

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.30

Wednesday, April 6, 2011

Thirtieth 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 4:31 o'clock P.M.

The roll is called and a quorum is declared present with 38 Senators present and 0 Senators absent as follows:

PRESENT – 38: 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, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

ABSENT – 0:

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

GUESTS

Upon suggestion of Senator Sosnowski and by unanimous consent, the Honorable President, welcomes to the Chamber Karen Ellsworth, Leanne Peckham, and Karen Klenh from South Kingstown.

Upon suggestion of Senator Walaska and by unanimous consent, the Honorable President, welcomes to the Chamber Supreme Court Justice Francis X. Flaherty.

Upon suggestion of Senator Nesselbush and by unanimous consent, the Honorable President, welcomes to the Chamber the Wheeler School Elementary Scholastic Chess Team, Justin Emanuel, Troy Feng, Daniel Shimberg, Matthew Lannon, Dakota Wharton, Alex Marootian, Hannah Singer, James Carrington, John Carrington, Gabriel Insler, Henry Hebb, Henry Zelman, Sam Kooper-Johnson and Corbin Tapalian.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 5045

BY Keable, Chippendale, Winfield

ENTITLED, AN ACT RELATING TO THE WEST GLOCESTER FIRE DISTRICT (would change the date of the annual meeting from the first Saturday in August to the third Saturday in June.) {LC1/1}

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

Also:

House Bill No. 5069

BY Savage, Melo, DaSilva

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 were owned by a 501 (c) (3) corporation and used for a lighthouse)

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

Also:

House Bill No. 5931**BY** Lally**ENTITLED**, AN ACT RELATING TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER JEMIMA REALTY, LLC {LC2203/1}

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

**REPORTS OF COMMITTEES
COMMITTEE ON JUDICIARY**

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

Senate Bill No. 638 (Corrections)**BY** Senator McCaffrey**ENTITLED**, AN ACT RELATING TO CRIMINALS - CORRECTIONAL INSTITUTIONS - MEDICAL PAROLE (provide a medical parole procedure for inmates who are severely ill) {LC1957/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 742**BY** Senators McCaffrey, Jabour**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - COMMISSION ON JUDICIAL TENURE AND DISCIPLINE (would remove language referring to the terms of members of the general assembly on the commission on judicial tenure and discipline. Said members were removed on July 1, 2007) {LC2163/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 806**BY** Senators Sosnowski, Hodgson, Algieri, Doyle**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- CORRECTIONS DEPARTMENT (would place an immediate moratorium on good behavior and program participation credits for prisoners serving sentences of more than twenty (20) years) {LC2348/1}

Read and ordered to be placed on the Calendar.

NEW BUSINESS**Senate Resolution No. 820****BY** Senators Metts, Pichardo**ENTITLED**, SENATE RESOLUTION RECOGNIZING AND CONGRATULATING THE METROPOLITAN CAREER AND TECHNICAL SCHOOL ON ITS FIFTEENTH YEAR IN THE STATE OF RHODE ISLAND {LC2414/1}

Senator Metts requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

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 778**BY DiPalma****ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES**2. 2011-H 5179****BY Lally****ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

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

YEAS- 38: 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, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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.

Senator Tassoni moves passage, seconded by Senators Doyle, DeVall and Fogarty.

The act is read and passed, by unanimous consent, upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 38: 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, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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

Committee on Environment & Agriculture recommends passage.

Senator Algieri moves passage, seconded by Senators Sosnowski, Shibley and Maher.

The act is read and passed, by unanimous consent, upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 38: 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, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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.

Senator Felag moves passage, seconded by Senators DiPalma and Sosnowski.

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

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

Committee on Labor recommends passage.

Senator Ruggerio moves passage, seconded by Senators Bates, Lanzi, McCaffrey and Jabour.

The act is read and passed, upon a roll call vote with 36 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS- 36: The Honorable President Paiva Weed and Senators Algiere, Bates, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, 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- 1: Senator Moura.

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.

Senator McCaffrey moves passage, seconded by Senators Ruggerio, Tassoni, Jabour and Hodgson.

The act is read and passed, upon a roll call vote with 37 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS- 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.

NAYS- 1: Senator Moura.

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.

Senator Jabour moves passage, seconded by Senators McCaffrey, Fogarty and Tassoni.

The act is read and passed, upon a roll call vote with 26 Senators voting in the affirmative and 10 Senators voting in the negative as follows:

YEAS- 26: The Honorable President Paiva Weed and Senators Ciccone, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lynch, McCaffrey, Metts, Miller, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 10: Senators Algieri Bates, Cote, Hodgson, Kettle, Maher, Moura, O'Neill, Ottiano, Shibley.

7. 2011-S 793**BY DaPonte****ENTITLED,** AN ACT RELATING TO LABOR AND LABOR RELATIONS --
EMPLOYMENT SECURITY -- BENEFITS

Committee on Labor recommends passage.

Senator DaPonte moves passage, seconded by Senators DiPalma, Ruggerio and Crowley.

The act is read and passed, upon a roll call vote with 34 Senators voting in the affirmative and 4 Senators voting in the negative as follows:

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

NAYS- 4: Senators Kettle, Moura, Pinga, Shibley.

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 Senators Metts and Jabour and by unanimous consent, the Honorable President, welcomes to the Chamber members from the MET School Dennis Littky Co-founder and Co-Director, Nancy Diaz Barr Co- Director and students Kelvin Tores, Eddy Veira, Cedric Huntly, Mariama Goncalves, Mathew Bjorklund and Cynthia Zapata

ANNOUNCEMENTS

Senator Metts announces that the Committee on Education will meet today, 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 today, at the rise of the Senate, in Room 201 of the State House.

Senator Felag announces that the Committee on Finance will meet tomorrow, at 3:00 o'clock P.M. in the Senate Lounge of the State House.

Senator Sheehan announces that the Committee on Health and Human Services will meet today, at the rise of the Senate, in Room 212 of the State House.

Senator Lombardo announces that the Committee on Labor will meet today, at the rise of the Senate, in Room 310 of the State House.

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

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senator Algiere the Senate adjourns at 4:54 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR DANIEL DAPONTE

Gracious God, Allow us to handle routine tasks systematically, orderly, being energetic, and solicitous of the opinion of others but decisive. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR THURSDAY, APRIL 7, 2011:

1. 2011-H 5045

BY Keable

ENTITLED, AN ACT RELATING TO THE WEST GLOCESTER FIRE DISTRICT

Ordered to be placed on the Consent Calendar

2. 2011-H 5069

BY Savage

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

Ordered to be placed on the Consent Calendar

3. 2011-H 5931

BY Lally

**ENTITLED, AN ACT RELATING TO VACATE THE FORFEITURE OR
REVOCATION OF THE CHARTER JEMIMA REALTY, LLC**

Ordered to be placed on the Consent Calendar

JOSEPH R. BRADY
Secretary of the Senate

Appendix**CALENDAR****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.

IN ORDER FOR TUESDAY, APRIL 12, 2011:**1. 2011-S 638****BY McCaffrey****ENTITLED, AN ACT RELATING TO CRIMINALS - CORRECTIONAL
INSTITUTIONS - MEDICAL PAROLE**

Committee on Judiciary recommends passage.

2. 2011-S 742**BY McCaffrey****ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -
COMMISSION ON JUDICIAL TENURE AND DISCIPLINE**

Committee on Judiciary recommends passage.

3. 2011-S 806**BY Sosnowski****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT
-- CORRECTIONS DEPARTMENT**

Committee on Judiciary recommends passage.

JOSEPH R. BRADY
Secretary of the Senate