

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.33

Wednesday, April 13, 2011

Thirty-third 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 4:15 o'clock P.M.

The roll is called and a quorum is declared present with 35 Senators present and 3 Senators absent as follows:

PRESENT – 35: The Honorable President Paiva Weed and Senators Algieri, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, 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 – 3: Senators Bates, Goodwin, Moura.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Thirty-second Legislative Day of the 2011 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Crowley and by unanimous consent, the Honorable President, welcomes to the Chamber Nancy Heroux, Gilles Theriault, Leo Heroux and Lorraine Heroux visiting from Montreal, Canada.

Upon suggestion of Senator O'Neill and by unanimous consent, the Honorable President, welcomes to the Chamber Zachary Taylor Johnson and his mother Nancy Johnson.

Upon suggestion of Senator Jabour and by unanimous consent, the Honorable President, welcomes to the Chamber wife of Senator O'Neill Carole O'Neill and the son of Senator O'Neill Jeremiah O'Neill.

COMMUNICATION

The Honorable President presents the following communication:

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

April 12, 2011

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

Dear Madam President:

Please be advised that I will be out of town on business on Wednesday, and Thursday, April 13 and 14, 2011 and, thus, unable to attend the Senate sessions on those days. I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you.

Sincerely

David E. Bates
SENATE MAJORITY WHIP

Read and ordered to be placed on file.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 5507 as amended
BY Trillo

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Christine Poland to join Lara Siegel and Dennis Tromeley in marriage on or about September 4, 2011, within the city of Warwick, Rhode Island)

Read and ordered to the Committee on Judiciary.

Also:

House Bill No. 5526

BY Azzinaro

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (The Honorable Howard Stockfield to join Megan Clancy and Sean Danby in marriage on or about July 9, 2011, within the Village of Watch Hill, Rhode Island) {LC1705/1}

Read and ordered to the Committee on Judiciary.

Also:

House Bill No. 5527

BY Ajello

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Frederick Meier to join Katherine E. Szostak and Stephen J. Gerencser in marriage on or about September 24, 2011, within the City of Newport, Rhode Island.) {LC1706/1}

Read and ordered to the Committee on Judiciary.

Also:

House Bill No. 5647

BY Lima

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Patti J. Leighton to join Lora D. Marden and Todd Richardson in marriage within the City of Newport, Rhode Island, on or about May 7, 2011) {LC1755/1}

Read and ordered to the Committee on Judiciary.

Also:

House Bill No. 5879

BY Trillo

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Daniel J. Miller to join Tara B. Miller and Gilberto Pina in marriage within the City of Newport, Rhode Island, on or about September 4, 2011) {LC2050/1}

Read and ordered to the Committee on Judiciary.

COMMITTEE ON EDUCATION

Senator Gallo from the Committee on Education, reports back, with recommendation of passage of the following measures:

Appointment of Joseph White of North Kingstown VICE Daniel Ryan to the Board of Governors for Higher Education for a term expiring January 31, 2014.

Read and ordered to be placed on the Consent Calendar.

Also:

Appointment of Antonio Barajas, M.D. of Central Falls VICE Kathrin Belliveau to the Board of Governors for Higher Education for a term expiring January 31, 2012.

Read and ordered to be placed on the Consent Calendar.

Also:

Appointment of Eva-Marie Mancuso of Saunderstown VICE Dr. Joseph Hagan to the Board of Governors for Higher Education for a term expiring January 31, 2013.

Read and ordered to be placed on the Consent Calendar.

NEW BUSINESS

Senate Resolution No. 842

BY Senator Lanzi

ENTITLED, SENATE RESOLUTION PROCLAIMING THE MONTH OF APRIL, 2011, AS "CHILD ABUSE PREVENTION MONTH" IN THE STATE OF RHODE ISLAND

Senator Lanzi requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Lanzi moves passage, seconded by Senators Algieri and Ruggerio.

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 750

BY Walaska

ENTITLED, SENATE RESOLUTION URGING ALL RHODE ISLAND FINANCIAL INSTITUTIONS TO VOLUNTARILY REDUCE THE INTEREST RATE CAP FOR SCRA-QUALIFIED MEMBERS SERVING IN THE MILITARY

2. 2011-S 838**BY Paiva Weed**

ENTITLED, SENATE RESOLUTION CONGRATULATING DENNIS AND SUSAN MCCOY ON BEING SELECTED AS 2011 NEWPORT DAILY NEWS COMMUNITY SERVICE AWARD WINNERS

3. 2011-S 839**BY Paiva Weed**

ENTITLED, SENATE RESOLUTION CONGRATULATING FLORENCE ARCHAMBAULT ON BEING SELECTED AS ONE OF THE 2011 NEWPORT DAILY NEWS COMMUNITY SERVICE AWARD WINNERS

4. 2011-S 840**BY Felag**

ENTITLED, SENATE RESOLUTION CONGRATULATING RETIRED UNITED STATES ARMY MAJOR GENERAL MORPHIS A. JAMIEL ON BEING SELECTED FOR INDUCTION INTO THE OFFICER CANDIDATE SCHOOL (OCS) HALL OF FAME IN 2011

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 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, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, 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:

CALENDAR**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.

Senator McCaffrey moves passage, seconded by Senators Lynch, Walaska, Jabour, Kettle and Pichardo.

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, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, 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:

2. 2011-S 677

BY McCaffrey

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

Committee on Judiciary recommends passage.

Senator McCaffrey moves passage, seconded by Senators Jabour, Lynch, Sheehan, Metts and Hodgson.

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, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, 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:

3. 2011-S 692

BY Nesselbush

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

Committee on Judiciary recommends passage.

Senator Nesselbush moves passage, seconded by Senators McCaffrey, Perry, Lynch, Jabour, Perry, Miller and Ruggerio.

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, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, 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:

4. 2011-S 745**BY Metts****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT
-- CORRECTIONS DEPARTMENT**

Committee on Judiciary recommends passage.

Senator Metts moves passage, seconded by Senators McCaffrey, Jabour, Lynch and Shibley.

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, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, 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:

Upon suggestion of Senator Ruggerio, and without objection, (2011-S 184) is removed from tomorrows calendar and ordered for immediate consideration.

5. Senate Bill 184 SUB A**BY DaPonte****ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - REFUSE
DISPOSAL**

Committee on Environment & Agriculture recommends indefinite postponement of the original bill and passage of Substitute A.

Senator DaPonte requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator DaPonte moves passage, seconded Senators DeVall, Sosnowski, Ciccone and DiPalma.

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, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, 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:

Upon suggestion of Senator Ruggerio, and without objection, (2011-H 5759) is removed from tomorrows calendar and ordered for immediate consideration.

House Bill No. 5759 (Dept. of Labor & Training)

BY Lally

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS --
EMPLOYMENT SECURITY -- BENEFITS {LC1789/1}

Senator DaPonte requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator DaPonte moves passage, seconded Senators DiPalma and Felag.

The act is read and passed, by unanimous consent, upon a roll call vote with 32 Senators voting in the affirmative and 3 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Paiva Weed and Senators Algieri, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Hodgson, Jabour, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 3: Senators Kettle, 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.

ANNOUNCEMENTS

Senator Metts announces that the Committee on Education 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 today, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Felag announces that the Committee on Finance will meet tomorrow, at 2:30 o'clock P.M, in Room 211 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 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 Walaska, seconded by Senator Algiere, the Senate adjourns at 4:34 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR JUAN M. PICHARDO

Heavenly Father, guide us in the ways of peace. May we show loyalty towards one another and be worthy of the trust you have placed in us. Amen.

Appendix**CONSENT CALENDAR****IN ORDER FOR THURSDAY, APRIL 14, 2011:**

1. Nomination of Joseph White (appointment) of North Kingstown VICE Daniel Ryan to the Board of Governors for Higher Education for a term expiring January 31, 2014.

Committee on Education recommends that the Senate give its Advice and Consent to this Nomination.

2. Nomination of Antonio Barajas, M.D. (appointment) of Central Falls VICE Kathrin Belliveau to the Board of Governors for Higher Education for a term expiring January 31, 2012.

Committee on Education recommends that the Senate give its Advice and Consent to this Nomination.

3. Nomination of Eva-Marie Mancuso (appointment) of Saunderstown VICE Dr. Joseph Hagan to the Board of Governors for a term expiring January 31, 2013.

Committee on Education recommends that the Senate give its Advice and Consent to this Nomination.

Appendix**CALENDAR****IN ORDER FOR THURSDAY, APRIL 14, 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 19 SUB A**BY Tassoni****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS --
PUBLIC BUILDINGSCommittee on Housing & Municipal Government recommends indefinite postponement of
the original bill and passage of Substitute A.**3. 2011-S 306****BY Crowley****ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES - ZONING
ORDINANCES

Committee on Housing & Municipal Government recommends passage.

4. 2011-S 539 SUB A as amended**BY DeVall****ENTITLED,** AN ACT RELATING TO HUMAN SERVICES - SUPPORT OF
HOMELESSCommittee on Housing & Municipal Government recommends indefinite postponement of
the original bill and passage of Substitute A as amended.**5. 2011-S 543****BY Doyle****ENTITLED,** AN ACT RELATING TO CITIES AND TOWNS - DISTRICT
MANAGEMENT AUTHORITIES

Committee on Housing & Municipal Government recommends passage.

6. 2011-S 496 SUB A**BY Sosnowski**

ENTITLED, AN ACT CREATING A SPECIAL SENATE COMMISSION TO
STUDY THE METHODOLOGY AND VALUES OF LAND ENROLLED
IN THE RHODE ISLAND FARM, FOREST, AND OPEN SPACE
LAND PROGRAM

Committee on Special Legislation and Veterans Affairs recommends indefinite
postponement of the original bill and passage of Substitute A.

7. 2011-S 795**BY Ciccone**

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
HISTORIAN LAUREATE OF RHODE ISLAND

Committee on Special Legislation and Veterans Affairs recommends passage.

8. 2011-S 807**BY Goodwin**

ENTITLED, AN ACT RELATING TO PERMANENT JOINT COMMITTEE ON
NAMING ALL NEW BUILDINGS, BRIDGES, EDIFICES AND
OTHER STATE CONSTRUCTIONS

Committee on Special Legislation and Veterans Affairs recommends passage.

IN ORDER FOR WEDNESDAY, APRIL 27, 2011:**1. 2011-S 806****BY Sosnowski**

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

Committee on Judiciary recommends passage.

2. 2011-S 753**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