

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 fourth day of January in the year of Our Lord two thousand and eleven.

Volume 138, No.6

Wednesday, January 19, 2011

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

ABSENT – 1: Senator Maher.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Fifth Legislative Day of the 2011 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Kettle and by unanimous consent, the Honorable President, welcomes to the Chamber Joseph Steiner III, Director of Public Welfare for the Town of Scituate.

COMMUNICATION

The Honorable President presents the following communication:

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

January 19, 2011

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 unable to attend the Senate session on Wednesday, January 19, 2011 for personal reasons. I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you.

Sincerely,

Francis T. Maher, Jr.
DEPUTY MINORITY LEADER

Read and ordered to be placed on file.

**REPORTS OF COMMITTEES
COMMITTEE ON FINANCE**

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

Senate Bill No. 40

BY Senator DaPonte

ENTITLED, AN ACT APPROPRIATING MONEY FOR USE BY THE DEPARTMENT OF LABOR AND TRAINING FOR UNEMPLOYMENT COMPENSATION ADMINISTRATIVE EXPENSES

Senator DaPonte requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator DaPonte moves passage, seconded by Senators Ruggerio, Algieri, Gallo, Bates, Sosnowski and Felag.

The act is read and passed, 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, DaPonte, DeVall, DiPalma, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Lanzi, Lombardo, Lynch, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 1: Senator Kettle.

NEW BUSINESS

Senate Resolution No. 77

BY Senators Walaska, McCaffrey, Lynch

ENTITLED, SENATE RESOLUTION PROCLAIMING THE MONTH OF JANUARY 2011 TO BE "NATIONAL MENTORING MONTH" IN THE STATE OF RHODE ISLAND

Senator Walaska requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Walaska moves passage, seconded by Senators Ruggerio, Algieri, Metts, Gallo, McCaffrey, Nesselbush, Jabour and Lynch.

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

NAYS- 0:

GUESTS

Upon suggestion of Senator Walaska and by unanimous consent, the Honorable President, welcomes to the Chamber Arlene McNulty, President and CEO of Rhode Island Mentoring Partnership, Tina Lungren and Tamara Burmen from the Cumberland-Lincoln Boys and Girls Club Mentoring Program, Kelli DiDomenico and Alison George from the Children's Workshop Mentoring Program in Cumberland, Shannon Veader from the Blackstone Valley Community Action Program, RSVP Mentoring Program in Pawtucket, Liza Manchester and Sidney Tillet from Rhode Islanders Sponsoring Education Mentor Program in Providence, Annemarie Sawyer from Providence YMCA Championing Our Students/Providence Mentoring for Youth Success

programs in Providence, Jason Yoon from New Urban Arts Mentor Program in Providence, Nichole Dufresne, David Bodah and Mary Morgan from the Providence Boys and Girls Club Mentoring Program in Providence, Laurie Parkerson, Marty Roberts and Erin Hallene from the Rhode Island College Henry Barnard School Mentoring Program, Cheri Cruz from Open Doors Mentor Program in South Providence, Isaac Ogbomo from Raising Hope Peer 2 Peer Mentoring Program in South Providence, Kat Keenan from the Rhode Island Foster Parents Association, Nichole Lewis from the Aquidneck Island Mentor Program in Newport, Stephanie Silva from the Woonsocket Mentor Program, Pam Sherman and Merilee Pratt from the Warwick Mentor Program, Jennifer Reich from Big Mentor League in Warwick, Arthur Plitt from the Rhode Island Disability Mentoring Partnership in Pawtucket, and the Staff of the Rhode Island Mentoring Partnership Susan Thomas, Stacey Matrullo, Polly Venditti, Amy Rovin, Marc Mainville, Timothy Forsberg and Jo-Ann Schofield.

NEW BUSINESS

Senate Bill No. 44**BY** Senator Doyle**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Senator Goodwin requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Goodwin moves passage, seconded by Senators Algieri, Ruggerio and Kettle.

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

NAYS- 0:

Also:

Senate Bill No. 45**BY** Senators Walaska, Bates**ENTITLED**, AN ACT RELATING TO INSURANCE - LIFE INSURANCE BENEFICIARIES' BILL OF RIGHTS

Read and referred to the Senate Committee on Corporations.

Also:

Senate Bill No. 46**BY** Senators DiPalma, DeVall, Tassoni, Crowley, Metts**ENTITLED**, AN ACT RELATING TO EDUCATION -- COMPULSORY ATTENDANCE

Read and referred to the Senate Committee on Education.

Also:

Senate Bill No. 47**BY** Senators Walaska, Bates, Felag, Ottiano**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - OUTDOOR WOOD-FIRED HYDRONIC HEATERS

Read and referred to the Senate Committee on Environment and Agriculture.

Also:

Senate Bill No. 48**BY** Senators Walaska, Lynch, McCaffrey**ENTITLED**, AN ACT RELATING TO AGRICULTURE AND FORESTRY -- FRESH WATER WETLANDS

Read and referred to the Senate Committee on Environment and Agriculture.

Also:

Senate Bill No. 49**BY** Senator Sosnowski**ENTITLED**, AN ACT RELATING TO THE KINGSTON WATER DISTRICT -- BONDS

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 50**BY** Senators DiPalma, DaPonte, Sheehan, Sosnowski, Lombardo**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- OTHER POST-EMPLOYMENT BENEFITS TRUSTS

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 51**BY** Senators DiPalma, DaPonte, Sheehan, Sosnowski, Lombardo**ENTITLED**, AN ACT RELATING TO EDUCATION - SCHOOL COMMITTEES AND SUPERINTENDENTS

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 52

BY Senators DiPalma, DaPonte, Tassoni, Sheehan, Sosnowski

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- AUDIT OF ACCOUNTS AND INSTALLATION OF SYSTEMS

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 53

BY Senator Felag

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR FUEL TAX

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 54

BY Senators Felag, DiPalma, Ottiano

ENTITLED, AN ACT RELATING TO HIGHWAYS -- RHODE ISLAND TURNPIKE AND BRIDGE AUTHORITY

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 55

BY Senator Crowley

ENTITLED, AN ACT RELATING TO TAXATION -- CLOTHING SALES

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 56

BY Senators Perry, Miller, McCaffrey, DeVall, Nesselbush

ENTITLED, AN ACT RELATING TO LIBRARIES-REFERENCE RESOURCE CENTERS

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 57 (by request)**BY** Senator Tassoni**ENTITLED**, AN ACT RELATING TO TAXATION -- SALES AND USE TAXES --
LIABILITY AND COMPUTATION

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 58**BY** Senators Felag, Jabour, McCaffrey, DaPonte, Walaska**ENTITLED**, AN ACT RELATING TO TAXATION - ESTATE AND TRANSFER TAXES -
COMPUTATION

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 59**BY** Senators Ciccone, Felag, Ruggerio**ENTITLED**, AN ACT RELATING TO SALES AND USE TAXES - GROSS RECEIPTS
EXEMPT

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 60**BY** Senators Crowley, Sosnowski, DeVall, Perry, Miller**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- WOMEN'S
CARDIOVASCULAR SCREENING AND RISK REDUCTION PILOT PROGRAM

Read and referred to the Senate Committee on Health and Human Services.

Also:

Senate Bill No. 61**BY** Senators Perry, Miller, Crowley, Nesselbush**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- LICENSING OF
GENETIC COUNSELORS

Read and referred to the Senate Committee on Health and Human Services.

Also:

Senate Bill No. 62 (by request)

BY Senator Sosnowski

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - LABORATORIES

Read and referred to the Senate Committee on Health and Human Services.

Also:

Senate Bill No. 63

BY Senators Fogarty P, Tassoni

ENTITLED, AN ACT RELATING TO THE TOWN OF BURRILLVILLE - VALIDATING AND RATIFYING AMENDMENTS TO HOME RULE CHARTER

Read and referred to the Senate Committee on Municipal Government.

Also:

Senate Bill No. 64

BY Senator Tassoni

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 65

BY Senator Bates

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 66 (by request)

BY Senators Crowley, DiPalma

ENTITLED, AN ACT RELATING TO PROPERTY

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 67

BY Senators Fogarty P, Paiva-Weed, Ruggerio, Goodwin, Tassoni

ENTITLED, AN ACT RELATING TO ELECTIONS - CONDUCT OF ELECTIONS AND VOTING EQUIPMENT AND SUPPLIES

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 68

BY Senators Tassoni, Fogarty P, DiPalma, Maher

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- OPEN MEETINGS

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 69

BY Senator DeVall

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 70

BY Senators Crowley, Sosnowski, DeVall, Perry, Miller

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- SENTENCE AND EXECUTION

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 71

BY Senators DiPalma, Picard, Ottiano, Bates, Sosnowski

ENTITLED, AN ACT RELATING TO EDUCATION

Read and referred to the Senate Committee on Labor.

Also:

Senate Bill No. 72

BY Senators DiPalma, DaPonte, Sheehan, Sosnowski, Lombardo

ENTITLED, AN ACT RELATING TO EDUCATION -- TEACHER RETIREMENT

Read and referred to the Senate Committee on Labor.

Also:

Senate Bill No. 73**BY** Senators DiPalma, Bates, Sosnowski, Lombardo, Felag**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS

Read and referred to the Senate Committee on Labor.

Also:

Senate Bill No. 74**BY** Senators DiPalma, Tassoni, Bates, Ciccone, Sheehan**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- LABOR AND PAYMENT BY CONTRACTORS

Read and referred to the Senate Committee on Labor.

Also:

Senate Bill No. 75**BY** Senators DiPalma, DaPonte, Bates, Sheehan, Sosnowski**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES

Read and referred to the Senate Committee on Special Legislation.

Also:

Senate Resolution No. 76**BY** Senator Moura**ENTITLED**, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF ROBERT GERARD O'BRIEN

Senator Moura requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Moura moves passage, seconded by Senators Algiere and Ruggerio.

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

CONSENT CALENDAR

In order for the day is taken up as follows:

1. 2011-S 36**BY Bates****ENTITLED,** AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF
THE CHARTER OF PROVIDENCE JEWELERS' CLUB**2. 2011-S 43****BY Doyle****ENTITLED,** SENATE RESOLUTION AMENDING THE RULES OF THE SENATE

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

NAYS- 0:

AT EASE

The Senate stands at ease at 4:36 o'clock P.M.

CALLED TO ORDER

The Senate is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, on Wednesday, January 19, 2011, at 4:41 o'clock P.M.

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.

ANNOUNCEMENTS

Senator Gallo announces that the Women's Caucus will meet today, at 5:00 o'clock P.M.

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

Senator DeVall announces that the Committee on Housing and Municipal Government will meet today, at the rise of the Senate, at Harrington Hall in Cranston.

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

ADJOURNMENT

Upon motion of Senator Goodwin, seconded by Senator Ruggerio, and upon suggestion of Senator Moura, the Senate adjourns at 4:44 o'clock P.M. in memory of Robert Gerard O'Brien.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR JOHN J. TASSONI, JR.

Eternal Father, give us Your wisdom and grace to make this state a better place for your children. Guide all of us in this chamber and all others you have placed in a position of trust to uphold what is right and seek what is true. Amen.