

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.31

Thursday, April 7, 2011

Thirty-first 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 4:25 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, 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 – 2: Senators Goodwin, Hodgson.

INVOCATION

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

(See Appendix for Invocation)

NATIONAL ANTHEM

The National Anthem is performed by Allison Palumbo.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

GUESTS

Upon suggestion of Senator Gallo and by unanimous consent, the Honorable President, welcomes to the Chamber Steve Maurano and Ray DiPasquale President of the Community College of Rhode Island.

Upon suggestion of Senator Tassoni and by unanimous consent, the Honorable President, welcomes to the Chamber Joseph Palumbo.

Upon suggestion of Senator McCaffrey and by unanimous consent, the Honorable President, welcomes to the Chamber Allison Palumbo from Community College of Rhode Island her father Joseph Palumbo, mother Bethany Palumbo, brother Joey Palumbo and friends Aaron Woodbine and John Dini.

COMMUNICATION

The Honorable President presents the following communication:

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

April 7, 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 the Senate session on Thursday, April 7, 2011 to attend to a family medical concern. I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you.

Sincerely,

Dawson T. Hodgson
DEPUTY MINORITY LEADER

Read and ordered to be placed on file.

**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. 676 (Dept. of Corrections)

BY Senator McCaffrey

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - JAILS AND PRISONS (would make it unlawful for any prisoner to possess any portable electronic communication device) {LC1244/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 677 (Dept. of Corrections)

BY Senator McCaffrey

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- CORRECTIONS DEPARTMENT (would require that an incoming prisoner receive a medical assessment and an assessment as to rehabilitative needs) {LC1263/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 692

BY Senators Nesselbush, Lombardo, Perry, DeVall, Fogarty P

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - CORRECTIONS DEPARTMENT (would require the department of corrections to furnish certain medical records of present or former prisoners without charge if such records are required for social security or workers' compensation purpose) {LC1623/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 745 (Corrections)

BY Senator Metts

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- CORRECTIONS DEPARTMENT (would reduce an inmate's minimum cost of incarceration reimbursement from thirty percent (30%) of gross salary to thirty percent (30%) of net salary) {LC1268/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 753 (Attorney General)**BY** Senators Sosnowski, McCaffrey, Algiere, Doyle, Tassoni**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
CORRECTIONS DEPARTMENT {LC2231/1}

Read and ordered to be placed on the Calendar.

NEW BUSINESS**Senate Resolution No. 821****BY** Senators Moura, Crowley, Picard, Metts, Gallo**ENTITLED**, SENATE RESOLUTION EXPRESSING ITS DEEPEST CONDOLENCES ON
THE PASSING OF MASSACHUSETTS NATIONAL GUARD SPECIALIST DENNIS C.
POULIN {LC2421/1}

Senator Crowley requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Crowley moves passage, seconded by Senators Picard, Moura, Miller and Perry.

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

Also:

Senate Resolution No. 822**BY** Senators Picard, Metts, Nesselbush, Lynch, Gallo**ENTITLED**, SENATE RESOLUTION PROCLAIMING APRIL 7, 2011, AS "SOCIAL WORK
EDUCATION DAY" IN THE STATE OF RHODE ISLAND {LC2372/1}

Senator Picard requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Picard moves passage, seconded by Senators Algiere and Ruggerio.

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

Also:

Senate Bill No. 823**BY** Senators Sheehan, Jabour, Nesselbush, Perry, Ruggerio**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- CODE OF
ETHICS {LC1965/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 824

BY Senators Felag, Pichardo, DaPonte, DiPalma, Tassoni

ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE - NATIONAL GUARD {LC2437/1}

Read and ordered to the Committee on Special Legislation and Veterans Affairs

CONSENT CALENDAR

In order for the day is taken up as follows:

1. 2011-H 5045

BY Keable

ENTITLED, AN ACT RELATING TO THE WEST GLOCESTER FIRE DISTRICT

2. 2011-H 5069

BY Savage

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

3. 2011-H 5931

BY Lally

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

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

YEAS- 31: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Cote, Crowley, DeVall, Doyle, Fogarty, Gallo, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, Ottiano, Perry, Picard, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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.

Upon suggestion of Senator Miller and without objection, ordered to be placed on the Calendar for Tuesday, April 12, 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.

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

ADJOURNMENT

Upon motion of Senator Walaska seconded by Senator Ruggerio and upon suggestion of Senator Crowley the Senate adjourns at 4:41 o'clock P.M. in memory of Massachusetts National Guard Specialist Dennis C. Poulin.

JOSEPH R. BRADY
Secretary of the Senate

Appendix**INVOCATION****SENATOR MICHAEL J. MCCAFFREY**

Dear God, as senators we look to you for help in performing our duties. We especially need persistence, as we struggle to solve the complex and difficult problems which confront us. Amen.

Appendix**CALENDAR****IN ORDER FOR TUESDAY, APRIL 12, 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.

2. 2011-S 638**BY McCaffrey****ENTITLED, AN ACT RELATING TO CRIMINALS - CORRECTIONAL
INSTITUTIONS - MEDICAL PAROLE**

Committee on Judiciary recommends passage.

3. 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.

4. 2011-S 806**BY Sosnowski****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT
-- CORRECTIONS DEPARTMENT**

Committee on Judiciary recommends passage.

IN ORDER FOR WEDNESDAY, APRIL 13, 2011:**1. 2011-S 676****BY McCaffrey****ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES - JAILS AND
PRISONS**

Committee on Judiciary recommends passage.

2. 2011-S 677**BY McCaffrey****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT
-- CORRECTIONS DEPARTMENT**

Committee on Judiciary recommends passage.

3. **2011-S 692**

BY Nesselbush

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -
CORRECTIONS DEPARTMENT

Committee on Judiciary recommends passage.

4. **2011-S 745**

BY Metts

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT
-- CORRECTIONS DEPARTMENT

Committee on Judiciary recommends passage.

5. **2011-S 753**

BY Sosnowski

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT
-- CORRECTIONS DEPARTMENT

Committee on Judiciary recommends passage.