

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.27

Wednesday, March 30, 2011

Twenty-seventh 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 4:20 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, 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, Shibley, Sosnowski, Tassoni, Walaska.

ABSENT – 2: Senators Maher, Sheehan.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

GUESTS

Upon suggestion of Senator Lanzi and by unanimous consent, the Honorable President, welcomes to the Chamber David DiMaio and Jillian Kiernan.

COMMUNICATIONS

The Honorable President presents the following communications:

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

March 30, 2011

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

Dear Madam President:

I am writing to inform you that I will be absent from Legislative Session today, Wednesday, March 30, 2011, as I am ill.

Thank you.

Sincerely yours,

James C. Sheehan
Senator – District 36

Read and ordered to be placed on file.

Also:

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

March 30, 2011

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

Dear Madam President:

Please be advised that due to a personal issue, I will be absent from the Senate session on Wednesday, March 30, 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. 87 SUB A

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

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- HEALTH CARE--HEALTH BENEFIT EXCHANGE (would establish the Rhode Island Health Insurance Exchange and the method by which members to its executive board are appointed) {LC316/1/A}

Read and ordered to be placed on the Calendar.

NEW BUSINESS

Senate Resolution No. 808

BY Senators Ruggerio, Ciccone, O'Neill E

ENTITLED, SENATE RESOLUTION CONGRATULATING THE NORTH PROVIDENCE DIVISION II BOYS BASKETBALL TEAM ON WINNING THE RHODE ISLAND DIVISION II BOYS STATE CHAMPIONSHIP {LC1788/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Resolution No. 809

BY Senators Ruggerio, Lombardo, Ciccone, O'Neill E

ENTITLED, SENATE RESOLUTION CONGRATULATING THE NORTH PROVIDENCE/JOHNSTON CO-OP BOYS HOCKEY TEAM ON WINNING THE RHODE ISLAND DIVISION III BOYS STATE HOCKEY CHAMPIONSHIP {LC2332/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Resolution No. 810

BY Senators Cote, Picard, Tassoni, Moura, Fogarty P

ENTITLED, SENATE RESOLUTION CONGRATULATING THE MOUNT ST. CHARLES BOYS HOCKEY TEAM AND HEAD COACH BILL BELISLE ON WINNING THE RHODE ISLAND BOYS DIVISION I HOCKEY CHAMPIONSHIP {LC2293/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Resolution No. 811**BY** Senators Cote, Picard, Fogarty P, Tassoni, Moura**ENTITLED**, SENATE RESOLUTION CONGRATULATING THE MOUNT SAINT CHARLES GIRLS DIVISION I HOCKEY TEAM ON WINNING THE 2011 RHODE ISLAND GIRLS HOCKEY DIVISION I STATE CHAMPIONSHIP {LC2330/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 812**BY** Senators Nesselbush, Doyle, Crowley, DaPonte, O'Neill E**ENTITLED**, AN ACT RELATING TO DAYS OF SPECIAL OBSERVANCE {LC2327/1}

Senator Nesselbush requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Nesselbush moves passage, seconded by Senators Algieri, Ruggerio, Doyle, Lynch, DaPonte and Walaska.

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

NAYS- 0:

Also:

Senate Resolution No. 813**BY** Senator DiPalma**ENTITLED**, SENATE RESOLUTION EXPRESSING OUR DEEPEST SYMPATHIES ON THE PASSING OF ELMER E. CORNWELL, JR. {LC2345/1}

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

Also:

Senate Resolution No. 814**BY** Senators Tassoni, Cote, Fogarty P**ENTITLED**, SENATE RESOLUTION EXTENDING CONDOLENCES ON THE PASSING OF FORMER RHODE ISLAND STATE REPRESENTATIVE THE HONORABLE RAYMOND C. CHURCH {LC2354/1}

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

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.

Senator Sosnowski moves passage, seconded by Senators McCaffrey, Perry and Kettle.

The act is read and passed, by unanimous consent, 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 Algiere, Bates, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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.

Senator Miller moves passage, seconded by Senators Sosnowski, Ruggerio, Bates and Lanzi.

The act is read and passed, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: The Honorable President Paiva Weed and Senators Algiere, Bates, Ciccone, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

AT EASE

The Senate stands at ease at 4:30 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, March 30, 2011, at 4:37 o'clock P.M.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 5768

BY Coderre E, DaSilva, O'Neill JP, Johnston, O'Grady

ENTITLED, AN ACT RELATING TO CITY OF PAWTUCKET TO ISSUE TAX

ANTICIPATION NOTES PAYABLE IN FISCAL YEAR 2012 (would authorize the city of Pawtucket to issue tax anticipation notes pursuant to chapter 45-12-4 of the Rhode Island general laws which shall be made payable not later than 12/31/11) {LC1928/1}

Senator Doyle requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Doyle moves passage, seconded by Senators Perry, DaPonte, Walaska and O'Neill.

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

NAYS- 0:

TRANSMITTAL

By unanimous consent, all matters on the Secretary's desk are ordered to be transmitted to His Excellency, the Governor, the Honorable Secretary of State or to the Honorable House of Representatives forthwith.

GUESTS

Upon suggestion of Senator Bates and by unanimous consent, the Honorable President, welcomes to the Chamber Jayann Sepich from New Mexico.

ANNOUNCEMENTS

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

Senator Walaska announces that the Committee on Environment and Agriculture will meet today, at the rise of the Senate, in Room 310 of the State House.

Senator Walaska announces that the Committee on Environment and Agriculture will meet tomorrow, at 3:00 o'clock P.M. in Room 310 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 Lombardo announces that the Committee on Labor will meet today, at the rise of the Senate, in Room 211 of the State House.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senate Majority Ruggerio and Senate Minority Algieri, the Senate adjourns at 4:40 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR MICHAEL J. PINGA

Almighty God, we ask today that You help us to live wisely, to fight for justice and truth, and to always try to live up to the expectations of our constituents. Amen.

Appendix**CONSENT CALENDAR****IN ORDER FOR THURSDAY, MARCH 31, 2011:****1. 2011-S 808****BY Ruggiero**

ENTITLED, SENATE RESOLUTION CONGRATULATING THE NORTH PROVIDENCE DIVISION II BOYS BASKETBALL TEAM ON WINNING THE RHODE ISLAND DIVISION II BOYS STATE CHAMPIONSHIP

Ordered to be placed on the Consent Calendar.

2. 2011-S 809**BY Ruggiero**

ENTITLED, SENATE RESOLUTION CONGRATULATING THE NORTH PROVIDENCE/JOHNSTON CO-OP BOYS HOCKEY TEAM ON WINNING THE RHODE ISLAND DIVISION III BOYS STATE HOCKEY CHAMPIONSHIP

Ordered to be placed on the Consent Calendar.

3. 2011-S 810**BY Cote**

ENTITLED, SENATE RESOLUTION CONGRATULATING THE MOUNT ST. CHARLES BOYS HOCKEY TEAM AND HEAD COACH BILL BELISLE ON WINNING THE RHODE ISLAND BOYS DIVISION I HOCKEY CHAMPIONSHIP

Ordered to be placed on the Consent Calendar.

4. 2011-S 811**BY Cote**

ENTITLED, SENATE RESOLUTION CONGRATULATING THE MOUNT SAINT CHARLES GIRLS DIVISION I HOCKEY TEAM ON WINNING THE 2011 RHODE ISLAND GIRLS HOCKEY DIVISION I STATE CHAMPIONSHIP

Ordered to be placed on the Consent Calendar.

5. 2011-S 813**BY DiPalma**

ENTITLED, SENATE RESOLUTION EXPRESSING OUR DEEPEST SYMPATHIES ON THE PASSING OF ELMER E. CORNWELL, JR.

Ordered to be placed on the Consent Calendar.

6. 2011-S 814

BY Tassoni

ENTITLED, SENATE RESOLUTION EXTENDING CONDOLENCES ON THE
PASSING OF FORMER RHODE ISLAND STATE
REPRESENTATIVE THE HONORABLE RAYMOND C. CHURCH

Ordered to be placed on the Consent Calendar.

JOSEPH R. BRADY
Secretary of the Senate

Appendix**CALENDAR****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.

IN ORDER FOR TUESDAY, APRIL 5, 2011:**1. 2011-S 87 SUB A****BY Paiva Weed****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
HEALTH CARE--HEALTH BENEFIT EXCHANGECommittee on Health & Human Services recommends indefinite postponement of the
original bill and passage of Substitute A.JOSEPH R. BRADY
Secretary of the Senate