

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.29

Tuesday, April 5, 2011

Twenty-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 4:28 o'clock P.M.

The roll is called and a quorum is declared present with 37 Senators present and 1 Senator absent as follows:

PRESENT – 37: The Honorable President Paiva Weed and Senators Algiere, Bates, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

ABSENT – 1: Senator Moura.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

Upon suggestion of Senator Goodwin 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 Mike Tamburo, President of the Pawtucket PawSox and General Manager Lou Schwieckheimer.

COMMUNICATIONS

The Honorable President presents the following communications:

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

April 4, 2011

Joseph Brady
Secretary to the Senate
State House Room 145
Providence, RI 02903

Dear Mr. Brady,

Pursuant to Section 4 of the Acts and Resolutions, I am respectfully requesting that my name be removed from Senate Bill 87.

Thank you for your prompt attention to this matter.

Sincerely,

Rhoda E. Perry
State Senator – District 3

Read and ordered to be placed on file.

Also:

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

April 4, 2011

Joseph Brady
Secretary to the Senate
State House Room 145
Providence, RI 02903

Dear Mr. Brady,

Pursuant to Section 4 of the Acts and Resolutions, I am respectfully requesting that bill Number S694 be removed per the sponsor's request.

Thank you for your prompt attention to this matter.

Sincerely,

Joshua Miller
Senate District 28

Read and ordered to be placed on file.

REPORTS OF COMMITTEES COMMITTEE ON CORPORATIONS

Senator Miller from the Committee on Corporations, reports back, with recommendation of passage of the following measure:

Senate Bill No. 352 as amended

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 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:

Senate Bill No. 778

BY Senator DiPalma

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Andrew Ruscito to join Brooke Alessandrini and James D' Aloisio in marriage within the City of Newport, Rhode Island, on or about July 9, 2011) {LC1923/1}

Read and ordered to be placed on the Consent Calendar.

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.)

Read and ordered to be placed on the Consent Calendar.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 6013

BY Messier, Coderre E, Johnston, San Bento, O'Neill JP

ENTITLED, AN ACT RELATING TO DAYS OF SPECIAL OBSERVANCE (Opening Day of the Pawtucket Red Sox shall annually be set apart as a day to be known as "Ben Mondor Day.") {LC2261/1}

Senator Nesselbush requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Nesselbush moves passage, seconded by Senators Ruggerio, Fogarty, DeVall, Doyle, Gallo, Miller, Algiere, Lynch, Lanzi, Ciccone and Walaska.

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

NAYS- 0:

NEW BUSINESS**Senate Resolution No. 818**

BY Senators Tassoni, Lanzi

ENTITLED, SENATE RESOLUTION PROCLAIMING THE WEEK BEGINNING ON APRIL 4, 2011, TO BE "APRIL FRIENDS WEEK" IN THE STATE OF RHODE ISLAND {LC2402/1}

Senator Tassoni requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Tassoni moves passage, seconded by Senators Lanzi, Sheehan, O'Neill, DeVall and Nesselbush.

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

Also:

Senate Bill No. 819**BY** Senators DiPalma, Felag**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2297/1}

Read and referred to the Senate Committee on Judiciary.

NOW PRESIDING

The Honorable President yields the rostrum to the Honorable Juan M. Pichardo, President Pro Tempore of the Senate at 4:36 o'clock P.M.

CALENDAR**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 EXCHANGE

Committee on Health & Human Services recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Paiva Weed moves passage, seconded by Senators Ruggerio, Goodwin, McCaffrey, DaPonte, DiPalma, Ciccone and Jabour.

Senator Perry seconded by Senator Miller, offers the following written motion to amend.

Senators Miller, Sosnowski, Goodwin, Sheehan and Nesselbush discuss the amendment.

Senator Perry withdraws her amendment.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, upon a roll call vote with 31 Senators voting in the affirmative and 6 Senators voting in the negative as follows:

YEAS- 31: 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, O'Neill, Ottiano, Picard, Pinga, Ruggerio, Sheehan, Shibley, Walaska.

NAYS- 6: Senators Miller, Nesselbush, Perry, Pichardo, Sosnowski, Tassoni.

NOW PRESIDING

The Honorable President Pro Tempore yields the rostrum to the Honorable M. Teresa Paiva Weed President of the Senate at 4:55 o'clock P.M.

TRANSMITTAL

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

GUESTS

Upon suggestion of Senator Cote and by unanimous consent, the Honorable President, welcomes to the Chamber Stephen Antoni, of the Rhode Island Realtor Association President.

Upon suggestion of Senator Pichardo and by unanimous consent, the Honorable President, welcomes to the Chamber Olympia Pavohcello-Kelley, Decontee Roberts, Malenie Estevez and Dr. Jorge Alvarez.

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 Walaska announces that the Committee on Environment and Agriculture will meet tomorrow, at the rise of the Senate, in Room 201 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 Sheehan announces that the Committee on Health and Human Services will meet tomorrow, at the rise of the Senate, in Room 212 of the State House.

Senator DeVall announces that the Committee on Housing and Municipal Government will meet today, at the rise of the Senate, in Room 310 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 Lombardo announces that the Committee on Labor will meet tomorrow, at the rise of the Senate, in Room 313 of the State House.

Senator Lynch announces that the Committee on Special Legislation and Veterans' Affairs will meet tomorrow, at the rise of the Senate, in Room 211 of the State House.

Senate Majority Leader Ruggerio congratulates Senator Hanna M. Gallo on being inducted into the CCRI Alumni Association's Society of the Knights.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senator Ruggerio the Senate adjourns at 5:01 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix**INVOCATION****SENATOR MARYELLEN GOODWIN**

Almighty God, we thank Thee for the gift of this new day. May we wisely invest its hours to enhance the welfare of our fellow Rhode Islanders. In doing so, help us to break through all barriers of prejudice and selfishness. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR WEDNESDAY, APRIL 6, 2011:

1. 2011-S 778

BY DiPalma

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

2. 2011-H 5179

BY Lally

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage in concurrence.

JOSEPH R. BRADY
Secretary of the Senate

Appendix**CALENDAR****IN ORDER FOR WEDNESDAY, APRIL 6, 2011:****1. 2011-S 538****BY Tassoni****ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES**

Committee on Housing & Municipal Government recommends passage.

2. 2011-S 186**BY Algieri****ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - HAZARDOUS
WASTE CLEANUP**

Committee on Environment & Agriculture recommends passage.

3. 2011-S 456**BY Felag****ENTITLED, SENATE RESOLUTION IN OPPOSITION TO THE PROPOSED
WEAVER'S COVE OFFSHORE BERTH FOR LIQUEFIED
NATURAL GAS**

Committee on Environment & Agriculture recommends passage.

4. 2011-S 418**BY Ruggerio****ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS --
EMPLOYMENT SECURITY**

Committee on Labor recommends passage.

5. 2011-S 788**BY McCaffrey****ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
LABOR AND PAYMENT OF DEBTS BY CONTACTORS**

Committee on Labor recommends passage.

6. 2011-S 792**BY Jabour****ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -
LABOR AND THE PAYMENT OF DEBTS - PREVAILING WAGE**

Committee on Labor recommends passage.

7. **2011-S 793**

BY DaPonte

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

Committee on Labor recommends passage.

IN ORDER FOR THURSDAY, APRIL 7, 2011:

1. **2011-S 352 as amended**

BY Lanzi

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -
DISABILITY BUSINESS ENTERPRISES

Committee on Corporations recommends passage as amended.

JOSEPH R. BRADY
Secretary of the Senate