

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.26

Tuesday, March 29, 2011

Twenty-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 5:29 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, Crowley, DaPonte, DeVall, 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 – 2: Senators DiPalma, Maher.

INVOCATION

The Honorable President, by unanimous consent, presents Reverend Dr. Philip Zymaris from the Assumption Greek Orthodox Church in Pawtucket to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Twenty-fifth Legislative Day of the 2011 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Nesselbush and by unanimous consent, the Honorable President, welcomes to the Chamber Maryellen Buttle.

COMMUNICATION

The Honorable President presents the following communication:

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

March 29, 2011

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

Dear Madam President:

I will be having a surgical procedure today and, thus, will be absent from the Senate session on Tuesday, March 29, 2011. 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 HEALTH AND HUMAN SERVICES**

Senator Perry from the Committee on Health and Human Services, reports back, with recommendation of passage of the following measure:

Senate Bill No. 200

BY Senators Sosnowski, Perry, Miller

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- NEWBORN SCREENING PROGRAM (would require attending physicians of newborns to screen for all conditions for which there is a medical benefit to the early detection and treatment thereof and also to perform an assessment for developmental risk)

Read and ordered to be placed on the Calendar.

COMMITTEE ON HOUSING AND MUNICIPAL GOVERNMENT

Senator Tassoni from the Committee on Housing and Municipal Government, reports back, with recommendation of passage of the following measures:

Senate Bill No. 113

BY Senators DeVall, DaPonte

ENTITLED, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO TAXATION (would exempt from municipal property taxes all real and personal property located at and on Pomham Island, so long as such real and personal property are owned by a 501(c)(3) corporation and used for a lighthouse)

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 208

BY Senators Tassoni, DeVall, Fogarty P

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES (would extend the tolling of expiration periods to June 30, 2013)

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 538 (Transportation)

BY Senator Tassoni

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES (would allow the governor's representative to the national highway traffic safety administration to appoint a designee to the state traffic commission) {LC1227/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 544 (Transportation)

BY Senators Crowley, Tassoni

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND PUBLIC RAIL CORPORATION ACT (would empower the Rhode Island Public Rail Corporation to defend, indemnify and save harmless the Massachusetts Bay Transportation Authority (MBTA) to the extent that MBTA is required to defend and indemnify third-parties for liabilities) {LC1230/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 549**BY** Senators Lynch, Walaska, McCaffrey**ENTITLED**, AN ACT RELATING TO TAXATION (would increase the exemption for Warwick residents on owner occupied real property from ten thousand dollars (\$10,000) to twelve thousand dollars (\$12,000))

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 550**BY** Senator McCaffrey**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (would extend the expiration dates pertaining to any approval or permit pursuant to any state law) {LC1514/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 554**BY** Senator Fogarty P**ENTITLED**, AN ACT IN AMENDMENT OF AN ACT**ENTITLED** "AN ACT TO INCORPORATE THE HARMONY FIRE DISTRICT" PASSED AT THE JANUARY SESSION OF THE GENERAL ASSEMBLY, A.D. 1945, AS AMENDED (would make several technical changes to the Act to Incorporate the Harmony Fire District) {LC1459/1}

Read and ordered to be placed on the Calendar.

COMMITTEE ON JUDICIARY

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

Nomination of Regina Marie Costa Gibb (appointment) VICE Jametta O. Alston as Child Advocate for a term of five years from the date of Senate Confirmation.

Read and ordered to be placed on the Calendar.

Also:

Nomination of Joseph Anthony Montalbano (appointment) of North Providence as Clerk/Magistrate of the Rhode Island District Court.

Read and ordered to be placed on the Calendar.

NEW BUSINESS**Senate Resolution No. 805****BY** Senators Gallo, Paiva Weed, Ruggerio, Goodwin, Algieri**ENTITLED**, SENATE RESOLUTION CELEBRATING MARCH 25, 2011, AS THE 190TH ANNIVERSARY OF GREEK INDEPENDENCE DAY {LC1615/1}

Senator Gallo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Gallo moves passage, seconded by Senators Algieri, Ruggerio and Metts.

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

Also:

Senate Bill No. 806**BY** Senators Sosnowski, Hodgson**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- CORRECTIONS DEPARTMENT {LC2348/1}

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Bill No. 807**BY** Senators Goodwin, Ruggerio, Paiva Weed, Algieri, McCaffrey**ENTITLED**, AN ACT RELATING TO PERMANENT JOINT COMMITTEE ON NAMING ALL NEW BUILDINGS, BRIDGES, EDIFICES AND OTHER STATE CONSTRUCTIONS {LC2087/1}

Read and referred to the Senate Committee on Special Legislation and Veterans Affairs.

CONSENT CALENDAR

In order for the day is taken up as follows:

- 1. Nomination of Lorne A. Adrain (appointment) of Providence VICE The Honorable Frank Caprio to the Board of Governors for Higher Education for a term expiring January 31, 2014.**
- 2. Nomination of Jane Sherman (appointment) of Providence VICE Soloman A. Soloman to the Board of Governors for Higher Education for a term expiring January 31, 2012.**

3. **Nomination of Michael Tikoian (appointment) of Narragansett VICE Michael Ryan to the Board of Governors for Higher Education for a term expiring January 31, 2012.**
4. **Nomination of John A. Walsh (appointment) of Warwick VICE Kenneth Aurecchia to the Board of Governors for Higher Education for a term expiring January 31, 2012.**
5. **Nomination of Tessa N. Constant (appointment) (Student Representative) of Chepachet VICE Brandon Brown to the Board of Governors for Higher Education for a term expiring January 31, 2013.**
6. **Nomination of William Maaia (appointment) of Rumford VICE Pierre LaPerriere to the Board of Governors for Higher Education for a term January 31, 2013.**
7. **Nomination of Joan C. Abrams (appointment) of Bristol VICE Brenda Dann-Messier to the Board of Governors for Higher Education for a term expiring January 31, 2014.**
8. **Nomination of Amy Beretta (appointment) of Jamestown VICE Miriam Coleman to the Board of Governors for Higher Education for a term expiring January 31, 2013.**
9. **Nomination of Robert L. Carothers, Ph.D., J.D. (appointment) VICE Angus Davis to the Board of Regents for Elementary and Secondary Education for a term expiring January 31, 2013.**
10. **2011-S 801**
BY Perry
ENTITLED, SENATE RESOLUTION CONGRATULATING JUDITH BROWN ON THE CELEBRATION OF HER 80TH BIRTHDAY
11. **2011-S 802**
BY Bates
ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF BARRINGTON PRESBYTERIAN CHURCH
12. **2011-S 803**
BY Hodgson
ENTITLED, SENATE RESOLUTION RECOGNIZING AND CONGRATULATING HARRY STALEY, HARRIET LLOYD, AND THE RHODE ISLAND STATEWIDE COALITION ON BEING NAMED "LOCAL HEROES"
13. **2011-S 804**
BY Lanzi
ENTITLED, AN ACT TO VACATE THE FORFEITURE OF THE CHARTER ANDREW J. LEMOI, D.P.M., INC.

Upon motion of Senator Ruggerio, seconded by Senator Algieri, the measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Cote, Crowley, DaPonte, DeVall, 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.

NAYS- 0:

CALENDAR

IN ORDER FOR TUESDAY, MARCH 29, 2011:

1. **2011-S 49**

BY Sosnowski

ENTITLED, AN ACT RELATING TO THE KINGSTON WATER DISTRICT --
BONDS

Committee on Finance recommends passage.

Senator Sosnowski moves passage, seconded by Senators DaPonte, Sheehan 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, 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.

NAYS- 0:

2. **2011-S 122**

BY Picard

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS - EXCHANGE OF
INFORMATION - CHILD SUPPORT

Committee on Judiciary recommends passage.

Senator Picard moves passage, seconded by Senators Lynch, Tassoni, Sosnowski, Metts, Fogarty, Ruggerio, Walaska and Crowley.

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, 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.

NAYS- 0:

3. 2011-S 221

BY Crowley

ENTITLED, AN ACT RELATING TO ELECTIONS -- PRIMARY AND GENERAL ELECTIONS

Committee on Judiciary recommends passage.

Senator Crowley moves passage, seconded by Senators Ruggerio, Sosnowski, McCaffrey, O'Neill and Pichardo.

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, Doyle, 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.

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 Gallo and by unanimous consent, the Honorable President, welcomes to the Chamber former State Senator Lou Raptakis along with Consul General Ilias Fotopoulos.

ANNOUNCEMENTS

Senator Picard announces that the Committee on Corporations will meet today, at the rise of the Senate, in Room 212 of the State House.

Senator 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 today, at the rise of the Senate, in Room 211 of the State House.

Senator Felag announces that the Committee on Finance will meet tomorrow, at 2:00 P.M. in Room 211 of the State House.

Senator Felag announces that the Committee on Finance will meet Thursday, March 31, 2011, at 2:00 o'clock P.M., in Room 211 of the State House.

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 Sheehan announces that the Committee on Health and Human Services will meet tomorrow, at 3:00 o'clock P.M. in Room 212 of the State House.

Senator Jabour announces that the Committee on Judiciary will meet today, at the rise of the Senate, in Room 313 of the State House.

Senator Jabour announces that the Committee on Judiciary will meet tomorrow, at 3:00 o'clock P.M. in Room 313 of the State House.

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

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senator Algieri the Senate adjourns at 5:50 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix**INVOCATION****REVEREND DR. PHILIP ZYMARIS**

O Lord God, Almighty, God of the powers who throughout salvation history has shown us that sacrifice is always followed by victory, and the Cross is always followed by the resurrection, hear us as we raise our heart, mind and soul to you in prayer, place them in the domain of your chosen ones. Grant rest and eternal memory upon their souls and upon all who fought heroically on behalf of freedom, faith, motherland and democracy and place them in the mansions of your chosen ones, in a place of light, in a place of repose and refreshment. As for us who now enjoy a life of freedom thanks to their struggles and death, may we always remember their supreme sacrifice, and ponder in humility the results of their actions, so as to imitate their brave demeanor. Show us to be worthy of the freedom the granted us, strengthen us in safeguarding it, and preserve us in peace and harmony. Look down upon us from the heavens, and from the throne of the glory of your Kingdom look upon our nation and the elected officials who leads us here in the great State of Rhode Island and Providence Plantations and in this nation, and bless them. Bless them with good health and sound minds, that they may lead us in the right direction as they minister to this nation and state, grant them and us a secure and lasting peace. Protect the armed forces of our nation, strengthen their brave leaders and lead us all though You, the Champion Defender of righteousness, to just victory. For You are the King of Peace and the Savior of our Souls and theirs and to You do we send up glory, both now and forever and unto the ages of ages. Amen.

Appendix**CALENDAR****IN ORDER FOR WEDNESDAY, MARCH 30, 2011:****1. 2011-S 445****BY Sosnowski****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT
-- WASTEWATER TREATMENT PLANTS**

Committee on Environment & Agriculture recommends passage.

2. 2011-S 450**BY Miller****ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - THE RHODE
ISLAND CLIMATE RISK REDUCTION ACT OF 2010**

Committee on Environment & Agriculture recommends passage.

IN ORDER FOR THURSDAY, MARCH 31, 2011:**1. Nomination of Regina Marie Costa Gibb (appointment) VICE Jametta O. Alston as
Child Advocate for a term of five years from the date of Senate Confirmation.**Committee on Judiciary recommends that the Senate give its Advice and Consent
to this nomination.**2. Nomination of Joseph Anthony Montalbano (appointment) of North Providence as
Clerk/Magistrate of the Rhode Island District Court.**Committee on Judiciary recommends that the Senate give its Advice and Consent
to this nomination.**3. 2011-S 200****BY Sosnowski****ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- NEWBORN
SCREENING PROGRAM**

Committee on Health & Human Services recommends passage.

4. 2011-S 113**BY DeVall****ENTITLED, AN ACT RELATING TO TAXATION -- PROPERTY SUBJECT TO
TAXATION**

Committee on Housing & Municipal Government recommends passage.

5. 2011-S 208**BY Tassoni****ENTITLED, AN ACT RELATING TO TOWNS AND CITIES**

Committee on Housing & Municipal Government recommends passage.

6. 2011-S 538**BY Tassoni****ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES**

Committee on Housing & Municipal Government recommends passage.

7. 2011-S 544**BY Crowley****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -
RHODE ISLAND PUBLIC RAIL CORPORATION ACT**

Committee on Housing & Municipal Government recommends passage.

8. 2011-S 549**BY Lynch****ENTITLED, AN ACT RELATING TO TAXATION**

Committee on Housing & Municipal Government recommends passage.

9. 2011-S 550**BY McCaffrey****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT
- DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

Committee on Housing & Municipal Government recommends passage.

10. 2011-S 554**BY Fogarty P****ENTITLED, AN ACT IN AMENDMENT OF AN ACT ENTITLED "AN ACT TO
INCORPORATE THE HARMONY FIRE DISTRICT" PASSED AT
THE JANUARY SESSION OF THE GENERAL ASSEMBLY, A.D.
1945, AS AMENDED**

Committee on Housing & Municipal Government recommends passage.

JOSEPH R. BRADY
Secretary of the Senate