

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.14

Wednesday, February 16, 2011

Fourteenth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable Juan M. Pichardo, President Pro Tempore of the Senate, at 4:13 o'clock P.M.

The roll is called and a quorum is declared present with 35 Senators present and 3 Senators absent as follows:

PRESENT – 35: 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, Sheehan, Shibley, Tassoni, Walaska.

ABSENT – 3: Senators Pinga, Ruggerio, Sosnowski.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

GUESTS

Upon suggestion of Senator Ottiano and by unanimous consent, the Honorable President, welcomes to the Chamber Miss Shelby Wood and Mr. Jon Decker.

COMMUNICATIONS

The Honorable President Pro Tempore presents the following communications:

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

February 16, 2011

Senate President Teresa M. Paiva Weed
State House
Providence, RI 02903

Dear Madam President,

Due to the necessity of attending to a family responsibility, I will be unable to attend today's legislative session.

I would greatly appreciate the submission of this letter for recording in the Senate Journal.

Sincerely,

Marc A. Cote
Senator District 24

Read and ordered to be placed on file.

Also:

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

February 14, 2011

The Honorable M. Teresa Paiva Weed
President of the Senate
State House Room 318
Providence, RI 02903

Dear Madam President,

Please be advised and let the record reflect that I will be absent from the Chamber on Wednesday, February, 16, 2011, as I will be out of the State on business.

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

Thank you for your attention to this matter.

Warmest personal regards, I remain.

Sincerely,

Dominick J. Ruggerio
Senate Majority Leader

Read and ordered to be placed on file.

Also:

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

February 15, 2011

The Honorable M. Teresa Paiva Weed
President of the Senate
State House Room 318
Providence, RI 02903

Dear Madam President,

Please be advised and let the record reflect that I will be out of town and absent from the Chamber on Wednesday, February, 16, 2011.

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

Thank you for your attention to this matter.

Sincerely,

Senator V. Susan Sosnowski
Senate District 37

Read and ordered to be placed on file.

NEW BUSINESS

Senate Resolution No. 280

BY Senator Fogarty P

ENTITLED, SENATE RESOLUTION HONORING THEODORE G. GARILLE ON THE
OCCASION OF HIS RETIREMENT FROM THE PASCOAG UTILITY DISTRICT

Senator Goodwin requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Goodwin moves passage, seconded by Senators McCaffrey and Algieri.

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

Also:

Senate Resolution No. 281**BY** Senator Metts**ENTITLED**, SENATE RESOLUTION PROCLAIMING THE MONTH OF FEBRUARY AS "BLACK HISTORY MONTH" IN THE STATE OF RHODE ISLAND {LC1382/1}

Senator Metts requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Metts moves passage, seconded by Senators Goodwin and Algieri.

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

Also:

Senate Resolution No. 282**BY** Senator Pichardo**ENTITLED**, SENATE RESOLUTION COMMEMORATING THE 167TH ANNIVERSARY OF DOMINICAN REPUBLIC INDEPENDENCE ON FEBRUARY 27, 2011 {LC1400/1}

Senator Goodwin requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Goodwin moves passage, seconded by Senators Algieri, Nesselbush, Metts and Felag.

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

CONSENT CALENDAR

In order for the day is taken up as follows:

1. 2011-S 116**BY** McCaffrey**ENTITLED**, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO BE KNOWN AS "THE RHODE ISLAND CIVIL WAR SESQUICENTENNIAL COMMEMORATION COMMISSION"**2. 2011-H 5269****BY** Melo**ENTITLED**, AN ACT RELATING TO PUBLIC FINANCE - STATE BUDGET

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 28 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 28: Senators Algiere, Bates, Crowley, DaPonte, DeVall, DiPalma, Felag, Fogarty, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Shibley, Walaska.

NAYS- 0:

CALENDAR

IN ORDER FOR WEDNESDAY, FEBRUARY 16, 2011:

1. 2011-S 119 as amended

BY Bates

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS -- DIVORCE
AND SEPARATION

Committee on Judiciary recommends passage as amended.

Upon suggestion of Senator Bates and without objection, ordered to be placed on the Calendar for Tuesday, March 1, 2011.

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.

GUESTS

Upon suggestion of Senator Jabour and by unanimous consent, the Honorable President, welcomes to the Chamber Emelda Benitez, Thomas Foley, Councilman Wilbur W. Jennings and Council President Michael A. Solomon.

Senator Goodwin makes a recommendation that the entire Senate acknowledges the birthdays of Senators Doyle and Ottiano.

FROM THE HOUSE OF REPRESENTATIVES

A message from the House of Representatives transmits with announcement of passage, of the following measure:

House Resolution No. 5141

BY O'Neill JP, Ucci, Flaherty, Mattiello, Lally

ENTITLED, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION
TO BE KNOWN AS "THE RHODE ISLAND CIVIL WAR SESQUICENTENNIAL
COMMEMORATION COMMISSION" ("The Rhode Island Civil War Sesquicentennial

Commemoration Commission" whose purpose it would be to make a comprehensive study pertaining to the sesquicentennial of the Civil War)

Senator Goodwin requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Goodwin moves passage, seconded by Senator Bates.

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

RECESS

Upon motion of Senator Goodwin, seconded by Senator Bates, the Senate stands at recess at 4:33 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 Tuesday, March 1, 2011, at 4:13 o'clock P.M.

FROM THE HOUSE OF REPRESENTATIVES

A message from the House of Representatives transmits with announcement of passage, of the following measures:

House Bill No. 5126

BY Ferri

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Susan Mary Lowe to join Jennifer Lynn Marro and Michael Paul Philbrick in marriage within the City of Warwick, Rhode Island, on or about July 2, 2011)

Received and referred to the Senate Committee on Judiciary.

Also:

House Bill No. 5179

BY Lally

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow Christopher Germer to join Nicole Lauren Herschenhous and David Adam Lovas in marriage within the Town of Narragansett, Rhode Island, on or about April 30, 2011.)

Received and referred to the Senate Committee on Judiciary.

Also:

House Bill No. 5178**BY** Martin, Ucci**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow Richard Lupatkin to join Jamie Michelle Kaplan and Matthew Scott Sussman in marriage within the City of Providence, Rhode Island, on or about September 4, 2011)

Received and referred to the Senate Committee on Judiciary.

NEW BUSINESS**Senate Bill No. 283****BY** Senators Sheehan, Cote, Picard, O'Neill E, Crowley**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - THE RHODE ISLAND ECONOMIC DEVELOPMENT CORPORATION (would clarify that the Rhode Island economic development corporation and its subsidiaries must conform to applicable provisions of the state guide plan) {LC1174/1}

Read and referred to the Senate Committee on Corporations.

Also:

Senate Bill No. 284**BY** Senators Fogarty P, Gallo, Tassoni, Goodwin, Nesselbush**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - PROPANE GAS SALES (would add several consumer protection sections to the provisions of the general laws regulating propane gas sales) {LC1103/1}

Read and referred to the Senate Committee on Corporations.

Also:

Senate Bill No. 285**BY** Senators Metts, Jabour, Goodwin, Perry, Pichardo**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- TERMINATION OF SERVICE (would amend the process of the termination of service to the elderly, disabled and seriously ill by simplifying the regulations and rules, instituting rules for a person in arrears of payment, and changing the chapter name)

Read and referred to the Senate Committee on Corporations.

Also:

Senate Bill No. 286**BY** Senators Metts, Jabour, Pichardo**ENTITLED**, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- TERMINATION OF SERVICE (would amend the process of the termination of service to the elderly, disabled and seriously ill by simplifying the regulations and rules and institute rules for a person in arrears of payment and amend the chapter name) {LC1185/1}

Read and referred to the Senate Committee on Corporations.

Also:

Senate Bill No. 287

BY Senator Walaska

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- CHECK CASHING (would authorize the director of the department of business regulation in his or her discretion to require appropriate security measures for the safety of customers and employees at licensed check cashing facilities) {LC1370/1}

Read and referred to the Senate Committee on Corporations.

Also:

Senate Bill No. 288

BY Senator Metts

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS - SMALL LOAN LENDERS (would repeal sections of the general laws allowing deferred deposit providers, also known as "payday lenders.") {LC1345/1}

Read and referred to the Senate Committee on Corporations.

Also:

Senate Bill No. 289

BY Senators DiPalma, Gallo, Felag, Miller, Maher

ENTITLED, AN ACT RELATING TO EDUCATION (would require the advice and consent of the Senate on the appointment of the commissioner of elementary and secondary education) {LC1005/1}

Read and referred to the Senate Committee on Education.

Also:

Senate Bill No. 290

BY Senator Miller

ENTITLED, AN ACT RELATING TO EDUCATION (would require the department of education to implement a genocide education program) {LC1220/1}

Read and referred to the Senate Committee on Education.

Also:

Senate Bill No. 291

BY Senators Felag, McCaffrey, DeVall, Lanzi, Ottiano

ENTITLED, AN ACT RELATING TO EDUCATION - SCHOOL AND YOUTH PROGRAMS CONCUSSION ACT (would establish further safeguards and procedures governing how to treat youth athletes who receive concussions) {LC1277/1}

Read and referred to the Senate Committee on Education.

Also:

Senate Bill No. 292

BY Senators DeVall, Crowley, DiPalma, Picard, Gallo

ENTITLED, AN ACT RELATING TO EDUCATION (would enable the department of education to implement its final report on the creation of a demonstration program for after school and summer learning for Rhode Island school children) {LC1058/1}

Read and referred to the Senate Committee on Education.

Also:

Senate Bill No. 293

BY Senators Miller, Sosnowski, Goodwin, DaPonte, Walaska

ENTITLED, AN ACT RELATING TO PUBLIC UTILITY - RATES (would harmonize electric and natural gas energy efficiency funding with the provisions of the least-cost procurement law) {LC1184/1}

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

Also:

Senate Bill No. 294

BY Senators Sosnowski, Felag, Sheehan, Bates, Walaska

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT (would require recipients of certain tax credits to annually file reports with the state tax administrator) {LC1209/1}

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 295

BY Senators Perry, Sosnowski, Crowley, Metts, DeVall

ENTITLED, AN ACT RELATING TO TAXATION - SALES AND USE TAXES - LIABILITY AND COMPUTATION (would impose a tax on distributors, manufacturers and wholesalers of a soft drink at a rate of one cent (\$0.01) per ounce) {LC1218/1}

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 296**BY** Senator McCaffrey

ENTITLED, AN ACT RELATING TO TAXATION - SALES AND USE TAXES (would prohibit the lessor of a leased motor vehicle from charging a lessee any sales or use tax on that portion of lease payment that is comprised of taxes payable by the lessor on the leased motor vehicle)

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 297**BY** Senators Kettle, Cote, Moura, Maher, O'Neill E

ENTITLED, AN ACT RELATING TO PUBLIC FINANCE -- STATE BUDGET (would provide that all legislative grants awarded by the general assembly must be included in the annual state budget)

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 298**BY** Senators Kettle, Cote, Shibley, Moura, Maher

ENTITLED, AN ACT RELATING TO PUBLIC FINANCE -- STATE BUDGET (would require that the governor submit a zero based budget to the general assembly. The zero based budget would be phased in over a five (5) year period)

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 299**BY** Senators Ottiano, Bates, Shibley, O'Neill E, Lynch

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - DEPARTMENT OF HEALTH (would require all entities that provide professional liability insurance to healthcare professionals and healthcare facilities to report all claims, settlements, judgments and arbitration awards to the department of health) {LC1175/1}

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

Also:

Senate Bill No. 300**BY** Senators Perry, Miller, Nesselbush, Walaska, Maher

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - DETERMINATION OF NEED FOR NEW HEALTH CARE EQUIPMENT AND NEW INSTITUTIONAL HEALTH SERVICES (would increase the dollar value in definitions used in determining the need for new health care equipment and new institutional health services) {LC1054/1}

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

Also:

Senate Bill No. 301

BY Senator Felag

ENTITLED, AN ACT RELATING TO HUMAN SERVICES - HEALTH CARE ASSISTANCE FOR WORKING PEOPLE WITH DISABILITIES (would change the determination of eligibility, premiums and co-sharing of workers with disabilities enrolled into the Sherlock Medicaid Buy-In program) {LC1065/1}

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

Also:

Senate Bill No. 302

BY Senators Walaska, Lynch, McCaffrey, Bates

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - INTERPRETERS FOR THE DEAF (would empower the "state of board of examiners for interpreters for the deaf to administer, coordinate, and enjoy the provisions of the general laws pertaining to interpreters for the deaf with the assistance of the department of health) {LC1276/1}

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

Also:

Senate Bill No. 303

BY Senators Ottiano, Bates, Kettle, Cote, Perry

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- PHYSICIAN ASSISTANTS (would remove the allowance for "graduate practice" status for physician assistants, would grant immunity from liability for gratuitous emergency assistance to state-licensed and federally-credentialed physician assistants) {LC1176/1}

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

Also:

Senate Bill No. 304

BY Senators McCaffrey, Lynch

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- ADULT CRISIS INTERVENTION AND PROTECTIVE SERVICES (would establish an adult crisis intervention program for vulnerable elders and adults with disabilities within the executive office of health and human services. It would create a single statewide toll-free)

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

Also:

Senate Bill No. 305**BY** Senator Picard

ENTITLED, AN ACT RELATING TO INSURANCE -- NON-PROFIT COMMUNITY RESIDENCE INSURANCE FUND (would authorize operators of non-profit community residences, acting as a group, to self-insure health care costs for employees, retirees and other beneficiaries and allow a third-party administrator to administer said program) {LC1087/1}

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

Also:

Senate Bill No. 306**BY** Senators Crowley, Nesselbush, DaPonte, Goodwin

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - ZONING ORDINANCES (would amend the definition of "overlay district" under the chapter concerning zoning ordinances) {LC1282/1}

Read and referred to the Senate Committee on Municipal Government.

Also:

Senate Bill No. 307**BY** Senators Tassoni, DeVall, Crowley

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- PUBLIC BUILDINGS (would require public buildings to provide designated parking spaces for motorcycles at the rate of one space per total of thirty (30) spaces. Unauthorized use of the designated space would result in a fine of eighty-five dollars (\$85.00) {LC1116/1}

Read and referred to the Senate Committee on Municipal Government.

Also:

Senate Bill No. 308**BY** Senators Walaska, Bates

ENTITLED, AN ACT RELATING TO ELECTIONS -- SECRETARY OF STATE (act would require that voting machines be programmed to prevent a voter from voting for a straight party ticket by simply checking one mark on the ballot)

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 309**BY** Senators Jabour, DeVall, McCaffrey

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) {LC1177/1}

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 310

BY Senators McCaffrey, Lynch

ENTITLED, AN ACT RELATING TO PROPERTY -- LEASED LAND DWELLINGS (would provide for the fair and reasonable compensation of homeowners for the removal or destruction of their residential property on leased land)

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 311

BY Senators McCaffrey, Lynch

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE--PROCEDURE GENERALLY -- LEVY AND SALE ON EXECUTION--PROPERTY SUBJECT TO TAXATION (would increase the amount of the homestead exemption protected from attachment from three hundred thousand dollars (\$300,000) to five hundred thousand dollars (\$500,000) {LC1222/1}

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 312

BY Senators Metts, Jabour, Ciccone, Goodwin, Pichardo

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - TAXATION - TAX SALES (would provide that in the event of a tax sale of real property the tax collector would notify RIHMFC not less than 40 days prior to the date of sale and notify the department of elderly affairs 40 days prior to the date of sale an abatement of taxes)

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 313

BY Senators Metts, Pichardo, Jabour, Fogarty P, Goodwin

ENTITLED, AN ACT RELATING TO PROPERTY - MORTGAGE FORECLOSURE AND SALE (would require a mortgagee to notify tenants of the date, time and place of a foreclosure sale along with contact information for Rhode Island Legal Services and HUD approved counseling agencies in Rhode Island) {LC1027/1}

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 314**BY** Senators McCaffrey, Lynch**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- RHODE ISLAND ECONOMIC DEVELOPMENT CORPORATION (would require all board members of the Rhode Island airport corporation to be appointed by the governor with the advice and consent of the senate)

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 315**BY** Senators Ruggerio, McCaffrey, Walaska, Lynch, Tassoni**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION -- GENERAL PROVISIONS (would require all bidders on public works projects to provide evidence of workers' compensation coverage) {LC1075/1}

Read and referred to the Senate Committee on Labor.

Also:

Senate Bill No. 316**BY** Senators Hodgson, Cote, Ottiano, Lanzi, Tassoni**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY - ORGANIZATION OF GENERAL ASSEMBLY (require both chambers of the general assembly to keep for a period of 3 years, an audio/video recording on the general assembly's website within 24 hours of the debate/testimony occurring in committees established by the rules of the respective chamber) {LC1300/1}

Read and referred to the Senate Committee on Special Legislation.

Also:

Senate Bill No. 317**BY** Senators Pichardo, Goodwin, Jabour, Metts, Crowley**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- INSURANCE RATES (would prevent the consideration of an applicant's credit history in determining automobile insurance rates) {LC1376/1}

Read and referred to the Senate Committee on Corporations.

Also:

Senate Bill No. 318**BY** Senators Picard, Sheehan**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW--GENERAL REGULATORY PROVISIONS (would establish penalties for unfair practices by electronic payment systems) {LC1139/1}

Read and referred to the Senate Committee on Corporations.

Also:

Senate Bill No. 319

BY Senators DiPalma, Gallo, Felag, Miller, Maher

ENTITLED, AN ACT RELATING TO EDUCATION -- BOARD OF GOVERNORS FOR HIGHER EDUCATION (would require the advice and consent of the senate on the appointment of the commissioner of higher education) {LC1006/1}

Read and referred to the Senate Committee on Education.

Also:

Senate Bill No. 320

BY Senators Lombardo, Nesselbush, Shibley, Bates, Ottiano

ENTITLED, AN ACT RELATING TO TAXATION -- MOTOR VEHICLE TAX ELIMINATION (would allow anyone who receives social security retirement or disability and who meets certain income and net worth limitations to a local exemption of six thousand dollars (\$6,000) of the excise tax on the motor vehicle) {LC1363/1}

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 321

BY Senators Pichardo, Metts, Perry, Crowley, Jabour

ENTITLED, AN ACT RELATING TO EDUCATION -- STUDENT EQUAL ECONOMIC OPPORTUNITY ACT (would identify those students who are exempt from paying nonresident tuition at public universities, colleges or community colleges) {LC1383/1}

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 322

BY Senators Pichardo, Miller, Sosnowski, Tassoni, Perry

ENTITLED, AN ACT RELATING TO TAXATION -- CIGARETTE TAX (would exclude a little cigar from the definition of a cigarette for tax purposes, and would define a little cigar as weighing not more than four (4) pounds per thousand) {LC1112/1}

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 323

BY Senators Lanzi, Nesselbush, Miller, Tassoni, Lynch

ENTITLED, AN ACT RELATING TO HUMAN SERVICES - THE RHODE ISLAND WORKS PROGRAM (would prevent the interruption in paid employment for parents receiving child care subsidies whose income fluctuates between one hundred eighty percent (180%) and two hundred twenty-five percent (225%) of the federal poverty level)

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 324

BY Senators Crowley, Jabour, Sosnowski, DaPonte, DeVall

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - MUNICIPAL DETENTION FACILITY CORPORATIONS (would strip any municipal detention facility corporation of tax exempt status including the Wyatt Detention Facility, and subject them to full state and local tax obligation) {LC1131/1}

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 325

BY Senators Perry, Miller, Sosnowski, Crowley, Nesselbush

ENTITLED, AN ACT RELATING TO TAXATION -- IMAGING SERVICES SURCHARGE (excludes mammography services from the surcharge imposed on net patient revenue of service providers of imaging services) {LC1221/1}

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

Also:

Senate Bill No. 326

BY Senators Fogarty P, Tassoni

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MOBILE AND MANUFACTURED HOMES (would provide a procedure for a landlord who has not received a certified letter from an incorporated home owner households association pursuant to section 31-44-3.1 to initiate a future qualified sale of a manufactured/mobile home community)

Read and referred to the Senate Committee on Municipal Government.

Also:

Senate Bill No. 327

BY Senators Pichardo, Goodwin, Miller, Felag

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- CLEAN ENERGY PROGRAMS (would authorize municipalities to provide loans to willing property owners, in order to provide financing for clean energy installation and improvement projects) {LC1390/1}

Read and referred to the Senate Committee on Municipal Government.

Also:

Senate Bill No. 328

BY Senators Metts, Jabour, Pichardo

ENTITLED, AN ACT RELATING TO PROPERTY -- RESIDENTIAL LANDLORD AND TENANT ACT (would allow for the eviction of a tenant of the mortgagor of property purchased at a foreclosure sale but only for certain reasons such as nonpayment) {LC1030/1}

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 329

BY Senators McCaffrey, Lynch

ENTITLED, AN ACT RELATING TO TAXATION -- ESTATE AND TRANSFER TAXES (would provide for the construction of wills and trusts executed prior to September 12, 1981 that contain marital deduction formula clauses in a manner that would provide for the optimum federal estate tax marital deduction) {LC1217/1}

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 330

BY Senators Maher, Algieri

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow The Honorable Thomas A. Bishop to join Gretchen Lacouture and Jay F. Kosegarten in marriage on or about September 17, 2011, within the Town of Exeter, Rhode Island)

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 331

BY Senators Jabour, McCaffrey, Lynch, Metts, Nesselbush

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- ARREST (would require the electronic recording of custodial interrogations in their entirety in cases where the potential sentence is one of life imprisonment)

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 332

BY Senators Metts, Jabour, Pichardo

ENTITLED, AN ACT RELATING TO PROPERTY -- MORTGAGE AND FORECLOSURE SALE (would require mortgagees, upon filing a notice of intent to foreclose against a mortgagor,

to file a copy of that notice with the city or town municipal clerk and appoint an agent for service of process within the State of Rhode Island) {LC1029/1}

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 333

BY Senators McCaffrey, Lynch

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES (would allow the results of a breath test to be given to a person at the time of the test)

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 334

BY Senators Goodwin, Crowley, Lanzi, Nesselbush, Gallo

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- DOMESTIC VIOLENCE PREVENTION ACT (would add the crime of cyberstalking and cyberharassment pursuant to section 11-52-4.2 to the list of crimes and offenses that constitute domestic violence)

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 335

BY Senators Goodwin, Lanzi, Nesselbush, Gallo, Sosnowski

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS - DIVORCE AND SEPARATION (provide that there would be no presumption in favor of/against shared legal/physical custody at a trial on the merits; however, in issuing a temporary/permanent custody order the court would consider abuse toward a parent)

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 336

BY Senators Goodwin, McCaffrey, Walaska, DiPalma

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY (would ban abortions solely as a means of sex selection)

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 337

BY Senators Maher, Cote, Kettle, Sheehan, Moura

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- CONTROL OF ILLEGAL IMMIGRATION (would codify into law the provisions of then-governor Carcieri's Executive Order 2008-01 dated March 27, 2008, entitled "Illegal Immigration Control Order")

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 338

BY Senators Lynch, McCaffrey

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE--PROCEDURE GENERALLY -- EVIDENCE (would significantly expand the type of medical services/expense affidavits that can be introduced into evidence without the provider being required to testify in court) {LC1210/1}

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 339

BY Senators Lynch, McCaffrey

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- COMMUNITY OBLIGATIONS AND BANKING OFFENSES --THEFT, EMBEZZLEMENT, FALSE PRETENSES, AND MISAPPROPRIATIONS (would amend the larceny and unlawful conversion provisions of the general laws pertaining to when a crime is to be treated as a felony, by increasing the threshold amount from \$500 to \$1,500)

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 340

BY Senators Metts, Pichardo, Jabour, Goodwin, Perry

ENTITLED, AN ACT RELATING TO GENERAL ASSEMBLY - COMPOSITION OF SENATE - COMPOSITION OF THE HOUSE OF REPRESENTATIVES (would assign a voting district to incarcerated individuals)

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 341

BY Senators Bates, Felag, Crowley, Tassoni, Sosnowski

ENTITLED, AN ACT RELATING TO ELECTIONS (would amend the provisions of the general laws to provide that all voting polls in the state open at 7:00 a.m. and close at 8:00 p.m.)

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 342

BY Senator Miller

ENTITLED, AN ACT RELATING TO EDUCATION -- MAINTENANCE OF VOTER REGISTRATION FILES (would require all institutions of higher education to maintain and electronically transmit a file or database of names and addresses annually of those students who have graduated to the secretary of state on or before August 15th of each year)

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 343

BY Senators Pichardo, Goodwin, Metts, Jabour

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- FAIR EMPLOYMENT PRACTICES (would protect an employer from an alleged unlawful employment practice suit by requiring an employee to provide documents required by a federal employment verification system law) {LC1389/1}

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 344

BY Senators Pichardo, Goodwin, Metts, Tassoni, Crowley

ENTITLED, AN ACT RELATING TO PROPERTY (would require any successor in interest to a foreclosed mortgagor to meet certain notification requirements prior to evicting a tenant legally occupying a foreclosed property) {LC1386/1}

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 345

BY Senators Cote, Bates, Felag, O'Neill E, Maher

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS (would establish the E-Verify compliance chapter. It would also require all non-governmental employers within the state with three (3) or more employees to apply to participate in the E-Verify program and to participate if accepted)

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 346**BY** Senators Lombardo, Nesselbush, Lynch, Shibley, Crowley**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- MOBILE TELEPHONE USE (would make unlawful the use of a non-hands-free mobile telephone by any person under 21 while operating a motor vehicle on any highway, road or street within the state with the exception of public safety personnel) {LC1183/1}

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 347**BY** Senators Pichardo, Goodwin, Jabour, Metts, Miller**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE - IMMIGRANT ASSISTANCE IN CRIME FIGHTING (would establish the "Immigrant Assistance in Crime Fighting Act" to promote the safety and health of all residents by making it more likely that immigrants would report violations of state and local law) {LC1388/1}

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 348**BY** Senators Perry, Miller, Crowley, Ottiano**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- EVIDENCE (would provide that expressions of sympathy, statements by a health care provider to a patient or to the patient's family regarding the outcome of such patient's medical care and treatment) {LC1340/1}

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 349**BY** Senators O'Neill E, Cote, Hodgson, Metts, Algieri**ENTITLED**, AN ACT RELATING TO ELECTIONS -- STATEWIDE REFERENDA ELECTIONS (would provide a procedure for statements for and against statewide referenda ballot measures and would require that they be included with the publication of questions submitted to voters)

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 350**BY** Senators Jabour, Metts, Nesselbush, Perry, Miller**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS -- SUPERIOR COURT (would amend and define the duties of a Drug Court Magistrate, and specify

which individuals qualify for the Drug Court and the conditions and responsibilities imposed thereon) {LC1372/1}

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 351

BY Senator Goodwin

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS - WORKERS' COMPENSATION -- BENEFITS (would require an employee, after an injury, to submit to an examination by a physician no earlier than at four (4) month intervals during the continuance of the disability, if requested to do so by his or her employer) {LC1071/1}

Read and referred to the Senate Committee on Labor.

Also:

Senate Bill No. 352

BY Senators Lanzi, Tassoni, DeVall, Nesselbush, DiPalma

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - DISABILITY BUSINESS ENTERPRISES (authorize the disability business enterprise committee to determine the fair market price of commodities and services contained on the procurement list/offered for sale to the government by any certified rehabilitation facility) {LC1101/1}

Read and referred to the Senate Committee on Corporations.

Also:

Senate Bill No. 353

BY Senators Jabour, Metts, McCaffrey

ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS -- LOW PROFIT LIMITED LIABILITY COMPANIES (would authorize the formation of low-profit limited liability companies under the laws of the State of Rhode Island) {LC1279/1}

Read and referred to the Senate Committee on Corporations.

Also:

Senate Bill No. 354

BY Senators Miller, Ruggerio, Perry, Goodwin, Lynch

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- LITTER (would mandate that retail establishments give their customers who provide their own reusable bags a five cent (\$.05) per bag instant rebate and to post written notice of the credit to their customers) {LC1121/1}

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

Also:

Senate Bill No. 355 (by request)

BY Senator Algieri

ENTITLED, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES (would establish an annual training institute for local tax collectors to be conducted by the department of revenue in cooperation with the Rhode Island association of collection officers)

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 356

BY Senators Tassoni, DeVall, Crowley

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND HOUSING AND MORTGAGE FINANCE CORPORATION (establish a program of loan guarantees or interest subsidies within the RIHMFC for the purpose of making home modifications to the primary residence of persons who have a disability/65 or older/caregiver of a family member with a disability)

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 357

BY Senators Sosnowski, Felag, Lynch, Walaska, Bates

ENTITLED, AN ACT RELATING TO TAXATION - ESTATE AND TRANSFER TAXES - ENFORCEMENT AND COLLECTION (would provide that real property held by small businesses (as defined by the United States Small Business Administration) for at least 5 years prior to an exchange would be appraised at its use value rather than full and fair cash value)

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 358 (by request)

BY Senator McCaffrey

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES - RETIREMENT SYSTEM (would increase to ninety-nine working days or one hundred ninety-eight half days a retiree may be employed by a municipality without reduction of retirement benefits) {LC1179/1}

Read and referred to the Senate Committee on Finance.

Also:

Senate Bill No. 359**BY** Senator Walaska**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- VITAL RECORDS (would allow adult adoptees or their representative access to their original birth certificate and possibly medical and contact information for the birth parent(s))

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

Also:

Senate Bill No. 360**BY** Senators Perry, Miller, Sosnowski, Nesselbush, Pichardo**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - OFFICE OF HEALTH AND HUMAN SERVICES (would remove the department of health from operating under the executive office of health and human services) {LC1115/1}

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

Also:

Senate Bill No. 361**BY** Senators Nesselbush, Perry, Miller, DeVall, Crowley**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY -- VITAL RECORDS (would permit adult adoptees to obtain a non-certified copy of their original, unaltered birth certificate) {LC1346/1}

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

Also:

Senate Bill No. 362**BY** Senators Lynch, Walaska, McCaffrey, Hodgson, Miller**ENTITLED**, AN ACT RELATING TO TAXATION - LEVY AND ASSESSMENT OF LOCAL TAXES (would apportion taxes on real estate in Warwick which is a mixed use combination of commercial and owner occupied residential properties) {LC1219/1}

Read and referred to the Senate Committee on Municipal Government.

Also:

Senate Bill No. 363**BY** Senators Lanzi, Ciccone, Walaska, DaPonte, Felag**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS (would include campus police officers within the definition of "law enforcement officers" for the purposes of the law enforcement officers' bill of rights)

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Resolution No. 364

BY Senators Hodgson, Lanzi, Tassoni, Perry, O'Neill E

ENTITLED, JOINT RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY THE PUBLIC FUNDED ELECTION SYSTEM IN THE STATE OF RHODE ISLAND {LC1299/1}

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 365

BY Senators Bates, Hodgson

ENTITLED, AN ACT RELATING TO INSURANCE (would permit a claimant or insured whose automobile sustains damage in excess of two thousand five hundred dollars (\$2,500) to waive an appraisal by a licensed appraiser) {LC1160/1}

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 366

BY Senator McCaffrey

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- LITIGATION LENDING AGREEMENTS (would make litigation loan agreements subject to state usury statutes) {LC1207/1}

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 367

BY Senators McCaffrey, Lynch

ENTITLED, AN ACT RELATING TO PARKS AND RECREATIONAL AREAS - PUBLIC USE OF PRIVATE LANDS - LIABILITY LIMITATIONS (would change the definition of "owner" to exclude the state and municipalities for the purposes of liability limitations relating to public use of private lands) {LC1204/1}

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 368**BY** Senators McCaffrey, Lynch**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY - PROPERTY EXEMPT FROM ATTACHMENT (would exempt the cash value and proceeds of life insurance policies from attachment) {LC1271/1}

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 369**BY** Senators Crowley, Jabour, Sosnowski, DaPonte, DeVall**ENTITLED**, AN ACT RELATING TO PROPERTY -- RECORDING OF INSTRUMENTS (would authorize recording officers to charge a rate of one dollar (\$1.00) for each page after the first page or fraction over on attachments, executions, and mechanics' lien accounts) {LC1014/1}

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 370**BY** Senator McCaffrey**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW--GENERAL REGULATORY PROVISIONS (would eliminate a provision regarding construction indemnity agreements in regard to the validity of any insurance contract, workers' compensation agreement, or an agreement issued by an insurer) {LC1342/1}

Read and referred to the Senate Committee on Labor.

Also:

Senate Resolution No. 371**BY** Senators McCaffrey, Lynch**ENTITLED**, SENATE RESOLUTION MEMORIALIZING THE GOVERNOR OF THE STATE OF RHODE ISLAND TO PARDON JOHN GORDON

Read and referred to the Senate Committee on Special Legislation.

Also:

Senate Resolution No. 372**BY** Senators Cote, Picard, O'Neill E, Bates, Pinga**ENTITLED**, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (INITIATIVE AND REFERENDUM) (would propose an amendment to the state constitution by establishing a voter initiative process to allow voters to initiate proposed legislation which would, upon vote of the electorate, become law)

Read and referred to the Senate Committee on Special Legislation.

Also:

Senate Resolution No. 373

BY Senators Picard, Cote

ENTITLED, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (GOVERNOR AND LIEUTENANT GOVERNOR TO APPEAR JOINTLY ON THE BALLOT AND LIEUTENANT GOVERNOR TO BE HEAD OF ECONOMIC DEVELOPMENT CORPORATION) {LC1110/1}

Read and referred to the Senate Committee on Special Legislation.

Also:

Senate Bill No. 374

BY Senators Cote, Picard, O'Neill E, Bates, Pinga

ENTITLED, AN ACT RELATING TO ELECTIONS -- INITIATIVE AND REFERENDUM

Read and referred to the Senate Committee on Special Legislation.

Also:

Senate Bill No. 375

BY Senators Hodgson, Cote, Ottiano, Lanzi, Tassoni

ENTITLED, AN ACT RELATING TO GENERAL ASSEMBLY - ORGANIZATION OF GENERAL ASSEMBLY (would make voting records of all legislators including floor roll call votes, committee votes on bills, motions, amendments and resolutions to be placed on the general assembly's website within twenty-four (24) hours of the vote.) {LC1301/1}

Read and referred to the Senate Committee on Special Legislation.

Also:

Senate Bill No. 376

BY Senator Hodgson

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS -- DOMESTIC UNIONS (creates a statutory right to enter into domestic unions) {LC1413/1}

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 377

BY Senators DiPalma, Goodwin, Ruggerio, Ottiano, O'Neill E

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS (would authorize the establishment of reciprocal beneficiary agreements for the purpose of permitting any two (2)

unmarried persons who are excluded from entering into a valid marriage under the marriage laws of this state)

Read and referred to the Senate Committee on Judiciary.

ADJOURNMENT

Upon motion of Senator Goodwin, seconded by Senator Algieri, the Senate adjourns at 4:12 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR ERIN P. LYNCH

Lord, we ask you to keep us safe and healthy over the vacation break, and allow us to return refreshed so we may continue to serve in the best interests of our people. Amen.

Appendix

CALENDAR

IN ORDER FOR TUESDAY, MARCH 1, 2011:

1. 2011-S 119 as amended

BY Bates

**ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS -- DIVORCE
AND SEPARATION**

Committee on Judiciary recommends passage as amended.

Joseph R. Brady
Secretary of the Senate