**  
**BY** Bennett  
**ENTITLED**, AN ACT RELATING TO THE BOARD OF MEDICAL LICENSURE AND DISCIPLINE
8. **2012-H 7904**  
**BY** Silva  
**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES
9. **2012-H 8022**  
**BY** Martin  
**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES

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, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, 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 that items 2 and 3 on tomorrows Calendar for Wednesday, May 23, be placed on Thursdays, May 24, Calendar and that items 5 and 6 on tomorrows Calendar for Wednesday, May 23, be placed on next Tuesday, May 29, Calendar.

**IN ORDER FOR TUESDAY, MAY 22, 2012:****1. 2012-S 2447 SUB A****BY Perry****ENTITLED, AN ACT RELATING TO EDUCATION -- BOARD OF GOVERNORS FOR HIGHER EDUCATION**

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

Senator Perry moves passage, seconded by Senator Gallo.

Senator Perry seconded by Senators Gallo, Metts, Shibley and Miller, offers the following written motion to amend.

**FLOOR AMENDMENT**

TO

2012 -- S 2447 SUBSTITUTE A

AN ACT RELATING TO EDUCATION -- BOARD OF GOVERNORS FOR HIGHER EDUCATION

Madam President:

I hereby move to amend 2012 -- S 2447 SUBSTITUTE A, entitled "AN ACT RELATING TO EDUCATION -- BOARD OF GOVERNORS FOR HIGHER EDUCATION", as follows:

1. On page 3, lines 20 and 21 by deleting the language "a full voting member", and inserting in place thereof the language: "an exofficio and nonvoting".

Respectfully submitted,  
SENATOR PERRY

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, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle,

Lanzi, Lombardo, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Perry moves passage of the act, as amended, seconded by Senator Gallo.

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

NAYS- 0:

**2. 2012-S 2049**  
**BY Paiva Weed**  
**ENTITLED, AN ACT RELATING TO TAXATION - SALES AND USE TAXES**

Committee on Finance recommends passage.

Senator DiPalma moves passage, seconded by Senators Sheehan, O'Neill, Hodgson, Algieri, Ruggerio, DaPonte, Miller and Metts.

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

NAYS- 0:

**3. 2012-S 2120**  
**BY DiPalma**  
**ENTITLED, AN ACT RELATING TO TAXATION - EXEMPTIONS FOR ARTISTS - TIVERTON**

Committee on Finance recommends passage.

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

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

NAYS- 0:

**4. 2012-S 2849**

**BY** McCaffrey

**ENTITLED**, AN ACT RELATING TO ENVIRONMENTAL MANAGEMENT -  
HEARING OFFICERS

Committee on Judiciary recommends passage.

Senator McCaffrey moves passage, seconded by Senators Sosnowski, Jabour and Walaska.

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

NAYS- 0:

**5. 2012-S 2941**

**BY** McCaffrey

**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -  
COURTS

Committee on Judiciary recommends passage.

Senator McCaffrey moves passage, seconded by Senators Ruggerio, Nesselbush and Jabour.

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, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, 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 Miller announces that the Youth of the Year Reception will be held tomorrow at 3:00 P.M. in the State Room.

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

Senator Felag announces that the Committee on Finance will meet on Thursday, May 24, at the rise of the Senate, 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 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 Felag 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 Ruggerio the Senate adjourns at 5:00 o'clock P.M.

JOSEPH R. BRADY  
Secretary of the Senate

**Appendix**

**INVOCATION**

**SENATOR BEATRICE A. LANZI**

Eternal Father, enlighten our minds and touch our hearts so that we may carry on the best traditions of our Senate's history. Remembering always that it is the people's government, made by the people and accountable to the people. Amen.

**Appendix****CALENDAR****IN ORDER FOR WEDNESDAY, MAY 23, 2012:****1. 2012-S 2477 SUB A****BY** Miller**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - HEALTH INSURANCE OVERSIGHT

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

**2. 2012-S 2528****BY** O'Neill**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS - BOILER INSPECTION AND PRESSURE VESSELS

Committee on Labor recommends passage.

**3. 2012-S 2161 SUB A****BY** Felag**ENTITLED**, AN ACT RELATING TO MOTOR VEHICLES OPERATOR LICENSES - VETERANS

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

**4. 2012-S 2694 SUB A****BY** Pichardo**ENTITLED**, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY RHODE ISLAND'S MINIMUM PRICING STATUTES

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

**IN ORDER FOR THURSDAY, MAY 24, 2012:**

1. **2012-S 2341**  
**BY** McCaffrey  
**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --  
CONTRACTORS' REGISTRATION BOARD

Committee on Labor recommends passage.

2. **2012-S 2377**  
**BY** Lynch  
**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS --  
ESTABLISHING BACK TO WORK RHODE ISLAND PROGRAM ACT OF 2012

Committee on Labor recommends passage.

**IN ORDER FOR TUESDAY, MAY 29, 2012:**

1. **2012-S 2693 SUB A**  
**BY** Sheehan  
**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS - JOBS  
MATCH PROGRAM

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

2. **2012-S 2886**  
**BY** Fogarty  
**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -  
TEMPORARY DISABILITY INSURANCE BENEFITS

Committee on Labor recommends passage.

**Appendix****BILLS TRANSMITTED TO THE GOVERNOR****House Bill No. 7445****BY** Handy, Jacquard, Naughton, Coderre, Cimini**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES - EQUAL RIGHTS OF BLIND AND DEAF PERSONS TO PUBLIC FACILITIES (would require a place of public accommodation upon request, to keep closed-captioning activated on a television used in public areas during regular hours, if the television is capable of such display)

{LC1137/1}

**House Bill No. 7827****BY** Marcello, Ruggiero**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS - DRUG DISPOSAL (would allow for the establishment of disposal containers for unused, expired or unwanted drugs or drug products, except for controlled substances, at local police departments.)

{LC1911/1}

**House Bill No. 7889****BY** Bennett, Hull, McNamara, Medina, Gallison**ENTITLED**, AN ACT RELATING TO THE BOARD OF MEDICAL LICENSURE AND DISCIPLINE (would add a definition for medical records to the current statute)

{LC2107/1}

**House Bill No. 7904****BY** Silva**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES (would exempt the premises at 768 Broad Street, Central Falls from the restrictions imposed by section 3-7-19 regarding the issuance of a liquor license to the premises located within 200 feet of a church or school)

{LC2131/1}

**House Bill No. 8022****BY** Martin, Jackson**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES (would exempt certain described property within the city of Newport from the prohibition from issuing liquor licenses within a certain proximity of schools and churches)

{LC2338/1}