

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.9

Thursday, January 27, 2011

Ninth 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 4:21 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, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

ABSENT – 1: Senator Lanzi

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

GUESTS

Upon suggestion of Senator O'Neill and by unanimous consent, the Honorable President, welcomes to the Chamber Patrick Maher, son of Senator Maher, who recently turned thirteen years old and is here due to the snow. Patrick currently attends Exeter-West Greenwich Junior High School.

NEW BUSINESS

Senate Resolution No. 82

BY Senator Tassoni

ENTITLED, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF GEORGE L. SUTCLIFFE

Senator Tassoni requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Tassoni moves passage, seconded by Senators Algieri and Ruggerio.

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

Also:

Senate Resolution No. 83

BY Senators Shibley, Ottiano, Kettle, Hodgson, Algieri

ENTITLED, SENATE RESOLUTION PROCLAIMING THE WEEK OF FEBRUARY 7TH THROUGH FEBRUARY 14TH TO BE "CONGENITAL HEART DEFECT AWARENESS WEEK" IN THE STATE OF RHODE ISLAND

Senator Shibley requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Shibley moves passage, seconded by Senators Algieri and Ruggerio.

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

Also:

Senate Resolution No. 86

BY Senators Paiva Weed, McCaffrey, Lynch, Jabour, Nesselbush

ENTITLED, SENATE RESOLUTION CONGRATULATING THE HONORABLE RAYMOND E. SHAWCROSS ON THE OCCASION OF HIS RETIREMENT FROM THE RHODE ISLAND FAMILY COURT

Senator McCaffrey requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator McCaffrey moves passage, seconded by Senators Algieri Walaska, Lynch and Ruggerio.

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

Also:

Senate Bill No. 87

BY Senators Paiva Weed, Algieri, Perry, Ruggerio, Lynch

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- HEALTH CARE--HEALTH BENEFIT EXCHANGE

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

Also:

Senate Bill No. 88

BY Senators Bates, Walaska, Picard, Cote, Miller

ENTITLED, AN ACT RELATING TO INSURANCE

Read and referred to the Senate Committee on Corporations.

Also:

Senate Bill No. 89

BY Senators Tassoni, Fogarty P, DeVall

ENTITLED, AN ACT RELATING TO INSURANCE -- CASUALTY INSURANCE RATING

Read and referred to the Senate Committee on Corporations.

Also:

Senate Bill No. 90

BY Senator Picard

ENTITLED, AN ACT RELATING TO COMMERCIAL LAW - GIFT CERTIFICATES

Read and referred to the Senate Committee on Corporations.

Also:

Senate Bill No. 91

BY Senators Tassoni, Fogarty P, DeVall

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMALS AND ANIMAL HUSBANDRY - ANIMAL CARE

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

Also:

Senate Bill No. 92

BY Senators Perry, Tassoni, Sosnowski, DeVall, Miller

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- ANIMAL ABUSE OFFENDERS

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

Also:

Senate Bill No. 93

BY Senators Tassoni, DeVall, Crowley

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMALS AND ANIMAL HUSBANDRY

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

Also:

Senate Bill No. 94

BY Senators DeVall, Tassoni, Crowley, Jabour, Nesselbush

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- SALE OR ADOPTION OF SPAYED OR NEUTERED CATS

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

Also:

Senate Bill No. 95

BY Senators Fogarty P, Tassoni, Cote

ENTITLED, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 96

BY Senators Bates, Hodgson, Fogarty P, Walaska, DiPalma

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- PURCHASING {LC5/1}

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 97**BY** Senator Felag**ENTITLED**, AN ACT RELATING TO TAXATION -- ESTATE AND TRANSFER TAXES --
LIABILITY AND COMPUTATION

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 98 (by request)**BY** Senators Cote, Lombardo**ENTITLED**, AN ACT RELATING TO TAXATION

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 99**BY** Senators Gallo, Lanzi, Miller**ENTITLED**, AN ACT RELATING TO TAXATION - CRANSTON

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 100**BY** Senators Felag, Walaska, Shibley, Algieri, Ciccone**ENTITLED**, AN ACT RELATING TO TAXATION -- PERSONAL INCOME TAX

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 101**BY** Senator Ottiano**ENTITLED**, AN ACT IN ACCORDANCE WITH RHODE ISLAND GENERAL LAWS
SECTION 16-7-44 APPROVING THE ISSUANCE OF \$350,000 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

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 102**BY** Senators Ciccone, Tassoni, Ruggerio, DiPalma, DaPonte**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 103**BY** Senators Kettle, Ottiano, Bates, Hodgson, Shibley**ENTITLED**, AN ACT RELATING TO TAXATION - BUSINESS CORPORATION TAX AND FRANCHISE TAX

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 104**BY** Senators Ciccone, Lanzi, Tassoni, Goodwin**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- COUNTRY OF ORIGIN LABELING FOR FISH AND SHELLFISH

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

Also:

Senate Bill No. 105**BY** Senators Ciccone, Tassoni, Picard, Goodwin**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- OPTOMETRISTS

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

Also:

Senate Bill No. 106**BY** Senators Perry, Tassoni, Fogarty P, Sosnowski, DeVall**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- TANNING FACILITY SAFETY STANDARDS

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

Also:

Senate Bill No. 107**BY** Senators O'Neill E, Gallo, Metts, Perry, Paiva Weed**ENTITLED**, AN ACT RELATING TO INSURANCE -- AUTISM SPECTRUM DISORDERS

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

Also:

Senate Bill No. 108**BY** Senators Lanzi, DiPalma, Ciccone, Lynch, Walaska**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- TOXIC MOLD PROTECTION ACT

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

Also:

Senate Bill No. 109**BY** Senators Algiere, Maher, Sosnowski, Hodgson**ENTITLED**, AN ACT RELATING TO INSURANCE -- REIMBURSEMENT RATE DISCLOSURE

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

Also:

Senate Bill No. 110**BY** Senators Fogarty P, Tassoni, Perry**ENTITLED**, AN ACT RELATING TO THE WEST GLOCESTER FIRE DISTRICT

Read and referred to the Senate Committee on Municipal Government.

Also:

Senate Resolution No. 111**BY** Senators Lanzi, Miller, Gallo**ENTITLED**, SENATE RESOLUTION RESPECTFULLY REQUESTING THE STATE TRAFFIC COMMISSION TO INSTALL SAFETY IMPROVEMENTS IN THE CITY OF CRANSTON

Read and referred to the Senate Committee on Municipal Government.

Also:

Senate Bill No. 112**BY** Senators Walaska, McCaffrey, Lynch**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES - WARWICK SEWER AUTHORITY

Read and referred to the Senate Committee on Municipal Government.

Also:

Senate Bill No. 113

BY Senators DeVall, DaPonte

ENTITLED, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION

Read and referred to the Senate Committee on Municipal Government.

Also:

Senate Bill No. 114

BY Senators Ruggerio, Goodwin, Jabour, Perry, Ciccone

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS

Read and referred to the Senate Committee on Municipal Government.

Also:

Senate Resolution No. 115

BY Senators Ciccone, Walaska, Bates, DiPalma, O'Neill E

ENTITLED, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENTS TO THE CONSTITUTION OF THE STATE (MARRIAGE)

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Resolution No. 116

BY Senators McCaffrey, Felag, Lynch

ENTITLED, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO BE KNOWN AS "THE RHODE ISLAND CIVIL WAR SESQUICENTENNIAL COMMEMORATION COMMISSION"

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 117

BY Senators McCaffrey, Lynch

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - DISTRICT COURT

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 118**BY** Senators Walaska, Bates, Lynch**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- ACCIDENTS AND ACCIDENT REPORTS

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 119**BY** Senators Bates, Hodgson, McCaffrey, Moura**ENTITLED**, AN ACT RELATING TO DOMESTIC RELATIONS -- DIVORCE AND SEPARATION

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 120**BY** Senators Bates, Walaska, Hodgson, Jabour, McCaffrey**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE -- DNA DETECTION OF SEXUAL AND VIOLENT OFFENDERS

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 121**BY** Senators Miller, Perry, Sosnowski, Tassoni, Lanzi**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- STATE POLICE

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 122**BY** Senators Picard, Tassoni**ENTITLED**, AN ACT RELATING TO DOMESTIC RELATIONS - EXCHANGE OF INFORMATION - CHILD SUPPORT

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 123**BY** Senator Picard**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- SCHOOL COMMITTEES -- OPEN MEETINGS NOTICE

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 124**BY** Senators Ciccone, Goodwin, Felag**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- ELECTRICIANS

Read and referred to the Senate Committee on Labor.

Also:

Senate Bill No. 125**BY** Senator Picard**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS - WORKERS' COMPENSATION - BENEFITS

Read and referred to the Senate Committee on Labor.

Also:

Senate Bill No. 126**BY** Senator Picard**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS

Read and referred to the Senate Committee on Labor.

Also:

Senate Bill No. 127**BY** Senator Picard**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS - WORKERS' COMPENSATION - BENEFITS

Read and referred to the Senate Committee on Labor.

Also:

Senate Bill No. 128**BY** Senator Picard**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION--PROCEDURE

Read and referred to the Senate Committee on Labor.

Also:

Senate Bill No. 129

BY Senator Picard

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- WORKER'S COMPENSATION--PROCEDURE

Read and referred to the Senate Committee on Labor.

Also:

Senate Bill No. 130

BY Senator Picard

ENTITLED, AN ACT RELATNG TO WORKERS COMPENSATION - BENEFITS

Read and referred to the Senate Committee on Labor.

Also:

Senate Bill No. 131

BY Senators Tassoni, Lombardo, Bates, DeVall

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS - EMPLOYMENT SECURITY - RETURN TO WORK ACT

Read and referred to the Senate Committee on Labor.

Also:

Senate Bill No. 132

BY Senator Picard

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - GAMBLING AND LOTTERIES - BINGO

Read and referred to the Senate Committee on Special Legislation.

Also:

Senate Bill No. 133

BY Senators O'Neill E, Moura, Gallo, DeVall, Pinga

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - VIDEO LOTTERY TERMINAL

Read and referred to the Senate Committee on Special Legislation.

Also:

Senate Bill No. 134**BY** Senators Sosnowski, Felag, DiPalma, Lombardo, Nesselbush**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- STATE LOTTERY

Read and referred to the Senate Committee on Special Legislation.

Also:

Senate Resolution No. 135**BY** Senators O'Neill E, Sheehan, Gallo, Metts, Shibley**ENTITLED**, JOINT RESOLUTION EXTENDING THE REPORTING AND EXPIRATION DATES OF THE SPECIAL LEGISLATIVE COMMISSION TO STUDY THE PURCHASE AND USE OF TEXTBOOKS IN PUBLIC SCHOOLS

Read and ordered to be placed on the Senate Consent Calendar.

CONSENT CALENDAR

In order for the day is taken up as follows:

1. 2011-S 81**BY Bates****ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Upon motion of Senator Ruggerio, seconded by Senator Algieri, the measure 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, 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 THURSDAY, JANUARY 27, 2011:****1. Nomination of Rosemary Booth Gallogly (appointment) VICE Gary S. Sasse as the Director of the Department of Revenue.**

Committee on Finance recommends that the Senate give its Advice and Consent to this nomination.

Senator DaPonte, seconded by Senators Algieri, Gallo, DeVall, Nesselbush, Miller, McCaffrey, Bates, O'Neill, Lynch, DiPalma, Ciccone, Sosnowski and Fogarty moves that advice and consent of the Senate be given this appointment.

Senator Sosnowski discusses the appointment.

The advice and consent of the Senate is given this appointment, 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, Lombardo, Lynch, Maher, 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 Sosnowski and by unanimous consent, the Honorable President welcomes to the Chamber newly appointed Director of the Department of Revenue Rosemary Booth Gallogly along with her husband William Gallogly and daughters Tory and Katie Gallogly.

CALENDAR

2. Nomination of Richard A. Licht (appointment) VICE Rosemary Booth Gallogly as the Director of the Department of Administration.

Committee on Finance recommends that the Senate give its Advice and Consent to this nomination.

Senator DaPonte, seconded by Senators Perry, Ruggerio, Lynch, Ciccone, Bates, Felag, Goodwin, Gallo, Tassoni, Nesselbush, Metts, Jabour, Pinga and Crowley moves that advice and consent of the Senate be given this appointment.

Senator Perry discusses the appointment.

The advice and consent of the Senate is given this appointment, 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, Lombardo, Lynch, Maher, 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 Perry and by unanimous consent, the Honorable President welcomes to the Chamber newly appointed Director of the Department of Administration Richard A. Licht along with his wife, the Honorable Roanne Licht, daughter Jaclyn Licht and son Jacob Licht.

CALENDAR**3. Nomination of Ashbel T. Wall, II (reappointment) as Director of the Department of Corrections.**

Committee on Judiciary recommends that the Senate give its Advice and Consent to this nomination.

Senator McCaffrey seconded by Senators Ruggerio, Goodwin, Felag, Miller, Gallo, DaPonte, Sosnowski, Bates, Hodgson, Lynch, Cote and Sheehan moves that advice and consent of the Senate be given this appointment.

Senator Perry discusses the appointment.

The advice and consent of the Senate is given this appointment, 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, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

ABSTAINED- 1: Senator Kettle.

GUESTS

Upon suggestion of Senator Perry and by unanimous consent, the Honorable President welcomes to the Chamber newly reappointed Director of the Department of Corrections Ashbel T. Wall, II along with his wife Maria DeCarvalho.

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 Pinga announces that the Committee on Government Oversight will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Ruggerio makes a recommendation that the entire Senate acknowledges the birthdays of Senators Sheehan, Picard, Fogarty and Pinga.

ADJOURNMENT

Upon motion of Senator Goodwin, seconded by Senator Algieri, and upon suggestion of Senator Tassoni the Senate adjourns at 4:52 o'clock P.M. in memory of George L. Sutcliffe.

JOSEPH R. BRADY
Secretary of the Senate

Appendix**INVOCATION****SENATOR ROGER A. PICARD**

Almighty Father, grant to us healthy doses of excitement and insight. We pray for Your guidance and Your wisdom. Bless our leadership on both sides of the aisle, but most of all bless those we are called to serve. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR TUESDAY, FEBRUARY 1, 2011:

1. 2011-S 135

BY O'Neill E

**ENTITLED, JOINT RESOLUTION EXTENDING THE REPORTING AND
EXPIRATION DATES OF THE SPECIAL LEGISLATIVE
COMMISSION TO STUDY THE PURCHASE AND USE OF
TEXTBOOKS IN PUBLIC SCHOOLS**

Ordered to be placed on the Consent Calendar